

Responses to Comments

Final Environmental Impact Report No. 617 John Wayne Airport Settlement Agreement Amendment

SCH No. 2001111135

COUNTY OF ORANGE
John Wayne Airport
3160 Airway Avenue
Costa Mesa, California 92626
Contact: Lea Choum

August 2014



**Responses to Comments
Final Environmental Impact Report No. 617
John Wayne Airport
Settlement Agreement Amendment**

SCH No. 2001111135

August 2014

Prepared for:

**COUNTY OF ORANGE
John Wayne Airport
3160 Airway Avenue
Costa Mesa, California 92626**

Contact: Lea Choum

Prepared by:

**BonTerra Psomas
AECOM
ENVIRON
Fehr & Peers
Landrum & Brown**

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
1.0 Introduction.....	1-1
1.1 Final Environmental Impact Report Requirements.....	1-1
1.2 CEQA Compliance and EIR Review Process.....	1-1
1.3 Contents of the Final EIR.....	1-3
2.0 Errata.....	2-1
2.1 Text Changes to the Draft EIR.....	2-1
3.0 Responses To Comments.....	3-1
3.1 Organization of Responses to Comments	3-1
3.2 Topical Responses.....	3-1
3.2.1 <i>Topical Response 1: Black Carbon</i>	3-1
3.2.2 <i>Topical Response 2: Los Angeles Times/USC Study</i>	3-7
3.2.3 <i>Topical Response 3: Commercial Aircraft Flight Path Issues</i>	3-15
3.2.4 <i>Topical Response 4: Arrival Corridor Noise Impacts</i>	3-23
3.2.5 <i>Topical Response 5: Effects on Property Values</i>	3-26
3.2.6 <i>Topical Response 6: Quality of Life</i>	3-29
3.2.7 <i>Topical Response 7: Part 161 and the Challenge of Airport Access Restrictions for Noise Control</i>	3-30
3.3 Comment Letters Received from Agencies	3-36
3.3.1 <i>Responses to State Agencies</i>	3-37
3.3.2 <i>Responses to Local Agencies</i>	3-75
3.4 Comment Letters Received from Organizations.....	3-138
3.4.1 <i>Responses to Organizations</i>	3-139
3.5 Comment Letters Received from Individuals	3-196
3.5.1 <i>Responses to Individuals</i>	3-197
3.6 Comments from Public Meetings.....	3-446
3.7 Comments Received After the Public Review Period.....	3-487
3.7.1 <i>Responses to Late Comment Letters</i>	3-488

TABLES

<u>Table</u>	<u>Page</u>
1 Comparison of the OCTAM and ITAP Results.....	3-99
2 Comparison of the OCTAM and ITAM Roadway Network Improvements Assumptions.....	3-101

1.0 INTRODUCTION

1.1 FINAL ENVIRONMENTAL IMPACT REPORT REQUIREMENTS

Before approving a Project, the California Environmental Quality Act (“CEQA”) requires the Lead Agency (here, the County of Orange [“County”], in its capacity as the proprietor of John Wayne Airport [“JWA” or “Airport”]) to prepare and certify a Final Environmental Impact Report (“Final EIR”). This document and the documents referenced below represent the Final EIR for the John Wayne Airport Settlement Agreement Amendment (“Proposed Project”). This Final EIR has been prepared in accordance with Section 15132 of the State CEQA Guidelines and consists of the following:

- The Draft EIR or a revision of the draft.
- Comments and recommendations received on the Draft EIR either verbatim or in summary.
- A list of persons, organizations, and public agencies commenting on the Draft EIR.
- The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- Any other information added by the Lead Agency.

1.2 CEQA COMPLIANCE AND EIR REVIEW PROCESS

In accordance with Section 15063 of the State CEQA Guidelines, the County of Orange prepared an Initial Study/Environmental Checklist for the Project and distributed it along with the Notice of Preparation (“NOP”) to responsible and interested agencies, and key interest groups. The NOP was distributed to 76 individuals or agencies for a 30-day review period beginning on October 1, 2013. In addition, notices regarding the availability of the NOP on the JWA website were sent to all the lessees at the Airport; a press release was issued; and the NOP was posted on the JWA website and the County’s Public Works website.

A scoping meeting was held on October 17, 2013, from 6:00 PM to 8:00 PM at JWA in the Airport Commission Meeting Room. Approximately 50 people attended the scoping meeting. A total of 115 comment letters/cards/e-mails were received during the 30-day review period. An additional seven comment letters/cards/e-mails were received after the end of the NOP review period.

In compliance with Section 15087 of the State CEQA Guidelines, the County of Orange circulated a Notice of Completion and copies of Draft EIR 617 (State Clearinghouse No. 2001111135) to the State Clearinghouse, responsible and trustee agencies, local agencies, and any other interested parties for a 45-day public review period. The review period started on May 23, 2014, and closed on July 8, 2014. During the public review period, there were two public meetings. The first meeting was held on May 28, 2014, at Hewes Middle School in the City of Tustin and the second meeting was held on May 29, 2014, at the JWA Administrative Offices in Costa Mesa. Both of these meetings provided the public an opportunity to provide input on the EIR and to ask questions about the Project. Notice for these meetings and the availability of the Draft EIR was published in *The Orange County Register*, on May 23, 2014, as well as posted on John Wayne Airport and

Introduction

City of Newport Beach's websites. A notice was also posted at the Orange County Clerk Recorder on May 22, 2014. Notices were also sent (via U.S. mail or email, dependent on the contact information provided) to attendees of the public scoping meeting or parties that had requested the Airport add their contact information to the mailing list.

Copies of this Draft EIR, the technical appendices, and cited or referenced studies or reports were made available for review at the JWA Administrative Offices. The Draft EIR and technical appendices were also available online at www.ocair.com/settlementagreement. Additionally, copies of the EIR and technical appendices were made available for review at the main offices of the City of Newport Beach. The appropriate addresses are located below:

John Wayne Airport
Administrative Office
3160 Airway Avenue
Costa Mesa, California 92626

City of Newport Beach
Community Development Department/Planning Division
100 Civic Center Drive
Newport Beach, California 92660

In addition, the EIR and technical appendices were available at the following libraries:

Costa Mesa/Donald Dugan
1855 Park Avenue
Costa Mesa, California 92627

Costa Mesa/Mesa Verde
2969 Mesa Verde Drive
Costa Mesa, California 92626

El Modena
380 South Hewes Street
Orange, California 92869

Irvine/Heritage Park
14361 Yale Avenue
Irvine, California 92604

Irvine/University Park
4512 Sandburg Way
Irvine, California 92612

Laguna Beach
363 Glenneyre Street
Laguna Beach, California 92651

Newport Beach
1000 Avocado Avenue
Newport Beach, California 92660

Mariners Library
1300 Irvine Ave
Newport Beach, CA 92660

Orange
407 East Chapman Avenue
Orange, California 92866

Santa Ana
26 Civic Center Plaza
Santa Ana, California 92701

Tustin
345 East Main Street
Tustin, California 92780

Villa Park Library
17865 Santiago Blvd.
Villa Park, CA 92861

A total of 113 comment letters/cards/e-mails were received during the 45-day review period. An additional seven comment letters/cards/e-mails were received after the end of the public review period. In addition, transcripts of the comments received at the public meetings were prepared. Written responses to these comments have been prepared and are provided in this Responses to Comments document, which will become part of the Final EIR. Noticed public hearings to discuss the Proposed Project will also be held in late summer before the Orange

County Airport Commission and Planning Commission, and before the Board of Supervisors meeting in early fall.

1.3 CONTENTS OF THE FINAL EIR

This document dated August 2014—together with the Draft EIR dated May 2014 and the supporting Technical Appendices A through G—constitutes the “Final EIR” for the Project.

This document is organized in the following four sections:

- **Section 1.0 (Introduction):** This section provides a brief introduction to the Final EIR and its contents.
- **Section 2.0 (Errata):** This section consists of text changes made to the Draft EIR as a result of comments raised during the public review process. Changes in the Errata would not result in significant new information that could require recirculation of the Draft EIR (see Section 15088.5 of the State CEQA Guidelines).
- **Section 3.0 (Responses to Comments):** This section includes each written comment letter submitted by both public agencies and interested parties, followed by responses to the comments. Unless a commenter specifically references any specific alternative(s) to the Proposed Project in his/her comment, the response assumes that the comment is directed to the environmental analysis for the Proposed Project and responds accordingly.
- **Section 4.0 (Mitigation Monitoring and Reporting Program):** This section includes the Mitigation Monitoring and Reporting Program, which identifies the mitigation measures, monitoring timing, action required, responsible agency/party, and the monitoring agency/party responsible for ensuring each recommended mitigation measure is implemented.

2.0 ERRATA

2.1 TEXT CHANGES TO THE DRAFT EIR

The following text changes are made to the Draft Environmental Impact Report (“EIR”) and incorporated as part of the Final EIR. These changes further substantiate conclusions and/or clarify aspects of the previously circulated document. None of these changes reflect a determination of a new or more significant environmental impact than disclosed in the Final EIR. Changes to the text are noted with **bold** (for added text) or ~~strikeout~~ type (for deleted text). Where new text would already be bolded in the Draft EIR, the new text is also underlined for distinction.

In response to comments from the City of Irvine, the Level of Service (“LOS”) values at two intersections have been modified because the traffic model used for the analysis in the Draft EIR did not reflect recently implemented improvements. For the MacArthur Boulevard at Michelson Drive and Von Karman Avenue at Alton Parkway intersections, the LOS values for existing conditions and future years (i.e., 2016, 2021, and 2026) are improved when compared to what was presented in the Draft EIR. These modifications have resulted in revisions to the traffic analysis (Section 4.8 in the Draft EIR), Executive Summary (Section 1.11, specifically Table 1-3) and planning policy analysis (Section 4.5.5, specifically Table 4.5-10).

SECTION 1 EXECUTIVE SUMMARY

Section 1.7 (Areas of Controversy), page 1-18, second to the last paragraph. The text is hereby revised to read as follows:

With expiration of the 1985 Settlement Agreement (as amended) under the No Project Alternative, and irrespective of whether the County exercises its discretion to modify JWA’s existing noise and access restrictions (e.g., ~~curfew~~, Class A ADD and MAP limitations), other interested parties – such as the FAA and commercial air carriers – may argue that the restrictions violate the Airport Noise and Capacity Act of 1990 and take action against the County seeking to eliminate the restrictions. (See 49 U.S.C. Section 47254, subd. (d)(3) [restrictions are exempt from ANCA to the extent an intergovernmental agreement is in place].)

Section 1.11 (Summary of Significant Effects and Mitigation Program), Table 1-3 (Summary of Potential Impacts, Mitigation Measures and Level of Significance), pages 1-30, a reference to Mitigation Measure LU-2 is added to the list of applicable mitigation measures and the Level of Significance After Mitigation is hereby modified to be consistent with Table 4.6-33, Summary of Noise Impacts (page 4.6-115):

Mitigation Measure Column **Mitigation Measure LU-2, identified in Section 4.5, would also serve to reduce noise impacts associated with the City of Newport Beach standards for all scenarios except Alternative C (Threshold 4.6-1).**

Level of Significance After Mitigation: City of Newport Beach Standard

PP: LS **All** Phases ~~1 and 2~~; ~~S~~ Phase 3

A: LS **All** Phases ~~1 and 2~~; ~~S~~ Phase 3

B: LS **All** Phases ~~1~~; ~~S~~ Phases ~~2 and 3~~

C: S

NP: LS

Section 1.11 (Summary of Significant Effects and Mitigation Program), Table 1-3 (Summary of Potential Impacts, Mitigation Measures and Level of Significance), pages 1-33, 1-34, and 1-36. Thresholds 4.8-1, 4.8-3, 4.8-4, and 4.8-12 are hereby revised to read as follows:

- 4.8-1 In the City of Irvine outside of the Irvine Business Complex, would the addition of Project-generated trips increases the ICU at a study intersection by 0.01 or more of capacity, causing the intersection to change from an acceptable LOS D to **an unacceptable** LOS E or LOS F?
- 4.8-3 In the City of Irvine outside of the Irvine Business Complex, would the addition of Project-generated trips increases the ICU by 0.02 or more at a study intersection operating at **an unacceptable** LOS E or F under baseline conditions?
- 4.8-4 In the City of Irvine inside the Irvine Business Complex, would the addition of Project-generated trips increases the ICU by 0.02 more at a study intersection operating at **an unacceptable** LOS ~~E or~~ F under baseline conditions?
- 4.8-12 Would the addition of Project-generated trips increases the traffic on a freeway mainline, freeway ramp, or merge/diverge section ~~by 2 percent or more~~, and causes the LOS to degrade from LOS A, B, C, or D to LOS E or F.

Section 1.11 (Summary of Significant Effects and Mitigation Program), Table 1-3 (Summary of Potential Impacts, Mitigation Measures and Level of Significance), pages 1-33 and 1-34, the text for Threshold 4.8.2 is modified to reflect the improvements that have already been implemented at the MacArthur Boulevard at Michelson Drive and Von Karman Avenue at Alton Parkway intersections, The following revisions are hereby made for the Proposed Project and all the alternatives:

Impacts: The text is modified to state that the addition of Project-generated trips associated with all phases of the Proposed Project and each alternative would **not** increase the ICU at a study intersection within the IBC by 0.01 or more of capacity, causing the intersection to change from an acceptable LOS E to LOS F. (**LS**)

Mitigation Measure: References to Measures T-1 and T-5 are deleted.

Level of Significance After Mitigation: Revised to be **LS** (All Phases) for the Proposed Project and all alternatives.

SECTION 3 PROJECT DESCRIPTION

Section 3.5.5 (No Project Alternative), page 3-12, second to the last paragraph. The text is hereby revised to read as follows:

With expiration of the 1985 Settlement Agreement (as amended) under the No Project Alternative, and irrespective of whether the County exercises its discretion to modify JWA's existing noise and access restrictions (e.g., ~~curfew and~~ Class A ADD [Average Daily Departure] **and MAP** limitations), other interested parties – such as the FAA [Federal Aviation Administration] and commercial air carriers – may argue that the restrictions violate ANCA and take action against the County seeking to eliminate the restrictions. (See 49 U.S.C. [United States Code] Section 47254(d)(3) [restrictions are exempt from ANCA to the extent an intergovernmental agreement is in place].)

SECTION 4 EXISTING CONDITIONS, IMPACT ANALYSIS, AND MITIGATION PROGRAM

4.1 AIR QUALITY AND 4.3 GREENHOUSE GAS EMISSIONS

Section 4.1.7 (Mitigation Program), page 4.1-74, and Section 4.3.7 (Mitigation Program), page 4.3-41, Mitigation Measure AQ/GHG-14 is modified to read as follows:

AQ/GHG-14 Upon Project approval, the County of Orange shall continue to support the use of alternatively fueled taxis and shuttles through the Request for Proposal process and in the contractual agreements (~~all~~ **most** taxis are currently CNG). JWA also shall support the use of alternatively fueled rental vehicles by providing electricity for chargers where practicable by 2020.

4.5 LAND USE/PLANNING

Policy CE 2.1.1 (Page 4.5-53): Level of Service Standards from the City of Newport Beach General Plan Circulation Element and Objective B-1 Policy (c) (Page 4.5-62) from the City of Irvine General Plan Circulation Element as shown in Table 4.5-10 (page 4.5-62–4.5-64) from Section 4.5, Land Use, are hereby revised to read as follows in the tables below.

City of Newport Beach General Plan					
<p>Policy CE 2.1.1: Level of Service Standards Plan the arterial roadway system to accommodate projected traffic at the following level of service standards:</p> <ul style="list-style-type: none"> A. Level of Service (“LOS”) “D” throughout the City, unless otherwise noted B. LOS “E” at any intersection in the Airport Area shared with Irvine C. LOS “E” at Coast Highway (EW) and Dover Drive (NS) due to right-of-way limitations D. LOS “E” at Marguerite Avenue (NS) and Coast Highway (EW) in the pedestrian oriented area of Corona del Mar E. LOS “E” at Goldenrod Avenue (NS) and Coast Highway (EW) in the pedestrian oriented area of in Corona del Mar. 	<p>The applicable elements of this policy have been incorporated into the thresholds used for the evaluation of traffic impacts (see Section 4.8, Transportation/Traffic). In Newport Beach, the Proposed Project (All Phases) would impact one intersection (Campus Dr./ Bristol St. North). The County of Orange/JWA shall construct the additional southbound turn required to maintain an acceptable LOS. The Proposed Project is consistent with this policy.</p>	<p>Alternative A is consistent with this policy. Alternative A (All Phases) would have the same impact to the Campus Dr./Bristol St. North intersection as the Proposed Project. The consistency analysis presented for the Proposed Project would be applicable to Alternative A.</p>	<p>Alternative B is consistent with this policy. Alternative B would impact the following intersections in Newport Beach: (Campus Dr./Airport Way [Year 2026]; and Campus Dr./Bristol St North [All Phases])and one intersection in Irvine (MacArthur Blvd/Michelson Dr. [Year 2026]). The County of Orange/JWA would be responsible for constructing the improvements at Campus Dr./ Bristol St. North. In the other locations the County of Orange/ JWA shall fully fund the cost of improvements in order to maintain an acceptable LOS.</p>	<p>Alternative C is consistent with this policy. Alternative C would impact the following intersections in Newport Beach: (Campus Dr./Airport Way and Campus Dr./Bristol St North [All Phases])and one intersection in Irvine (MacArthur Blvd/Michelson Dr. [All Phases]). As with Alternative B, the County of Orange/JWA would be responsible for constructing the improvements at Campus Dr./ Bristol St. North. In the other locations the County of Orange/ JWA shall fully fund the cost of improvements in order to maintain an acceptable LOS.</p>	<p>The No Project Alternative is consistent with this policy. The No Project Alternative (All Phases) would have the same impact to the Campus Dr./Bristol St. North intersection as the Proposed Project. The consistency analysis presented for the Proposed Project would be applicable to the No Project Alternative.</p>

City of Irvine General Plan					
<p>Objective B-1 Policy (c) Develop, on an incremental basis, a vehicular circulation system responding to local and regional access requirements. The following Level of Service (LOS) Standards shall be the goal applied to arterial highways, as shown in Figure B-1 and Figure B-5 [of the City of Irvine General Plan], which are in the City of Irvine or its sphere of influence, and which are under the City’s jurisdiction.</p> <ul style="list-style-type: none"> • 1. LOS “E” or better shall be considered acceptable within the Irvine Business Complex (IBC-PA 36), Irvine Center (PA 33), and at the intersection of Bake Parkway and the I-5 northbound off-ramp. • 2a. In conjunction with individual subdivision map level-traffic studies for development proposed in Planning Areas 5B, 6, 8A and 9, a LOS “E” standard would be considered acceptable for application to intersections impacted in Planning Areas 13, 31, 32, 34, 35 and 39. • 2b. In conjunction with individual subdivision map level-traffic studies for development proposed in Planning Areas 30 and 51, an LOS “E” standard would be considered acceptable for application to intersections impacted in Planning Areas 13, 30, 31, 32, 34, 35 and 39 and a portion of 51. 	<p>This objective has been incorporated into the thresholds used for the traffic analysis for the Project (see Section 4.8, Transportation/ Traffic.) The Proposed Project is consistent with this policy. The Proposed Project would not result in an unacceptable LOS at any intersections the City of Irvine. (Year 2026) would directly impact one intersection (MacArthur Blvd/Michelson Dr.) in the City of Irvine. Since this is a direct project impact, JWA would be responsible for reimbursing the City of Irvine for the cost of improvement in order to maintain an acceptable LOS.</p>	<p>Alternative A is consistent with this objective. Alternative A (Year 2026) would have the same impact to the Campus Dr./N Bristol St intersection as the Proposed Project. The consistency analysis presented for the Proposed Project would be applicable to Alternative A.</p>	<p>Alternative B is consistent with this objective. The consistency analysis presented for the Proposed Project would be applicable to Alternative B. Alternative B would impact the following intersections in Newport Beach: (Campus Dr./Airport Way [Year 2026]; and Campus Dr./N Bristol St [Year 2016]) and one intersection in Irvine (MacArthur Blvd/Michelson Dr. [Year 2026]). The impacts to Campus Dr./Airport Way and MacArthur Blvd/Michelson Dr. are is a direct project impacts and JWA would be responsible for reimbursing the City of Newport Beach and the City of Irvine for the cost of improvement in order to maintain an acceptable LOS. The impact to Campus Dr./N Bristol St is a cumulative impact and JWA would be responsible for reimbursing the City of Newport Beach the fair share cost of the improvement in order to maintain an acceptable LOS.</p>	<p>Alternative C is consistent with this objective. The consistency analysis presented for the Proposed Project would be applicable to Alternative C. Alternative C would impact the following intersections in Newport Beach: (Campus Dr./Airport Way [Year 2016]; and Campus Dr./N Bristol St [Year 2016]) and one intersection in Irvine (MacArthur Blvd/Michelson Dr. [Year 2016]). The impacts to Campus Dr./Airport Way and MacArthur Blvd/Michelson Dr. are is a direct project impacts and JWA would be responsible for reimbursing the City of Newport Beach and the City of Irvine for the cost of improvement in order to maintain an acceptable LOS. The impact to Campus Dr./N Bristol St is a cumulative impact and JWA would be responsible for reimbursing the City of Newport Beach the fair share cost of the improvement in order to maintain an acceptable LOS.</p>	<p>The No Project Alternative is consistent with this objective. The No Project Alternative would have the same impact to the Campus Dr./N Bristol St intersection as the Proposed Project. The consistency analysis presented for the Proposed Project would be applicable to the No Project Alternative.</p>

4.8 TRANSPORTATION/TRAFFIC

Section 4.8.3 (Existing Conditions), Table 4.8-5, pages 4.8-12 and 4.8-14. The rows listed below are hereby modified to reflect the appropriate level of service (“LOS”) at Mac Arthur Boulevard at Michelson Drive and Von Karman Avenue at Alton Parkway. The modifications to the LOS are as a result in of changes to updated traffic modeling to reflect additional roadway improvements that have already been constructed within the City of Irvine. At both locations, the LOS is improved compared to what was presented in the Draft EIR. For clarity, the changes have not been presented in strike-out/bold font in Table 4.8-5; however, the cells have been shaded to reflect that the values have changed.

**TABLE 4.8-5
INTERSECTION LEVEL OF SERVICE:
EXISTING (2013) CONDITIONS**

Intersection	Traffic Control	Peak Hour	V/C	LOS
4. MacArthur Blvd at Michelson Drive ¹	Signal	AM	0.62	B
		PM	0.74	C
53. Von Karman Ave at Alton Pkwy ¹	Signal	AM	0.76	C
		PM	0.79	C
<p>Boldface indicates the intersection is operating below acceptable standards for the applicable jurisdiction.</p> <p>Shaded cells reflect changed values in the Final EIR.</p> <p>Notes: Signalized intersections evaluated using ICU methodology.</p> <ol style="list-style-type: none"> 1. Based on City of Irvine intersection analysis methodology. 2. Based on City of Newport Beach intersection analysis methodology. 3. Based on City of Costa Mesa intersection analysis methodology. 4. AWSC = All Way Stop Control; average intersection delay is reported. <p>Source: <i>Transportation Impact Analysis</i>, (Full data in Table 6-25), Fehr & Peers, 2014</p>				

Section 4.8.4 ([Traffic] Thresholds of Significance), pages 4.8-21, 4.8-22, and 4.8-23 and Section 4.8.5 (Impact Analysis), pages 4.8-135 and 4.8-144. Thresholds 4.8-1; 4.8-3; 4.8-4; and 4.8-12 are hereby revised to read as follows:

Threshold 4.8-1 In the City of Irvine outside of the Irvine Business Complex, the addition of project-generated trips increases the ICU at a study intersection by 0.01 or more of capacity, causing the intersection to change from an acceptable LOS D to **an unacceptable** LOS E or LOS F.

Threshold 4.8-3 In the City of Irvine outside of the Irvine Business Complex, the addition of project-generated trips increases the ICU by 0.02 or more at a study intersection operating at **an unacceptable** LOS E or F under baseline conditions.

Threshold 4.8-4 In the City of Irvine inside the Irvine Business Complex, the addition of project-generated trips increases the ICU by 0.02 more at a study intersection operating at **an unacceptable** LOS ~~E or F~~ under baseline conditions.

Threshold 4.8-12 The addition of project-generated trips increases the traffic on a freeway mainline, freeway ramp, or merge/diverge section ~~by 2 percent or more,~~ and causes the LOS to degrade from LOS A, B, C, or D to LOS E or F.

Section 4.8.5 (Impact Analysis, Existing Plus Project Analysis), page 4.8-24. The text in the Final EIR has be modified, as follows, to reflect the updated intersection analysis for Mac Arthur Boulevard at Michelson Drive and Von Karman Avenue at Alton Parkway related to the Proposed Project, Phase 3:

However, under Phase 3 analyses, which takes into account future cumulative traffic as well as Project traffic, the Proposed Project would result in significant impacts at ~~three~~ **one** intersections (~~MacArthur Boulevard/Michelson Drive, Von Karman Avenue/Alton Parkway, and~~ Campus Drive/Bristol Street North) and one Caltrans (On-ramp from I-405 northbound to MacArthur Blvd Off-ramp). Therefore, the Existing Plus Proposed Project analysis is misleading since it does not identify several impacts, which occur as a result of both Project trips and ambient growth in background traffic.

Section 4.8.5 (Impact Analysis, Proposed Project, Phase 3), page 4.8-40. The text and Table 4.8-24 (page 4.8-41) in the Final EIR have be modified, as follows, to reflect the updated intersection analysis related to the Proposed Project, Phase 3:

Table 4.8-24 shows with the Proposed Project, Phase 3 there would be significant Project-related impacts at Intersections ~~4 (MacArthur Boulevard at Michelson Drive), 17 (Campus Drive at Bristol Street North), and 53 (Von Karman Avenue at Alton Parkway),~~ during the PM peak hour. The evaluation methodology used for assessing the impact corresponds to the jurisdiction in which the intersection is located and is noted in the table.

**TABLE 4.8-24
INTERSECTION LEVEL OF SERVICE
PHASE 3 PROPOSED PROJECT**

Intersection	Traffic Control	Peak Hour	Without Project		With Proposed Project		
			V/C	LOS	V/C	LOS	Change
4. MacArthur Blvd at Michelson Drive ¹	Signal	AM	0.77	C	0.81	D	0.04
		PM	0.98	E	1.01	F	0.03
17. Campus Dr at Bristol St North ²	Signal	AM	0.666	B	0.692	B	0.026
		PM	1.009	F	1.053	F	0.044
25. Santa Ana Ave at Del Mar Ave ^{3,4}	Stop Controlled	AM	36.3	E	45.2	E	N/A
		PM	28.1	D	33.8	D	N/A
52. Von Karman Ave at Barranca Pkwy ¹	Signal	AM	0.83	D	0.84	D	0.01
		PM	1.06	F	1.07	F	0.01
53. Von Karman Ave at Alton Pkwy ¹	Signal	AM	0.83	D	0.84	D	0.01
		PM	0.99	E	1.01	F	0.02

Boldface indicates the intersection is operating below acceptable standards for the applicable jurisdiction.

Notes: Signalized intersections evaluated using ICU methodology.

1. Based on City of Irvine intersection analysis methodology.
2. Based on City of Newport Beach intersection analysis methodology.
3. Based on City of Costa Mesa intersection analysis methodology.
4. AWSC = All Way Stop Control; average intersection delay is reported.

Source: *Transportation Impact Analysis*, (Full data in Table 6-25), Fehr & Peers, 2014

Section 4.8.5 (Impact Analysis, Alternative A, Phase 3), pages 4.8-62 and 4.8-63. The text and Table 4.8-40 (page 4.8-62) in the Final EIR have be modified, as follows, to reflect the updated intersection analysis for Mac Arthur Boulevard at Michelson Drive and Von Karman Avenue at Alton Parkway related to Alternative A, Phase 3:

Table 4.8-40 shows the intersection LOS with Alternative A, Phase 3. Prior to mitigation there would be significant Project-related impacts at Intersections 4 (~~MacArthur Boulevard at Michelson Drive~~), 17 (Campus Drive at Bristol Street North), and 53 (~~Von Karman Avenue at Alton Parkway~~), during the PM peak hour. The evaluation methodology used for assessing the impacts corresponds to the jurisdiction in which the intersection is located and is noted in the table.

**TABLE 4.8-40
INTERSECTION LEVEL OF SERVICE
PHASE 3 ALTERNATIVE A**

Intersection	Traffic Control	Peak Hour	Without Project		With Alternative A		
			V/C	LOS	V/C	LOS	Change
4. MacArthur Blvd at Michelson Drive¹	Signal	AM	0.77	C	0.81	D	0.04
		PM	0.98	E	1.02	F	0.04
17. Campus Dr at Bristol St North ²	Signal	AM	0.666	B	0.694	B	0.028
		PM	1.009	F	1.055	F	0.046
25. Santa Ana Ave at Del Mar Ave ^{3,4}	Stop Controlled	AM	36.3	E	45.2	E	N/A
		PM	28.1	D	33.8	D	N/A
52. Von Karman Ave at Barranca Pkwy ¹	Signal	AM	0.83	D	0.84	D	0.01
		PM	1.06	F	1.07	F	0.01
53. Von Karman Ave at Alton Pkwy¹	Signal	AM	0.83	D	0.84	D	0.01
		PM	0.99	E	1.01	F	0.02

Boldface indicates the intersection is operating below acceptable standards for the applicable jurisdiction.
 Notes: Signalized intersections evaluated using ICU methodology.

1. Based on City of Irvine intersection analysis methodology.
2. Based on City of Newport Beach intersection analysis methodology.
3. Based on City of Costa Mesa intersection analysis methodology.
4. AWSC = All Way Stop Control; average intersection delay is reported.

Source: *Transportation Impact Analysis*, (Full data in Table 7-25), Fehr & Peers, 2014

Section 4.8.5 (Impact Analysis, Alternative B, Phase 3), pages 4.8-84 and 4.8-85. The text and Table 4.8-56 (page 4.8-85) in the Final EIR have been modified, as follows, to reflect the updated intersection analysis for Mac Arthur Boulevard at Michelson Drive and Von Karman Avenue at Alton Parkway related to Alternative B, Phase 3:

Table 4.8-56 shows the intersection LOS with Alternative B, Phase 3. Prior to mitigation there would be significant Project-related impacts at Intersections ~~4 (MacArthur Boulevard at Michelson Drive)~~, 15 (Campus Drive at Airport Way), and 17 (Campus Drive at Bristol Street North), and ~~53 (Von Karman Avenue at Alton Parkway)~~, during the PM peak hour. The evaluation methodology used for assessing the impact corresponds to the jurisdiction in which the intersection is located and is noted in the table.

**TABLE 4.8-56
INTERSECTION LEVEL OF SERVICE
PHASE 3 ALTERNATIVE B**

Intersection	Traffic Control	Peak Hour	Without Project		With Alternative B		
			V/C	LOS	V/C	LOS	Change
4. MacArthur Blvd at Michelson Drive ⁴	Signal	AM	0.77	C	0.83	D	0.06
		PM	0.98	E	1.04	F	0.06
15. Campus Dr at Airport Way ²	Signal	AM	0.362	A	0.580	A	0.218
		PM	0.723	C	0.922	E	0.199
17. Campus Dr at Bristol St North ²	Signal	AM	0.666	B	0.709	C	0.043
		PM	1.009	F	1.081	F	0.072
25. Santa Ana Ave at Del Mar Ave ^{3,5}	Stop Controlled	AM	36.3	E	45.2	E	N/A
		PM	28.1	D	33.8	D	N/A
52. Von Karman Ave at Barranca Pkwy ¹	Signal	AM	0.83	D	0.84	D	0.01
		PM	1.06	F	1.07	F	0.01
53. Von Karman Ave at Alton Pkwy ⁴	Signal	AM	0.83	D	0.84	D	0.01
		PM	0.99	E	1.01	F	0.02

Boldface indicates the intersection is operating below acceptable standards for the applicable jurisdiction.

Notes: Signalized intersections evaluated using ICU methodology.

1. Based on City of Irvine intersection analysis methodology.
2. Based on City of Newport Beach intersection analysis methodology.
3. Based on City of Costa Mesa intersection analysis methodology.
4. AWSC = All Way Stop Control; average intersection delay is reported.

Source: *Transportation Impact Analysis*, (Full data in Table 8-25), Fehr & Peers, 2014

Section 4.8.5 (Impact Analysis, Alternative C, Phase 1), pages 4.8-96 and 4.8-97. The text and Table 4.8-64 (page 4.8-97) in the Final EIR have been modified, as follows, to reflect the updated intersection analysis for Mac Arthur Boulevard at Michelson Drive and Von Karman Avenue at Alton Parkway related to Alternative C, Phase 1:

Table 4.8-64 shows there are ~~three~~ **two** locations where there is a significant impact with Alternative C in Phase 1. As shown in the table, under this scenario, Alternative C would result in significant impacts at Intersections 4 (~~MacArthur Blvd. at Michelson Drive~~), 15 (Campus Drive at Airport Way); and 17 Campus Drive at Bristol Street North) ~~all~~ during the PM peak hour. The LOS evaluation for each of the 59 study intersections under Alternative C, Phase 1 is provided in Appendix G (Table 9-9).

**TABLE 4.8-64
INTERSECTION LEVEL OF SERVICE
PHASE 1 ALTERNATIVE C**

Intersection	Traffic Control	Peak Hour	Without Project		With Alternative C		
			V/C	LOS	V/C	LOS	Change
4. MacArthur Blvd at Michelson Drive ¹	Signal	AM	0.71	C	0.78	C	0.07
		PM	0.91	E	1.00	F	0.09
15. Campus Dr at Airport Way ²	Signal	AM	0.346	A	0.625	B	0.279
		PM	0.682	B	0.936	E	0.254
17. Campus Dr at Bristol St North	Signal	AM	0.614	B	0.626	B	0.012
		PM	0.916	E	1.011	F	0.095

Boldface indicates the intersection is operating below acceptable standards for the applicable jurisdiction.
Notes: Signalized intersections evaluated using ICU methodology.

1. Based on City of Irvine intersection analysis methodology.
2. Based on City of Newport Beach intersection analysis methodology.

Source: *Transportation Impact Analysis*, (Full data in Table 9-9), Fehr & Peers, 2014

Section 4.8.5 (Impact Analysis, Alternative C, Phase 2), page 4.8-102. The text and Table 4.8-68 (page 4.8-102) in the Final EIR have been modified, as follows, to reflect the updated intersection analysis for Mac Arthur Boulevard at Michelson Drive and Von Karman Avenue at Alton Parkway related to Alternative C, Phase 2:

Table 4.8-68 shows with Alternative C, Phase 2 there would be a significant impact at Intersections 4 (~~MacArthur Blvd at Michelson Drive~~), 15 (Campus Drive at Airport Way) and 17 (Campus Drive at Bristol Street North), all during the PM peak hour. The LOS evaluation for each of the 59 study intersections under Alternative C, Phase 2 is provided in Appendix G (Table 9-17).

**TABLE 4.8-68
INTERSECTION LEVEL OF SERVICE
PHASE 2 ALTERNATIVE C**

Intersection	Traffic Control	Peak Hour	Without Project		With Alternative C		
			V/C	LOS	V/C	LOS	Change
4. MacArthur Blvd at Michelson Drive¹	Signal	AM	0.74	C	0.81	D	0.07
		PM	0.94	E	1.03	F	0.09
15. Campus Dr at Airport Way ²	Signal	AM	0.354	A	0.633	B	0.279
		PM	0.703	C	0.957	E	0.254
17. Campus Dr at Bristol St North	Signal	AM	0.641	B	0.694	B	0.053
		PM	0.964	E	1.059	F	0.095

Boldface indicates the intersection is operating below acceptable standards for the applicable jurisdiction.
Notes: Signalized intersections evaluated using ICU methodology.

1. Based on City of Irvine intersection analysis methodology.
2. Based on City of Newport Beach intersection analysis methodology.

Source: *Transportation Impact Analysis*, (Full data in Table 9-17), Fehr & Peers, 2014

Section 4.8.5 (Impact Analysis, Alternative C, Phase 3), pages 4.8-107 and 4.8-108. The text and Table 4.8-72 (page 4.8-108) in the Final EIR have been modified, as follows, to reflect the updated intersection analysis for Mac Arthur Boulevard at Michelson Drive and Von Karman Avenue at Alton Parkway related to Alternative C, Phase 3:

Table 4.8-72 shows the intersection LOS with Alternative C, Phase 3 and that there would be significant impacts at Intersections 4 (~~MacArthur Blvd. at Michelson Drive~~), 15 (Campus Drive at Airport Way), 17 (Campus Drive at Bristol Street North), **and** 25 (Santa Ana Avenue at Del Mar Avenue), ~~and 53 (Von Karman Avenue at Alton Parkway)~~, during the PM peak hour. The evaluation methodology used for assessing the impact corresponds to the jurisdiction in which the intersection is located and is noted in the table.

**TABLE 4.8-72
INTERSECTION LEVEL OF SERVICE
PHASE 3 ALTERNATIVE C**

Intersection	Traffic Control	Peak Hour	Without Project		With Alternative C		
			V/C	LOS	V/C	LOS	Change
4. MacArthur Blvd at Michelson Drive ¹	Signal	AM	0.77	G	0.84	D	0.07
		PM	0.98	E	1.07	F	0.09
15. Campus Dr at Airport Way ²	Signal	AM	0.362	A	0.642	B	0.280
		PM	0.723	C	0.982	E	0.259
17. Campus Dr at Bristol St North ²	Signal	AM	0.666	B	0.721	C	0.055
		PM	1.009	F	1.105	F	0.096
25. Santa Ana Ave at Del Mar Ave ^{3,5}	Stop Controlled	AM	36.3	E	48.3	E	N/A
		PM	28.1	D	35.0	E	N/A
49. Red Hill Ave at Dyer Rd ¹	Signal	AM	0.55	A	0.57	A	0.02
		PM	0.92	E	0.92	E	0.00
50. Red Hill Ave at Alton Pkwy ¹	Signal	AM	0.87	D	0.88	D	0.01
		PM	0.90	D	0.91	E	0.01
52. Von Karman Ave at Barranca Pkwy ¹	Signal	AM	0.83	D	0.84	D	0.01
		PM	1.06	F	1.07	F	0.01
53. Von Karman Ave at Alton Pkwy ¹	Signal	AM	0.83	D	0.84	D	0.01
		PM	0.99	E	1.01	F	0.02

Boldface indicates the intersection is operating below acceptable standards for the applicable jurisdiction.

Notes: Signalized intersections evaluated using ICU methodology.

1. Based on City of Irvine intersection analysis methodology.
2. Based on City of Newport Beach intersection analysis methodology.
3. Based on City of Costa Mesa intersection analysis methodology.
4. AWSC = All Way Stop Control; average intersection delay is reported.

Source: *Transportation Impact Analysis*, (Full data in Table 9-25), Fehr & Peers, 2014

Section 4.8.5 (Impact Analysis, Threshold Evaluation), pages 4.8-135 through 4.8-137. The text in the Final EIR has be modified, as follows, to reflect the updated intersection evaluation for Mac Arthur Boulevard at Michelson Drive and Von Karman Avenue at Alton Parkway:

Proposed Project

There would be no significant impacts associated with any of the above thresholds within the City of Irvine under the Existing Plus Proposed Project ~~and or any phase of the future years scenarios, Proposed Project, Phases 1 and 2. However, with the Proposed Project in Phase 3, operations at the intersection of MacArthur Boulevard/Michelson Drive in the City of Irvine would decrease from LOS E to LOS F with the addition of Proposed Project traffic, with an increase in V/C ratio of 0.03. Additionally, in Phase 3, operations at the intersection of Von Karman Avenue/Alton Parkway in the City of Irvine would decrease from LOS E to LOS F with the addition of Project traffic, with an increase in V/C ratio of~~

~~0.02. These intersections are in the IBC and an increase in ICU greater than 0.01 concurrent with this degradation in LOS, is considered a significant impact (Threshold 4.8-2). As shown in Table 4.8-24, with Phase 3 of the Proposed Project there would be a significant impact for Phase 3; however, there would not be significant impacts based on the other City of Irvine thresholds.~~

Impact Conclusion: *The addition of Project-generated trips associated with the Proposed Project, ~~Phase 3~~ would **not** increase the ICU at a study intersection within the IBC by 0.01 or more of capacity, causing the intersection to change from an acceptable LOS E to LOS F. ~~This would be a significant impact.~~ The addition of Proposed Project-generated trips would not increase the ICU by 0.01 or more of capacity, causing intersections in the City of Irvine outside of the Irvine Business Complex ("IBC") to change from an acceptable LOS D to LOS E or LOS F. The Proposed Project-generated trips would also not increase the ICU by 0.02 or more at a study intersection in the City of Irvine outside of the IBC operating at LOS E or F under baseline conditions. The Proposed Project-generated trips would not increase the ICU by 0.02 or more at a study intersection in the City of Irvine inside the IBC operating at LOS E or F under baseline conditions. These impacts would be less than significant.*

Alternative A

There would be no significant impacts associated with any of the above thresholds within the City of Irvine under the Existing Plus Alternative A **or any phase of** ~~and the future year scenarios Alternative A, Phases 1 and 2.~~ However, in Alternative A, Phase 3 operations at the intersection of MacArthur Boulevard/Michelson Drive in the City of Irvine would decrease from LOS E to LOS F with the addition of Alternative A traffic, with an increase in V/C ratio of 0.03. Additionally, in Phase 3 operations at the intersection of Von Karman Avenue/Alton Parkway in the City of Irvine would decrease from LOS E to LOS F with the addition of Alternative A traffic, with an increase in V/C ratio of 0.02. These intersections are in the IBC and an increase in ICU greater than 0.01 concurrent with this degradation in LOS, is considered a significant impact (Threshold 4.8-2). As shown in Table 4.8-40, with Phase 3 of Alternative A there would be a significant impact for Phase 3; however, there would not be significant impacts based on the other City of Irvine thresholds.

Impact Conclusion: *The addition of Project-generated trips associated with Alternative A, ~~Phase 3~~ would **not** increase the ICU at a study intersection within the IBC by 0.01 or more of capacity, causing the intersection to change from an acceptable LOS E to LOS F. ~~This would be a significant impact.~~ The addition of Alternative A-generated trips would not increase the ICU by 0.01 or more of capacity, causing intersections in the City of Irvine outside of the Irvine Business Complex ("IBC") to change from an acceptable LOS D to LOS E or LOS F. The Alternative A-generated trips would also not increase the ICU by 0.02 or more at a study intersection in the City of Irvine outside of the IBC operating at LOS E or F under baseline conditions. The Alternative A-generated trips would not increase the ICU by 0.02 or*

more at a study intersection in the City of Irvine inside the IBC operating at LOS E or F under baseline conditions. These impacts would be less than significant.

Alternative B

There would be no significant impacts associated with any of the above thresholds within the City of Irvine under the Existing Plus Alternative B **or any phase of** and the future year scenarios Alternative B, Phases 1 and 2. ~~In Alternative B, Phase 3, the intersection of MacArthur Boulevard and Michelson Drive in the City of Irvine would degrade from LOS E to LOS F, with an increase in V/C ratio of 0.06. Since the increase in ICU is greater than 0.01 concurrent with this degradation in LOS, a significant impact occurs. The intersection of Von Karman Avenue and Alton Parkway in the City of Irvine would also degrade from LOS E to LOS F, with an increase in V/C ratio of 0.02. Since the increase in ICU is greater than 0.01 concurrent with this degradation in LOS, this would also be considered a significant impact. However, there would not be significant impacts based on the other City of Irvine thresholds.~~

Impact Conclusion: *The addition of Project-generated trips for the Alternative B, Phase 3 would **not** increase the ICU at ~~two~~ a study intersection within the IBC by 0.01 or more of capacity, causing the intersection to change from an acceptable LOS E to LOS F. ~~This would be a significant impact.~~ The addition of Alternative B-generated trips would not increase the ICU by 0.01 or more of capacity, causing intersections in the City of Irvine outside of the Irvine Business Complex ("IBC") to change from an acceptable LOS D to LOS E or LOS F. The Alternative B-generated trips would also not increase the ICU by 0.02 or more at a study intersection in the City of Irvine outside of the IBC operating at LOS E or F under baseline conditions. The Alternative B-generated trips would not increase the ICU by 0.02 or more at a study intersection in the City of Irvine inside the IBC operating at LOS E or F under baseline conditions. These impacts would be less than significant.*

Alternative C

There would be no significant impacts associated with any of the above thresholds within the City of Irvine under the Existing Plus Alternative C scenario **or any phase of** and the future year scenarios **Alternative C**.

~~Under the future year scenarios, for all phases of Alternative C, the intersection of MacArthur Boulevard and Michelson Drive in the City of Irvine would degrade from LOS E to LOS F, with an increase in V/C ratio of 0.09. Since the increase in ICU is greater than 0.01 concurrent with this degradation in LOS, a significant impact occurs. Additionally, in Phase 3, the intersection of Von Karman Avenue and Alton Parkway in the City of Irvine would degrade from LOS E to LOS F, with an increase in V/C ratio of 0.02. Since the increase in ICU is greater than 0.01 concurrent with this degradation in LOS, a significant impact occurs (Threshold 4.8-2) (see Tables 4.8-64, 4.8-68, and 4.8-72, for Phases 1~~

through 3, respectively). However, there would not be significant impacts based on the other City of Irvine thresholds.

Impact Conclusion: *The addition of Project-generated trips associated with Alternative C would **not** increase the ICU at ~~two~~ a study intersections within the IBC by 0.01 or more of capacity, causing the intersections to change from an acceptable LOS E to LOS F. ~~This would be a significant impact.~~ The addition of Alternative C-generated trips would not increase the ICU by 0.01 or more of capacity, causing intersections in the City of Irvine outside of the Irvine Business Complex (“IBC”) to change from an acceptable LOS D to LOS E or LOS F. The Alternative C-generated trips would also not increase the ICU by 0.02 or more at a study intersection in the City of Irvine outside of the IBC operating at LOS E or F under baseline conditions. The Alternative C-generated trips would not increase the ICU by 0.02 or more at a study intersection in the City of Irvine inside the IBC operating at LOS E or F under baseline conditions. These impacts would be less than significant.*

Section 4.8.5 (Impact Analysis, Impact Summary), page 4.8-152. Table 4.8-92 (page 4.8-152) in the Final EIR has been modified, as follows, to reflect the updated intersection evaluation for Mac Arthur Boulevard at Michelson Drive and Von Karman Avenue at Alton Parkway:

**TABLE 4.8-92
INTERSECTION IMPACT SUMMARY**

#	Intersection Locations	Proposed Project								Alternative A								Alternative B								Alternative C								No Project							
		Existing + Project		Phase 1		Phase 2		Phase 3		Existing + Project		Phase 1		Phase 2		Phase 3		Existing + Project		Phase 1		Phase 2		Phase 3		Existing + Project		Phase 1		Phase 2		Phase 3									
		AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
4	MacArthur & Michelson								Ⓣ								Ⓣ								Ⓣ								Ⓣ								
15	Campus & Airport																								D		D		D		D		D								
17	Campus & Bristol N.		D		C		C		C		D		C		C		C		D		C		C		C		D		C		C		C		D		C		C		C
25	Santa Ana & Del Mar																																D								
53	Von Karman & Alton								Ⓣ								Ⓣ								Ⓣ								Ⓣ								

Notes: D = Direct Impact; C = Cumulative Impact; Ex.+ Proj. = Existing Plus Project
 Source: Transportation Impact Analysis, (Tables 12-1), Fehr & Peers, 2014

Section 4.8.6 (Mitigation Program), pages 4.8-155 through 4.8-158. Mitigation Measures T-1 and T-5 for MacArthur Boulevard and Michelson Drive and Von Karman Avenue and Alton Parkway, respectively, have been eliminated from the Final EIR and the remaining mitigation measures have been renumbered as follows:

MacArthur Boulevard and Michelson Drive

~~The intersection of MacArthur Boulevard and Michelson Drive would be significantly impacted under the Proposed Project and Alternatives A, B, and C. The following mitigation measure is recommended for implementation with the Proposed Project and Alternatives A, B, and C:~~

~~T-1 The County of Orange/JWA shall coordinate with the City of Irvine and, once agreement is reached as to costs and parameters of design, pay to the City the full cost of converting the traffic signal at the intersection of MacArthur Boulevard / Michelson Drive so that the signal for the westbound right turn lane under overlap phasing conditions is fully operational prior to JWA serving 12.5 MAP.~~

~~Implementation: Mitigating this impact will require converting the traffic signal for the westbound right turn lane to operate under overlap conditions. The traffic signal currently can accommodate overlap phasing but the phasing is not currently implemented. This impact is a direct impact in that the Project causes the intersection to operate deficiently. This intersection is under the jurisdiction of the City of Irvine. As no physical improvement is required, JWA will coordinate with the City of Irvine to implement the phasing such that it is fully operational prior to JWA reaching 12.5 MAP. Since this impact is directly attributable to incremental traffic from the Project, JWA would pay for the full cost of this signal timing change. The City of Irvine would then be responsible for implementing the improvement. With implementation of this measure, an LOS D would be achieved with the Proposed Project, Alternative A, and Alternative B. LOS E would be achieved with Alternative C. However, because full implementation of the subject improvement is outside the jurisdiction and control of the County of Orange/JWA and, therefore, implementation cannot be assured, in the event the improvement is not fully operational prior to JWA serving 12.5 MAP, the Project's impacts at the intersection would remain significant and unavoidable as there is no other feasible mitigation that would fully reduce the identified impacts to less than significant. No environmental impacts are anticipated with the implementation of this mitigation measure.~~

Campus Drive and Airport Way

The intersection of Campus Drive and Airport Way would be significantly impacted under Alternatives B and C. The following mitigation measure is recommended for implementation with Alternatives B and C:

~~T-21 The County of Orange/JWA shall coordinate with the City of Newport Beach and, once agreement is reached as to costs and parameters of design, pay to the City the full cost of adding a second northbound left-turn lane at the intersection of Campus Drive / Airport Way that is fully operational prior to JWA serving 15.0 MAP.~~

Campus Drive/Bristol Street North

The intersection of Campus Drive and Bristol Street North would be significantly impacted under the Proposed Project, Alternatives A, B, and C, and the No Project Alternative. The following mitigation measure is recommended for implementation with the Proposed Project, Alternatives A, B, and C and the No Project Alternative:

- T-23 The County of Orange/JWA shall coordinate with the City of Newport Beach and construct a third southbound right-turn lane at the intersection of Campus Drive and Bristol Street North that is fully operational prior to JWA serving 10.8 MAP.

Santa Ana Avenue and Del Mar Avenue

The intersection of Santa Ana Avenue and Del Mar Avenue would be significantly impacted under Alternative C. The following mitigation measure is recommended with the implementation of Alternative C, which would reduce the impacts to less than significant:

- T-34 The County of Orange/JWA shall coordinate with the City of Costa Mesa and, once an agreement is reached as to costs and parameters of design, pay to the City the full cost of adding a traffic signal at the intersection of Santa Ana Avenue and Del Mar Avenue that is fully operational prior to JWA serving 16.9 MAP.

Von Karman Avenue and Alton Parkway

~~The intersection of Von Karman Avenue and Alton Parkway would be significantly impacted under the Proposed Project and Alternatives A, B, and C. The following mitigation measure is recommended for implementation with the Proposed Project and Alternatives A, B, and C, which would reduce the impacts to less than significant:~~

- ~~T-5 The County of Orange/JWA shall coordinate with the City of Irvine and, once agreement is reached as to costs and parameters of design, pay to the City the full cost of adding a northbound right-turn lane at the intersection of Von Karman Avenue and Alton Parkway that is fully operational prior to JWA serving 12.5 MAP.~~

~~**Implementation:** Mitigating this impact will require the addition of a northbound right-turn lane. This impact is a direct impact as the addition of project traffic causes the intersection to degrade from acceptable to unacceptable levels. This intersection is under the jurisdiction of the City of Irvine. JWA would be responsible for paying to the City of Irvine the cost of the improvement prior to reaching the 12.5 MAP threshold, which is the lowest threshold at which this impact would occur. The City of Irvine would then be responsible for the construction of this mitigation measure. With implementation of this measure, an LOS D would be achieved with the Proposed Project, Alternative A, Alternative B, and Alternative C. However, because full implementation of the subject improvement is outside the jurisdiction and control of the County of Orange/JWA and, therefore, implementation cannot be assured, in the event the improvement is not fully operational prior to JWA serving 12.5 MAP, the Project's impacts at the intersection would remain significant and unavoidable as there is no other feasible mitigation that would fully reduce the identified impacts to less than significant. It is anticipated this~~

~~mitigation measure would have minimal environmental impacts, which would be limited to short-term construction-related impacts. The current width of the northbound shared through/right-turn lane is approximately 22 feet. Therefore, a restripe within the existing curb-to-curb width would be feasible providing an 11-foot through lane and 11-foot right turn lane.~~

Section 4.8.7 (4.8.7 Level of Significance After Mitigation), page 4.8-159. The following text in the Final EIR has been modified, as follows:

~~Similarly, though the Proposed Project has committed to contribute its fair share towards necessary freeway improvements to address the identified significant cumulative impact,~~ because the improvements necessary to mitigate the identified freeway impacts (i.e., providing increased capacity) **are outside of the jurisdiction and control of the County of Orange/JWA, are** neither planned nor funded, and, **consequently,** there is no current mechanism by which the Project can contribute its fair-share. ~~As such,~~ mitigation is infeasible and the impacts are significant and unavoidable.

Section 4.8.7 (4.8.7 Level of Significance After Mitigation), page 4.8-160. Table 4.8-94 (pages 4.8-160–4.8-161) has been modified in the Final EIR as it pertains to the City of Irvine Threshold 4.8-2. The text for that threshold has been modified as follows:

**TABLE 4.8-94
SUMMARY OF SIGNIFICANCE OF TRAFFIC IMPACTS
AFTER MITIGATION**

Threshold	Proposed Project	Alternative A	Alternative B	Alternative C	No Project Alternative
<i>City of Irvine</i>					
Threshold 4.8-2	Less than significant impact (All Phases 1 and 2) Significant unavoidable impact (Phase 3)	Less than significant impact (All Phases 1 and 2) Significant unavoidable impact (Phase 3)	Less than significant impact (All Phases 1 and 2) Significant unavoidable impact (Phase 3)	Less than significant Significant unavoidable impact (All Phases)	Less than significant impact (All Phases)

APPENDIX D AIR QUALITY TECHNICAL REPORT

Table 1.1-1 (Feasible Mitigation Measures), page 2 of 99, Mitigation Measure AQ/GHG-14 is modified to read as follows:

AQ/GHG-14 Upon Project approval, the County of Orange shall continue to support the use of alternatively fueled taxis and shuttles through the Request for Proposal process and in the contractual agreements (~~all~~ **most** taxis are currently CNG). JWA also shall support the use of alternatively fueled rental vehicles by providing electricity for chargers where practicable by 2020.

APPENDIX E GREENHOUSE GAS TECHNICAL REPORT

Table 1.1-1 (Feasible Mitigation Measures), page 2 of 43, Mitigation Measure AQ/GHG-14 is modified to read as follows:

AQ/GHG-14 Upon Project approval, the County of Orange shall continue to support the use of alternatively fueled taxis and shuttles through the Request for Proposal process and in the contractual agreements (~~all~~ **most** taxis are currently CNG). JWA also shall support the use of alternatively fueled rental vehicles by providing electricity for chargers where practicable by 2020.

APPENDIX G TRAFFIC TECHNICAL REPORT

Section 5.1.1.1 (Threshold T-1), page 65. Threshold T-1 is hereby revised to read as follows:

In the City of Irvine outside of the Irvine Business Complex, the addition of project-generated trips increases the ICU at a study intersection by 0.01 or more of capacity, causing the intersection to change from an acceptable LOS D to **an unacceptable** LOS E or LOS F.

Section 5.1.1. 3 (Threshold T-3), page 65. Threshold T-3 is hereby revised to read as follows:

In the City of Irvine outside of the Irvine Business Complex, the addition of project-generated trips increases the ICU by 0.02 or more at a study intersection operating at **an unacceptable** LOS E or F under baseline conditions

Section 5.1.1. (Threshold T-4), page 65. Threshold T-4 is hereby revised to read as follows:

In the City of Irvine inside the Irvine Business Complex, the addition of project-generated trips increases the ICU by 0.02 more at a study intersection operating at **an unacceptable** LOS ~~E or~~ F under baseline conditions.

Section 5.1.4.3 (Caltrans Freeway Facilities [Mainline, ramp, merge/diverge]), page 68. Threshold T-12 is hereby revised to read as follows:

The addition of project-generated trips increases the traffic on a freeway mainline, freeway ramp, or merge/diverge section ~~by 2 percent or more~~, and causes the LOS to degrade from LOS A, B, C, or D to LOS E or F.

The following Tables are hereby revised to include updated V/C and LOS results (shown in Attachment A provided at the end of Section 2.0, Errata) for the MacArthur Boulevard/Michelson Drive intersection and Von Karman Avenue/Alton Parkway intersection:

- Table 3-1 (Intersection Level of Service: Existing (2013) Conditions), pages 35 and 37
- Table 6-1 (Intersection Level of Service: Existing Plus Proposed Project Conditions), pages 72 and 74

- Table 6-9 (Intersection Level of Service: 2016 Proposed Project Conditions), pages 90, 92 and 93
- Table 6-17 (Intersection Level of Service: 2021 Proposed Project Scenario), pages 108, 110 and 111
- Table 6-25 (Intersection Level of Service: 2026 Proposed Project Scenario), pages 126 and 129
- Table 7-1 (Intersection Level of Service: Existing Plus Alternative A Conditions), pages 146 and 148
- Table 7-9 (Intersection Level of Service: 2016 Alternative A), pages 164 and 166
- Table 7-17 (Intersection Level of Service: 2021 Alternative A Scenario), pages 182 and 185
- Table 7-25 (Intersection Level of Service: 2026 Alternative A Scenario), pages 201 and 204
- Table 8-1 (Intersection Level of Service: Existing Plus Alternative B Conditions), pages 221 and 223
- Table 8-9 (Intersection Level of Service: 2016 Alternative B), pages 240 and 243
- Table 8-17 (Intersection Level of Service: 2021 Alternative B Scenario), pages 258 and 261
- Table 8-25 (Intersection Level of Service: 2026 Alternative B Scenario), pages 276 and 279
- Table 9-1 (Intersection Level of Service: Existing Plus Alternative C Conditions), pages 296 and 298
- Table 9-9 (Intersection Level of Service: 2016 Plus Alternative C), pages 314, 316 and 317
- Table 9-17 (Intersection Level of Service: 2021 Alternative C Scenario), pages 333 and 335
- Table 9-25 (Intersection Level of Service: 2026 Alternative C Scenario), pages 352 and 355
- Table 10-1 (Intersection Level of Service: Existing Plus No Project Alternative Conditions), pages 371 and 374
- Table 10-9 (Intersection Level of Service: 2016 Plus No Project Alternative), pages 390, 392 and 393

- Table 10-17 (Intersection Level of Service: 2021 Plus No Project Alternative Scenario), pages 408, 410 and 411
- Table 10-25 (Intersection Level of Service: 2026 Plus No Project Alternative Scenario), pages 426 and 428

Section 6.1.1 (Description), pages 70 and 71. The last paragraph on page 70 and second paragraph on page 71 are hereby revised to read as follows:

~~As shown in the following tables, specific to the proposed project, the Existing Plus Project analysis understates impacts as compared to the evaluation of future scenarios. Under the Existing Plus Project scenario, significant impacts are identified at one intersection (Campus Drive/Bristol Street North) and one Caltrans facility (On-ramp from I-405 northbound to MacArthur Blvd Off-ramp). However, under the 2026 scenario, which takes into account future cumulative traffic as well as project traffic, the proposed project would result in significant impacts at three intersections (MacArthur Boulevard/Michelson Drive, Von Karman Avenue/Alton Parkway, and Campus Drive/Bristol Street North) and one Caltrans (On-ramp from I-405 northbound to MacArthur Blvd Off-ramp). Therefore, the Existing Plus Project analysis is misleading since it does not identify several impacts, which occur as a result of both project trips and ambient growth in background traffic.~~

~~Thus, if used to measure significance as to the proposed project, the existing plus project scenario would understate project impacts. Therefore, it would be misleading to the public and decision makers to rely on this scenario for purposes of identifying project impacts and mitigation. As a result, this scenario is provided for disclosure, information, and comparison purposes only. Significant traffic impacts and recommended mitigation are assessed under the Year 2016, 2021, and 2026 cumulative conditions scenario because those scenarios accurately account for the long-range projected development of the proposed project within the context of an ever-changing traffic network and associated land uses.~~

Section 6.4.2 (Results), page 126. The first paragraph under Section 6.4.2 is hereby revised to read as follows:

Table 6-25 provides the LOS results at the 59 intersections evaluated using ICU methodology. As shown in the table, under this scenario, the proposed project would result in a significant impacts at Intersection 4 (MacArthur Blvd. at Michelson Drive), 17 (Campus Drive at Bristol Street North), and 53 (Von Karman Ave at Alton Pkwy), during the PM peak hour.

Section 6.4.3.2 (Threshold T-2), page 142. The two paragraphs under Section 6.4.3.2 are hereby revised as follows:

No impact. ~~Operations at the intersection of Macarthur Boulevard/Michelson Drive in the City of Irvine will decrease from LOS E to LOS F with the addition of project traffic, with an increase in V/C ratio of 0.03. Since the increase in ICU is greater than 0.01 concurrent with this degradation in LOS, a significant impact occurs.~~

~~Operations at the intersection of Von Karman Avenue/Alton Parkway in the City of Irvine will decrease from LOS E to LOS F with the addition of project traffic, with an increase in V/C ratio of 0.02. Since the increase in ICU is greater than 0.01 concurrent with this degradation in LOS, a significant impact occurs.~~

Section 7.1.2 (Results), page 145. The first paragraph under Section 7.1.2 is hereby revised to read as follows:

~~As explained in Section 6.1.1, the Existing Plus Project analysis often results in either overstating or understating impacts, or both. Specific to Alternative A, the Existing Plus Project analysis understates impacts. As shown below, under the analysis, Alternative A would result in significant impacts at one intersection and one Caltrans on-ramp. However, under the 2026 analysis, which also takes into account cumulative traffic growth, Alternative A would result in significant impacts at three intersections and one Caltrans on-ramp. Thus, if used to measure significance, the existing plus project scenario would understate project impacts. Therefore, it would be misleading to the public and decision makers to rely on this scenario for purposes of identifying project impacts and mitigation. As a result, this scenario is provided for disclosure, information, and comparison purposes only. Significant traffic impacts and recommended mitigation are assessed under the Year 2016, 2021, and 2026 cumulative conditions scenario because those scenarios accurately account for the long-range projected development of the proposed project within the context of an ever-changing traffic network and associated land uses.~~

Section 7.4.2 (Results), page 201. The first paragraph under Section 6.4.2 is hereby revised to read as follows:

~~Table 7-25 provides the LOS results for the 59 intersections evaluated using the ICU methodology. As shown in the table, under this scenario Alternative A would result in a significant impacts at Intersections 4 (MacArthur Blvd. at Michelson Drive), 17 (Campus Drive at Bristol Street North), and 53 (Von Karman Ave at Alton Pkwy), during the PM peak hour.~~

Section 7.4.3.2 (Threshold T-2), page 217. The two paragraphs under Section 6.4.3.2 are hereby revised as follows:

~~**No impact.** The intersection of Macarthur Boulevard/Michelson Drive in the City of Irvine will operate at LOS F, with an increase in V/C ratio of 0.04. Since the increase in ICU is greater than 0.01 concurrent with this degradation in LOS, a significant impact occurs.~~

~~The intersection of Von Karman Avenue/Alton Parkway in the City of Irvine will operate at LOS F, with an increase in V/C ratio of 0.02. Since the increase in ICU is greater than 0.01 concurrent with this degradation in LOS, a significant impact occurs.~~

Section 8.1.2 (Results), page 220. The first paragraph under Section 8.1.2 is hereby revised to read as follows:

~~As explained in Section 6.1.1, t~~**The Existing Plus Project (or Plus Project Alternative)** analysis often results in either overstating or understating impacts, or both. Specific to Alternative B, the Existing Plus Project analysis both understates and overstates impacts. As shown below, under the analysis, Alternative B would result in significant impacts at one intersection and three Caltrans facilities. However, under the 2026 analysis, which also takes into account cumulative traffic growth and future road improvements, Alternative B would result in significant impacts at ~~four~~ **two** intersections and two Caltrans on-ramps. Thus, if used to measure significance, the existing plus project scenario would both understate and overstate project impacts. Therefore, it would be misleading to the public and decision makers to rely on this scenario for purposes of identifying project impacts and mitigation. As a result, this scenario is provided for disclosure, information, and comparison purposes only. Significant traffic impacts and recommended mitigation are assessed under the Year 2016, 2021, and 2026 cumulative conditions scenario because those scenarios accurately account for the long-range projected development of the proposed project within the context of an ever-changing traffic network and associated land uses.

Section 8.4.2 (Results), page 276. The first paragraph under Section 8.4.2 is hereby revised to read as follows:

Table 8-25 provides the LOS results for the application of the ICU methodology. As shown in the table, under this scenario Alternative B would result in significant impacts at Intersections 4 ~~(MacArthur Blvd. at Michelson Drive)~~, 15 (Campus Drive at Airport Way), **and** 17 (Campus Drive at Bristol Street North), ~~and 53 (Von Karman Avenue at Alton Parkway)~~, during the PM peak hour.

Section 8.4.3.2 (Threshold T-2), page 292. The two paragraphs under Section 6.4.3.2 are hereby revised as follows:

~~**No impact.** The intersection of Macarthur Boulevard/Michelson Drive in the City of Irvine will degrade from LOS E to LOS F, with an increase in V/C ratio of 0.06. Since the increase in ICU is greater than 0.01 concurrent with this degradation in LOS, a significant impact occurs.~~

~~The intersection of Von Karman Avenue/Alton Parkway in the City of Irvine will degrade from LOS E to LOS F, with an increase in V/C ratio of 0.02. Since the increase in ICU is greater than 0.01 concurrent with this degradation in LOS, a significant impact occurs.~~

Section 9.1.2 (Results), page 295. The first paragraph under Section 8.1.2 is hereby revised to read as follows:

~~As explained in Section 6.1.1, t~~**The Existing Plus Project (or Plus Project Alternative)** analysis often results in either overstating or understating impacts, or both. Specific to Alternative C, the Existing Plus Project analysis both understates and overstates impacts. As shown below, under the analysis, Alternative C would result in significant impacts at two intersections and 11 Caltrans facilities. However, under the 2026 analysis, which also takes into account cumulative traffic growth and future road improvements, Alternative C would result in significant impacts at ~~five~~ **three**

intersections and eight Caltrans facilities. Thus, if used to measure significance, the existing plus project scenario would both understate and overstate project impacts. Therefore, it would be misleading to the public and decision makers to rely on this scenario for purposes of identifying project impacts and mitigation. As a result, this scenario is provided for disclosure, information, and comparison purposes only. Significant traffic impacts and recommended mitigation are assessed under the Year 2016, 2021, and 2026 cumulative conditions scenario because those scenarios accurately account for the long-range projected development of the proposed project within the context of an ever-changing traffic network and associated land uses.

Section 9.2.2 (Results), page 314. The first paragraph under Section 9.2.2 is hereby revised to read as follows:

Table 9-9 provides the LOS results associated with the 59 study intersections evaluated using the ICU methodology. As shown in the table, under this scenario, Alternative C would result in significant impacts at Intersections 4 (MacArthur Blvd. at Michelson Drive), 15 (Campus Drive at Airport Way), and 17 Campus Drive at Bristol Street North) all during the PM peak hour.

Section 9.2.3.2 (Threshold T-2), page 330. The paragraph under Section 9.2.3.2 is hereby revised as follows:

No impact. ~~The intersection of MacArthur Boulevard/Michelson Drive in the City of Irvine will degrade from LOS E to LOS F, with an increase in V/C ratio of 0.09. Since the increase in ICU is greater than 0.01 concurrent with this degradation in LOS, a significant impact occurs.~~

Section 9.3.2 (Results), page 332. The first paragraph under Section 9.3.2 is hereby revised to read as follows:

Table 9-17 provides the LOS results for the 59 intersections evaluated using the ICU methodology. As shown in the table, under this scenario Alternative C would result in significant impacts at Intersections 4 (MacArthur Blvd at Michelson Drive), 15 (Campus Drive at Airport Way) and 17 (Campus Drive at Bristol Street North), all during the PM peak hour.

Section 9.3.3.2 (Threshold T-2), page 349. The paragraph under Section 9.3.3.2 is hereby revised as follows:

No impact. ~~The intersection of MacArthur Boulevard/Michelson Drive in the City of Irvine will degrade from LOS E to LOS F, with an increase in V/C ratio of 0.09. Since the increase in ICU is greater than 0.01 concurrent with this degradation in LOS, a significant impact occurs.~~

Section 9.4.2 (Results), page 352. The first paragraph under Section 9.4.2 is hereby revised to read as follows:

LOS results for the 59 intersections evaluated using the ICU methodology is provided in Table 9-25. As shown in the table, under this scenario Alternative C would result in significant impacts at Intersections 4 (MacArthur Blvd. at Michelson Drive), 15

(Campus Drive at Airport Way), 17 (Campus Drive at Bristol Street North), **and** 25 (Santa Ana Avenue at Del Mar Avenue), and ~~53 (Von Karman Avenue at Alton Parkway)~~, during the PM peak hour.

Section 9.4.3.2 (Threshold T-2), page 368. The two paragraphs under Section 9.4.3.2 are hereby revised as follows:

No impact. ~~The intersection of MacArthur Boulevard/Michelson Drive in the City of Irvine will degrade from LOS E to LOS F, with an increase in V/C ratio of 0.09. Since the increase in ICU is greater than 0.01 concurrent with this degradation in LOS, a significant impact occurs.~~

~~The intersection of Von Karman Avenue/Alton Parkway in the City of Irvine will degrade from LOS E to LOS F, with an increase in V/C ratio of 0.02. Since the increase in ICU is greater than 0.01 concurrent with this degradation in LOS, a significant impact occurs.~~

Section 12.0 (Impact Summary), page 450. The first paragraph under Section 12.0 is hereby revised as follows:

As shown in Table 12-1, the following **three** ~~five~~ intersections are impacted either directly or indirectly in one or more of the scenarios:

- ~~• MacArthur and Michelson~~
- Campus and Airport
- Campus and Bristol North
- Santa Ana and Del Mar
- ~~• Von Karman and Alton~~

Section 12.0 (Impact Summary), page 451. Table 12-1 is hereby revised as follows:

TABLE 12-1 INTERSECTION IMPACT SUMMARY																																									
#	Intersection Locations	Proposed Project								Alternative A								Alternative B								Alternative C								No Project							
		Ex.		2016		2021		2026		Ex.		2016		2021		2026		Ex.		2016		2021		2026		Ex.		2016		2021		2026									
		AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
4	MacArthur & Michelson								⊘								⊘								⊘								⊘								
15	Campus & Airport																								D								D								D
17	Campus & Bristol N.		D		C		C		C		D		C		C		C		D		C		C		C		D		C		C		C		D		C		C		C
25	Santa Ana & Del Mar																																D								
53	Von Karman & Alton								⊘								⊘								⊘								⊘								

Source: Fehr & Peers, 2013
 Notes: D = Direct Impact; C = Cumulative Impact; Ex. = Existing

Section 13.1 (Intersection Mitigation Measures), page 453. The following mitigation measure is hereby revised as follows:

~~13.1.1 INTERSECTION #4— MACARTHUR BOULEVARD/MICHELSON DRIVE~~

~~The intersection of MacArthur Boulevard / Michelson Drive would be significantly impacted under the proposed project, and Alternatives A, B, and C. The following mitigation measure is recommended:~~

~~Mitigation Measure: The County of Orange/JWA shall coordinate with the City of Irvine and, once agreement is reached as to costs and parameters of design, pay to the City the full cost of converting the traffic signal at the intersection of MacArthur Boulevard / Michelson Drive so that the signal for the westbound right turn lane under overlap phasing conditions is fully operational prior to JWA serving 12.5 MAP.~~

~~Implementation: Mitigating this impact will require converting the traffic signal for the westbound right turn lane to operate under overlap conditions. The traffic signal currently can accommodate overlap phasing but the phasing is not currently implemented. This impact is a direct impact in that the project causes the intersection to operate deficiently. This intersection is under the jurisdiction of the City of Irvine. As no physical improvement is required, JWA would coordinate with the City of Irvine to implement the phasing such that it is fully operational prior to JWA reaching 12.5 MAP. Since this impact is directly attributable to incremental traffic from the Project, JWA would pay for the full cost of this signal timing change. The City of Irvine would then be responsible for implementing the improvement.~~

Section 13.1 (Intersection Mitigation Measures), pages 455 and 456. The following mitigation measure is hereby revised as follows:

~~13.1.5 INTERSECTION #53— VON KARMAN AVENUE/ALTON PARKWAY~~

~~The intersection of Von Karman Avenue / Alton Parkway would be significantly impacted under the proposed project, and Alternatives A, B, and C. The following mitigation measure is recommended:~~

~~Mitigation Measure: The County of Orange/JWA shall coordinate with the City of Irvine and, once agreement is reached as to costs and parameters of design, pay to the City the full cost of adding a northbound right turn lane at the intersection of Von Karman Avenue and Alton Parkway that is fully operational prior to JWA serving 12.5 MAP.~~

~~Implementation: Mitigating this impact will require the addition of a northbound right turn lane. This impact is a direct impact as the addition of project traffic causes the intersection to degrade from acceptable to unacceptable levels. This intersection is under the jurisdiction of the City of Irvine. JWA would be responsible for paying to the City of Irvine the cost of the improvement prior to reaching the 12.5 MAP threshold, which is the lowest threshold at which this impact would occur. The City of Irvine would then be responsible for the construction of this mitigation measure.~~

Section 14.0 (Level of Significance After Mitigation), page 458. The following section is hereby revised as follows:

~~14.1.1 INTERSECTION #4 – MACARTHUR BOULEVARD/MICHELSON DRIVE~~

~~With the implementation of the proposed mitigation measure at this intersection, the LOS would improve to the following condition under each respective scenario:~~

- ~~• Proposed Project (LOS D) 2026~~
- ~~• Alternative A (LOS D) 2026~~
- ~~• Alternative B (LOS D) 2026~~
- ~~• Alternative C (LOS E) 2016~~

~~With this improvement in LOS, the resulting impact would be less than significant. However, because full implementation of the subject improvement is outside the jurisdiction and control of JWA and, therefore, implementation cannot be assured, in the event the improvement is not fully operational prior to JWA serving 12.5 MAP, the project's impacts at the intersection would remain significant and unavoidable as there is no other feasible mitigation that would fully reduce the identified impacts to less than significant.~~

Section 14.0 (Level of Significance After Mitigation), page 459. The following section is hereby revised as follows:

~~14.1.5 INTERSECTION #53 – VON KARMAN AVENUE/ALTON PARKWAY~~

~~With the implementation of the proposed mitigation measure at this intersection, the LOS would improve to the following condition under each respective scenario:~~

- ~~• Proposed Project (LOS D) 2026~~
- ~~• Alternative A (LOS D) 2026~~
- ~~• Alternative B (LOS D) 2026~~
- ~~• Alternative C (LOS D) 2026~~

~~With this improvement in LOS, the resulting impact would be less than significant. However, because full implementation of the subject improvement is outside the jurisdiction and control of JWA and, therefore, implementation cannot be assured, in the event the improvement is not fully operational prior to JWA serving 12.5 MAP, the project's impacts at the intersection would remain significant and unavoidable as there is no other feasible mitigation that would fully reduce the identified impacts to less than significant.~~

Attachment A

Intersection	Traffic Control	Peak Hour	Existing		Existing Plus Project		Change LOS	Existing Plus Alternative A		Change LOS	Existing Plus Alternative B		Change LOS	Existing Plus Alternative C		Change LOS	Existing Plus No Project Alternative		Change LOS
			V/C	LOS	V/C	LOS		V/C	LOS		V/C	LOS		V/C	LOS				
4. MacArthur Blvd at Michelson Drive	Signal	AM	0.62	B	0.68	B	0.06	0.68	B	0.06	0.72	C	0.10	0.74	C	0.12	0.65	B	0.03
		PM	0.74	C	0.77	B	0.03	0.77	C	0.03	0.79	C	0.05	0.82	D	0.08	0.76	C	0.02
52. Von Karman Ave at Barranca Pkwy ¹	Signal	AM	0.70	C	0.71	C	0.01	0.71	C	0.01	0.71	C	0.01	0.71	C	0.01	0.71	C	0.01
		PM	0.89	D	0.75	B	0.00	0.75	C	0.00	0.75	C	0.00	0.76	C	0.01	0.75	C	0.00
53. Von Karman Ave at Alton Pkwy	Signal	AM	0.76	C	0.77	C	0.01	0.77	C	0.01	0.78	C	0.02	0.78	C	0.02	0.77	C	0.01
		PM	0.79	C	0.80	B	0.01	0.80	C	0.01	0.80	C	0.01	0.80	C	0.01	0.80	C	0.01

Intersection	Traffic Control	Peak Hour	2016 NP (Base)		2016 Plus Project		Change LOS	2016 Plus Alternative A		Change LOS	2016 Plus Alternative B		Change LOS	2016 Plus Alternative C		Change LOS	2016 Plus No Project Alternative		Change LOS
			V/C	LOS	V/C	LOS		V/C	LOS		V/C	LOS		V/C	LOS				
4. MacArthur Blvd at Michelson Drive	Signal	AM	0.64	B	0.67	B	0.03	0.67	B	0.03	0.67	B	0.03	0.76	C	0.12	0.67	B	0.03
		PM	0.76	C	0.78	C	0.02	0.78	C	0.02	0.78	C	0.02	0.85	D	0.09	0.78	C	0.02
52. Von Karman Ave at Barranca Pkwy	Signal	AM	0.74	C	0.74	C	0.00	0.74	C	0.00	0.74	C	0.00	0.75	C	0.01	0.74	C	0.00
		PM	0.73	C	0.79	C	0.00	0.79	C	0.00	0.79	C	0.00	0.80	D	0.01	0.79	C	0.00
53. Von Karman Ave at Alton Pkwy	Signal	AM	0.78	C	0.78	C	0.00	0.78	C	0.00	0.78	C	0.00	0.79	C	0.01	0.78	C	0.00
		PM	0.82	D	0.82	D	0.00	0.82	D	0.00	0.82	D	0.00	0.83	D	0.01	0.82	D	0.00

Intersection	Traffic Control	Peak Hour	2021 NP (Base)		2021 Plus Project		Change LOS	2021 Plus Alternative A		Change LOS	2021 Plus Alternative B		Change LOS	2021 Plus Alternative C		Change LOS	2021 Plus No Project Alternative		Change LOS
			V/C	LOS	V/C	LOS		V/C	LOS		V/C	LOS		V/C	LOS				
4. MacArthur Blvd at Michelson Drive	Signal	AM	0.66	B	0.70	C	0.04	0.69	B	0.03	0.72	C	0.06	0.77	C	0.11	0.68	B	0.02
		PM	0.79	C	0.82	D	0.03	0.82	D	0.03	0.83	D	0.04	0.88	D	0.09	0.81	D	0.02
52. Von Karman Ave at Barranca Pkwy	Signal	AM	0.78	C	0.79	C	0.01	0.79	C	0.01	0.79	C	0.01	0.79	C	0.01	0.78	C	0.00
		PM	0.86	D	0.87	D	0.01	0.87	D	0.01	0.87	D	0.01	0.87	D	0.01	0.86	D	0.00
53. Von Karman Ave at Alton Pkwy	Signal	AM	0.81	D	0.82	D	0.01	0.82	D	0.01	0.82	D	0.01	0.82	D	0.01	0.81	D	0.00
		PM	0.86	D	0.87	D	0.01	0.87	D	0.01	0.87	D	0.01	0.87	D	0.01	0.86	D	0.00

Intersection	Traffic Control	Peak Hour	2026 NP (Base)		2026 Plus Project		Change LOS	2026 Plus Alternative A		Change LOS	2026 Plus Alternative B		Change LOS	2026 Plus Alternative C		Change LOS	2026 Plus No Project Alternative		Change LOS
			V/C	LOS	V/C	LOS		V/C	LOS		V/C	LOS		V/C	LOS				
4. MacArthur Blvd at Michelson Drive	Signal	AM	0.67	B	0.73	C	0.06	0.73	C	0.06	0.76	C	0.09	0.79	C	0.12	0.70	B	0.03
		PM	0.83	D	0.86	D	0.03	0.87	D	0.04	0.89	D	0.06	0.92	E	0.09	0.84	D	0.01
52. Von Karman Ave at Barranca Pkwy	Signal	AM	0.83	D	0.84	D	0.01	0.84	D	0.01	0.84	D	0.01	0.84	D	0.01	0.83	D	0.00
		PM	0.93	E	0.94	E	0.01	0.94	E	0.01	0.94	E	0.01	0.94	E	0.01	0.93	E	0.00
53. Von Karman Ave at Alton Pkwy	Signal	AM	0.83	D	0.84	D	0.01	0.84	D	0.01	0.84	D	0.01	0.84	D	0.01	0.83	D	0.00
		PM	0.89	D	0.89	D	0.00	0.89	D	0.00	0.89	D	0.00	0.89	D	0.00	0.89	D	0.00

¹ The existing V/C ratio at the Von Karman at Barranca Parkway intersection is 0.70 (LOS C) in the AM and 0.89 (LOSD) in the PM peak hours. Once the improvements identified in the City's comments are implemented, the function of the intersection will improve to 0.70 (LOS C) in the AM and 0.75 (LOS C) in the PM for the existing conditions.

3.0 RESPONSES TO COMMENTS

3.1 ORGANIZATION OF RESPONSES TO COMMENTS

The Draft Environmental Impact Report (“EIR”) public review period for the John Wayne Airport Settlement Agreement Amendment began on Friday, May 23, 2014, and ended on Tuesday, July 8, 2014. During the public review period, the County of Orange received a total of 113 comment letters from State and local agencies, organizations, and individuals on the Draft EIR. An additional seven comment letters were received after the public review period was closed.

Consistent with Section 15088 of the State CEQA Guidelines, the County’s responses to comments received are provided below. The comments in each letter are bracketed and numbered. The responses, which are provided following the comment letter, are numbered to match the bracketing on the letter. Comment letters received are categorized by type of agency (federal, State, or local), organizations, or individuals. Within each category, the comment letters are organized in alphabetical order. In addition, transcripts of oral comments received at the two public meetings are provided. The responses to comments in the transcripts are provided in the order received.

A number of comments received during the public review process addressed the same topical issues. To avoid repetitiveness in the responses to these comments, “Topical Responses” have been prepared to address these common concerns. Topical responses are provided below in Section 3.2. Where applicable, the response provided references the appropriate topical response.

3.2 TOPICAL RESPONSES

3.2.1 TOPICAL RESPONSE 1: BLACK CARBON

The County of Orange, as the proprietor of John Wayne Airport (“JWA”), received public comments that expressed concern about air pollution that could be characterized as black dust or soot. For purposes of this response, it has been assumed that what is referred to as black dust or soot by the commenters is what is frequently termed “black carbon.” As discussed further below, particulate matter (including black carbon) at JWA is expected to decrease during all three phases of the Proposed Project (see Draft EIR Table 4.1-8, page 4.1-29). The following discussion provides information on black carbon in response to these comments.

STATE OF THE SCIENCE ON BLACK CARBON

The Draft Environmental Impact Report (“EIR”) includes background information on airborne particulate matter (“PM”) in Section 4.1, Air Quality. In response to the comments received on black carbon, additional background on the state of the science of black carbon, a component of PM, is provided below.

The U.S. Environmental Protection Agency (“USEPA”) describes black carbon as “the most strongly light-absorbing component of PM and is formed by the incomplete combustion of fossil fuels, biofuels, and biomass. Black carbon is emitted directly into the atmosphere in the form of

fine particles ('PM_{2.5}') and is the most effective form of PM, by mass, at absorbing solar energy. For example, per unit mass in the atmosphere, black carbon can absorb a million times more energy than carbon dioxide ('CO₂'). Black carbon is a major component of "soot", a complex light-absorbing mixture that also contains some organic carbon."²

The USEPA has studied and is continuing to study the effects of black carbon, including public health effects. In terms of health effects, "over the past decade, the scientific community has focused increasingly on trying to identify the health impacts of particular PM_{2.5} constituents, such as [black carbon]. However, there currently is insufficient information to differentiate the health effects of these constituents; thus, [the USEPA] assumes that many constituents are associated with adverse health impacts. The limited scientific evidence that is currently available about the health effects of [black carbon] is generally consistent with the general PM_{2.5} health literature, with the most consistent evidence for cardiovascular effects."³

The USEPA has two particular studies of interest that provide additional details on black carbon, and its related air quality impacts and health effects. First, in 2009, the USEPA released the final Integrated Science Assessment ("ISA") for Particulate Matter, which provides an evaluation of the scientific literature on the potential human health effects and welfare effects associated with ambient exposure to PM as a whole.⁴ According to the report, "this ISA thus serves to update and revise the evaluation of the scientific evidence available at the time of the previous review of the [National Ambient Air Quality Standards ('NAAQS')] for PM that was concluded in 2006."⁵ Second, in 2012, the USEPA completed a "Report to Congress on Black Carbon," which summarizes available scientific information on the climate and health impacts of black carbon.⁶ (This report is hereafter referred to as the "2012 USEPA report.")

BLACK CARBON IS EMITTED FROM MANY SOURCES

According to the 2012 USEPA report,⁷ transportation/mobile sources accounted for 52.3 percent of the black carbon emitted in the United States in year 2005.⁸ As defined by the USEPA, this category of sources includes on-road vehicles, non-road vehicles, locomotives, commercial marine vessels, aircraft, and tire and brake wear. Diesel on-road and non-road sources are the major contributors to black carbon emissions from transportation/mobile sources, accounting for 41.7 percent of the total U.S. black carbon emissions, as measured for year 2005. In comparison, aircraft-related black carbon emissions only accounted for 0.06 percent of total U.S. black carbon emissions. This percentage was calculated based on the reported estimate of 410 tons/yr of black carbon from aircraft and a total of 637,167 tons/yr of black carbon emissions in the U.S.

The 2012 USEPA report also identified other sources of black carbon. For example, residential sources (including wood, oil, coal, and natural gas combustion) account for 3.6 percent of total

² United State Environmental Protection Agency (USEPA). 2012a (March 30, last updated). Basic Information: What is Black Carbon? Research Triangle Park, NC: USEPA. <http://www.epa.gov/blackcarbon/basic.html>.

³ USEPA. 2012b (March 30, last updated). Effects of Black Carbon. Research Triangle Park, NC: USEPA. <http://www.epa.gov/blackcarbon/effects.html#public>.

⁴ USEPA. 2009 (December). *Integrated Science Assessment for Particulate Matter (Final Report)*. <http://cfpub.epa.gov/ncea/cfm/recorddisplay.cfm?deid=216546#Download>.

⁵ Ibid (page 1-1).

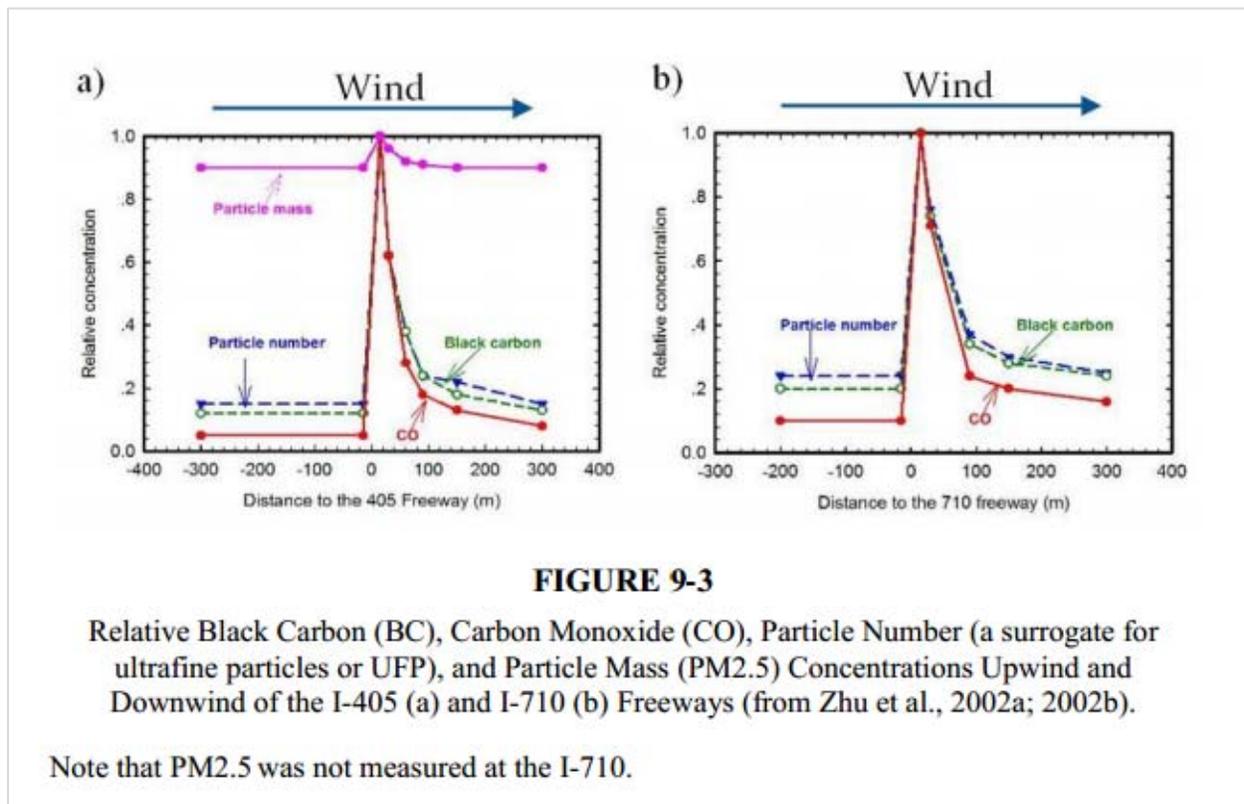
⁶ USEPA. 2012c (March). *Report to Congress on Black Carbon (EPA-450/R-12-001)*. Research Triangle Park, NC: USEPA. <http://www.epa.gov/blackcarbon/2012report/fullreport.pdf>.

⁷ Ibid.

⁸ All values in this section based on data presented in Tables 4-1 and 4-2 of the 2012 USEPA report (USEPA 2012c).

U.S. black carbon emissions, emitting more than 50 times as much black carbon as aircraft. Wildfires also are a major contributor to black carbon emissions, representing nearly 24 percent of total U.S. black carbon emissions.

Also of relevance, the South Coast Air Quality Management District's ("SCAQMD") 2012 Air Quality Management Plan ("AQMP") indicates that near-roadway studies have found the highest concentrations of black carbon in the immediate vicinity (i.e., within 17 meters) of freeways frequently traveled by heavy-duty diesel trucks (i.e., the I-710 freeway), with black carbon concentrations decreasing exponentially with increasing distance downwind from the freeway.⁹ According to the AQMP, downwind black carbon concentrations decreased to levels equivalent to upwind background levels at a distance of approximately 300 meters from the freeway (i.e., by 300 meters downwind, the concentrations of black carbon were equal to the general background air). This exponential decrease is discussed on page 9-12 of the SCAMQD's 2012 AQMP and is shown in Figure 9-3 of the AQMP, as shown below.¹⁰



Source: Final 2012 Air Quality Management Plan

While operations at JWA may result in PM_{2.5} emissions and thus black carbon emissions, given the varied sources of black carbon emissions, the black dust or soot in the surrounding area is likely not solely due to JWA due to the proximity of other likely sources of black carbon (e.g., on-road vehicles operating along I-405 and SR-73).

⁹ South Coast Air Quality Management District (SCAQMD). 2013 (February). *Final 2012 Air Quality Management Plan* (page 9-12). Diamond Bar, CA: SCAQMD. <http://aqmd.gov/home/library/clean-air-plans/air-quality-mgt-plan/final-2012-air-quality-management-plan>.

¹⁰ Ibid (Page 9-3).

UNDERSTANDING AIR DISPERSION

The relationship between emissions and air concentrations is complex. Numerous factors influence the dispersion and transport of emissions. These factors include emission source location, parameters of the source of emissions (e.g., exit velocity), emissions magnitude, and atmospheric conditions (e.g., mixing height, wind direction, and wind speed). The following section describes how these factors influence the transport of emissions, including black carbon, from sources to receptors.

Proximity of the emission source to the receptor is one of the most influential factors in determining relative impacts between emission sources. As discussed above, studies by the SCAQMD have shown that black carbon concentrations decrease exponentially with distance from the source. And, based on data specific to JWA, the approach flight path assumes aircraft are at an elevation of 1,000 feet (0.2 miles) at a distance of 3.1 miles from the runway and an elevation of 3,000 feet (0.6 miles) at a distance of 9.0 miles from the runway. Similarly, the departing flight path assumes aircraft are at an elevation of 1,000 feet (0.2 miles) at a distance of 0.7 miles from the runway and an elevation of 3,000 feet (0.6 miles) at a distance of 4.6 miles from the runway. When an aircraft is on approach or departing, dispersion and dilution of pollutants will occur between sources (i.e., aircraft) and receptors.

The small particle size of black carbon also influences how emissions may “deposit.” Specifically, black carbon is considered to be smaller than 2.5 microns in diameter (i.e., PM_{2.5}). Particles of this size behave more like a gas and do not deposit like larger particles.¹¹ Thus, the presence of aircraft overhead may appear to lead to deposition of emissions straight down, but the small particle sizes likely do not deposit or settle straight down. Rather, the meteorology will disperse the black carbon over a wider area leading to low concentrations by the time it reaches ground level.¹²

Mixing height is another complex but important factor. According to the Federal Aviation Administration’s (“FAA”) Emissions and Dispersion Modeling System (“EDMS”) Technical Manual, “The mixing height is the maximum height at which the mixing of pollutants occurs. It is the height above the earth’s surface at which lies the bottom of an inversion aloft. Pollutants dispersing beneath an inversion aloft are limited in vertical mixing to that which occurs beneath the bottom of the inversion aloft.”¹³ Stated somewhat more simply, the mixing height is the “depth through which atmospheric pollutants are typically mixed by dispersive processes.”¹⁴ The air dispersion modeling for the Proposed Project includes modeling up to the mixing height of 3,000 feet, which is the EDMS default standard for airport air dispersion modeling.¹⁵ This

¹¹ Seinfeld, J.H. and S.N. Pandis. 1994. *Atmospheric Chemistry and Physics: From Air Pollution to Climate Change* (Chapter 2, Section 2.7.4). Hoboken, NJ: Wiley & Sons, Inc.

¹² USEPA. 2012d (January 5, last update). *The Particle Pollution Report: Current Understanding of Air Quality and Emissions through 2003* (Understanding Particle Pollution, page 6). Research Triangle Park, NC: USEPA. http://www.epa.gov/airtrends/aqtrnd04/pmreport03/pmunderstand_2405.pdf.

¹³ Federal Aviation Administration (FAA). 2010 (November). *Emissions and Dispersion Modeling System (EDMS), Version 5 Technical Manual* (page 5). Washington, D.C.: FAA. http://www.faa.gov/about/office_org/headquarters_offices/apl/research/models/edms_model/.

¹⁴ USEPA. 2004 (September). *User’s Guide for the AMS/EPA Regulatory Model – AERMOD* (EPA-454/B-03-001, page GLOSSARY-3). Research Triangle Park, NC: USEPA. <http://www.epa.gov/scram001/7thconf/aermod/aermodugb.pdf>.

¹⁵ FAA. 2013 (June). *Emissions and Dispersion Modeling System (EDMS) User’s Manual* (Version 5.1.4, page 6-50). Washington, D.C.: FAA. http://www.faa.gov/about/office_org/headquarters_offices/apl/research/models/edms_model/media/EDMS_5.1.4_User_Manual.pdf.

approach ensures that aircraft emissions are modeled from ground level up to mixing height in order to estimate the maximum impacts from aircraft on receptors. According to the FAA's report on Air Quality Impacts by Airplane Operations, "Above this [mixing] height, pollutants that are released generally do not mix with ground level emissions and do not have an effect on ground level concentrations in the local area. Accordingly, if airplane operations occur above the mixing height, they will have negligible effect on ground level concentrations."¹⁶

While aircraft in approach or on take-off may appear to be a primary source of black carbon emissions for those beneath the flight path, the combination of the factors discussed above (location, particle size, and atmospheric conditions) all lead to the dispersion and dilution of emissions before they ever reach ground level (if at all).

UNDERSTANDING PROJECT EMISSIONS

Section 4.1, Air Quality, of the Draft EIR analyzes the environmental significance of the Proposed Project's PM_{2.5} emissions, which can be used as a surrogate for black carbon since black carbon is a component of PM and there are no current USEPA standards related to black carbon. (Unlike for black carbon, the USEPA has air quality standards for PM_{2.5}, particulate matter less than 10 microns and 2.5 microns in diameter, respectively.) The 2012 USEPA report indicates that the ratio of black carbon to PM_{2.5} for aircraft is 0.13 (e.g., 1 pound of PM_{2.5} contains 0.13 pound of black carbon).¹⁷

The Proposed Project results in a decrease in PM₁₀ and PM_{2.5} emissions from aircraft as compared to the existing environmental condition, as shown in Draft EIR Table 4.1-8, page 4.1-29 (see also Draft EIR, Table 4.1-5, page 4.1-21). The reduction in PM₁₀ and PM_{2.5} emissions is due to the anticipated reduction in general aviation operations from the baseline conditions. (See Draft EIR Table 3-12, page 3-37.) Because black carbon is a fraction of PM_{2.5}, the Proposed Project also is anticipated to result in a reduction in black carbon emissions from aircraft associated with the Project.

It should also be noted that the PM_{2.5} estimates in the Draft EIR are conservative as the analysis relies upon current aircraft emission factors published by the International Civil Aviation Organization ("ICAO"), which do not account for future (cleaner) aircraft engines being phased in.¹⁸ If future clean aircraft information were available and able to be quantified in the analysis, further reductions in PM_{2.5} (and thus black carbon) emissions from that reported in the Draft EIR would be likely.

The Proposed Project's modeled PM₁₀ and PM_{2.5} concentrations (and, therefore, black carbon concentrations) would decrease along the modeled flight path compared to the maximum concentrations reported in Section 4.1.6 and Table 4.1-13 (page 4.1-38) of the Draft EIR. The air dispersion modeling shows that maximum modeled impacts are located close to the Airport, with impacts decreasing with distance from the Airport. Therefore, concentrations farther away from the Airport are expected to be lower than the concentrations reported in the Draft EIR. Furthermore, the modeled concentrations conservatively do not incorporate the decrease in

¹⁶ FAA. 2000 (September). *Consideration of Air Quality Impacts by Airplane Operations at or Above 3000 feet AGL* (prepared by R.L. Wayson and G.G. Fleming, page 3). Washington, D.C.: FAA. https://www.faa.gov/regulations_policies/policy_guidance/envir_policy/media/catex.pdf.

¹⁷ USEPA 2012c (Table 4-2).

¹⁸ USEPA. 2014 (July 10, last updated). Nonroad Engines, Equipment, and Vehicles: Aircraft. Research Triangle Park, NC: USEPA. <http://www.epa.gov/otaq/aviation.htm>.

general aviation emissions; if the decrease in general aviation emissions were included in the air dispersion model, the PM_{2.5} modeled concentrations would be lower than those shown in the Draft EIR (Draft EIR, Table 4.1-13, page 4.1-38.).

Note also that health risk is addressed in Section 4.1.6 of the Draft EIR and Section 5.4 of the *Air Quality Technical Report* (Appendix D). Specifically, the Health Risk Assessment provided in Section 4.1, Air Quality, evaluates cancer, cancer burden, chronic non-cancer, and acute non-cancer health risks. The Health Risk Assessment is summarized in the Draft EIR on pages 4.1-4; 4.1-11 through 4.1-14; 4.1-22; and 4.1-61 through 4.1-65. The Draft EIR relies upon SCAQMD's established thresholds to assess potential changes in cancer risk due to Project emissions. As shown in Table 4.1-23 (page 4.1-62) of the Draft EIR, the Proposed Project would not exceed the SCAQMD's cancer risk or cancer burden thresholds. In addition, the Proposed Project would not exceed the SCAQMD's chronic non-cancer hazard index threshold at any modeled receptor locations or the acute non-cancer hazard index threshold at residential and sensitive receptor locations. The maximum estimated acute non-cancer hazard index at worker receptor locations was equal to the SCAQMD threshold.

PROJECT EFFORTS TO FURTHER REDUCE BLACK CARBON EMISSIONS

As discussed in Section 4.1.7 (Mitigation Program) of the Draft EIR, the County of Orange, as the proprietor of JWA, is committed to reducing air quality impacts and PM_{2.5} (and thus black carbon) emissions from sources under its control. Here, the FAA regulates most aspects of aircraft operations that might influence the PM_{2.5} emissions from aircraft. Specifically, the Federal Aviation Regulations ("FARs"), part of Title 14 of the Code of Federal Regulations ("CFR"),¹⁹ are rules prescribed by the FAA governing all aviation activities in the United States, including aircraft maintenance procedures, engine manufacture guidelines, and aircraft flight paths.²⁰

Nevertheless, the County has identified fifteen (15) mitigation measures in the Draft EIR that would help reduce emissions resulting from the Proposed Project (see Draft EIR Section 4.1.7). Many of these measures help reduce combustion-related emissions, and thus would help reduce potential PM_{2.5} (and black carbon) emissions. Some examples of these measures include: increasing the amount of electrified ground support equipment that is used; supporting the expansion of public transit opportunities; supporting bicycle use by Airport employees; and, supporting the use of alternatively fueled taxis and shuttles. As noted in Table 4.1-6 (Emission Reduction Strategies Currently Implemented at JWA), page 4.1-23, of the Draft EIR, JWA has also already incorporated combustion reductions into its existing operations through efforts such as providing plug-in power at all of the gates, which reduces the use of auxiliary power units on aircraft.

Summary

As explained above, the Draft EIR's assessment of the Proposed Project's PM_{2.5} emissions necessarily encompasses the Proposed Project's black carbon emissions since black carbon is a component of PM. The EIR's methodological approach also is consistent with (i) guidance established by the SCAQMD, and (ii) the unregulated status of black carbon relative

¹⁹ U.S. Government Printing Office. 2014. *Electronic Code of Federal Regulations* (Title 14: Aeronautics and Space; Part 404 - Regulations and Licensing Requirements). Washington, D.C.: U.S. Government Printing Office. <http://www.ecfr.gov/cgi-bin/text-idx?SID=7b9dddb33c21ddced8206d951d73ce58&node=14:4.0.2.8.3.1&rgn=div6>.

²⁰ FAA. 2014. FAA Regulations. Washington, D.C.: FAA. http://www.faa.gov/regulations_policies/faa_regulations/.

to the regulatory agencies with expertise on the subject (i.e., USEPA; California Air Resources Board; SCAQMD).

Importantly, the Draft EIR's analysis, in Table 4.1-8 (page 4.1-29), shows that aircraft-related PM emissions (including black carbon) are expected to decrease in all three phases of the Proposed Project as compared to the existing environmental condition, in contrast to commenters' assertions that aircraft-related black carbon levels would increase with adoption of the Proposed Project. And, the discussion above demonstrates that there are a multitude of non-Project-related potential black carbon sources in the vicinity of JWA (such as diesel trucks traveling along I-405) and its neighboring communities that likely are contributing to the black carbon deposits identified by the commenters. Specifically, diesel on-road and non-road sources accounted for 41.7 percent of the total U.S. black carbon emissions, as measured for year 2005. In comparison, aircraft-related black carbon emissions only accounted for 0.06 percent of total U.S. black carbon emissions. This percentage was calculated based on the reported estimate of 410 tons/yr of black carbon from aircraft and a total of 637,167 tons/yr of black carbon emissions in the U.S. While operations at JWA may result in PM_{2.5} emissions and thus black carbon emissions, the black dust or soot in the surrounding area is likely not solely due to JWA due to the proximity of other likely sources of black carbon (e.g., on-road vehicles operating along I-405 and SR-73).

3.2.2 TOPICAL RESPONSE 2: LOS ANGELES TIMES/USC STUDY

The County of Orange, as the proprietor of John Wayne Airport ("JWA"), received public comments that reference an article in the May 29, 2014 edition of the Los Angeles Times ("LA Times").²¹ This LA Times article references a study conducted by the University of Southern California on particle number ("PN") concentrations downwind from Los Angeles International Airport ("LAX").²² (This study is hereafter referred to as the "USC Study.") These comments address ultrafine particles ("UFPs"), as this air pollutant was the focus of the USC Study. The following discussion provides responsive information on UFPs.

STATE OF THE SCIENCE ON ULTRAFINE PARTICLES

Section 4.1, Air Quality, of the Draft Environmental Impact Report ("EIR") includes background information on airborne particulate matter ("PM"). Additionally, UFPs are discussed in Draft EIR Section 4.10, Water Quality (page 4.10-7), and Section 2.1.4 of the *Air Quality Technical Report* (a copy of which is located in Draft EIR Appendix D). In response to the comments received on UFPs, additional background on the state of the science on UFPs is provided below.

In recent years, the U.S. Environmental Protection Agency ("USEPA") has conducted research on airborne ultrafine particulate matter (as defined to include particles less than 100 nm in diameter).²³ According to this research, UFPs are not purposefully manufactured nor are they necessarily of a constant composition or size. Rather, UFPs are the result of combustion or friction processes, or natural processes in the air and are ubiquitous in the atmosphere at low concentrations with elevated levels in urban areas (due to the many modes of combustion that

²¹ Weikel, D. and T. Barboza. 2014 (May 29). "Planes' exhaust could be harming communities up to 10 miles from LAX". *Los Angeles Times*. Los Angeles, CA: Los Angeles Times.

²² Hudda, N., T. Gould, K. Hartin, T.V. Larson, and S.A. Fruin. 2014 (May 29). "Emissions from an International Airport Increase Particle Number Concentrations 4-fold at 10 km Downwind". *Environmental Science & Technology* 48(12): 6628-6635. Washington, D.C.: American Chemical Society.

²³ USEPA. 2013 (May 30). Ultrafine Particle Research. Research Triangle Park, NC: UPEPA. http://www.epa.gov/ncer/nano/research/particle_index.html.

are found in urban areas).²⁴ UFPs are not stable particles, but are condensates that continue to aggregate to larger and larger particulates. The greatest influence on the rate of aggregation is the particle concentration: the higher the concentration, the faster the rate of aggregation.²⁵ For this reason, exposure to UFPs tends to be a local issue requiring close association with the particle source.

In addition to the research described above, the USEPA also has ongoing research on PM-related health outcomes.²⁶ As stated by the USEPA, the health effects research to date is focused on:

- Health effects resulting from different sizes of PM;
- Health effects resulting from different chemical make-ups or composition of PM;
- Relationship between PM and asthma;
- Toxic mechanisms that trigger biological processes that lead to PM's effects; and,
- Susceptible populations at greater risk from PM exposure.

The research in these areas will help USEPA assess whether UFPs should be regulated.

AIR MONITORING AND AMBIENT AIR QUALITY STANDARDS

There is currently no state or federal “standard” for UFPs. Thus, while these particles can be measured in ambient air via Ultrafine Particle Counters (“UPC”), which measure particle number concentrations (particles/cm³), there is currently no basis for comparison or assessment. The only comparisons for measured particle numbers are relative to baseline particle numbers. Therefore, the results of ambient air monitoring studies cannot be used to determine impacts relative to the applicable air quality standards (e.g., California Ambient Air Quality Standards [“CAAQS”]²⁷ and National Ambient Air Quality Standards [“NAAQS”]²⁸), which are the standards to assess level of pollution to protect public health.

The European Commission’s Environment Directorate-General (“DG”) has also not adopted standards for UFPs.²⁹ The DG exists “to initiate and define new environmental legislation and to ensure that agreed measures are put into practice in the EU Member States.”³⁰ In 2008, the DG began enforcing limits on airborne PM₁₀ and PM_{2.5} concentrations under Directive 2008/50/EC; however, there is no indication of standards for UFPs.³¹ In 2013, an international symposium

²⁴ Wang, Y., P.K. Hopke, D.C. Chalupa, and M.K. Uteil. 2011. Long-Term Study of Urban Ultrafine Particles and Other Pollutants. *Atmospheric Environment* 45(4):7672–7680.

²⁵ Donaldson, K., V. Stone, A. Clouter, L. Renwick, and W. MacNee. 2001. Ultrafine Particles. *Occupational and Environmental Medicine*. 58: 211–216. <http://oem.bmj.com/content/58/3/211.full.pdf>.

²⁶ USEPA. 2012e (May 18, last updated). PM Health Outcomes. Research Triangle Park, NC: UPEPA. <http://www.epa.gov/airsceience/air-pmhealthoutcomes.htm>.

²⁷ California Air Resources Board (CARB). 2009 (November 24, last reviewed). California Ambient Air Quality Standards (CAAQS). Sacramento, CA: CARB. <http://www.arb.ca.gov/research/aaqs/caaqs/caaqs.htm>.

²⁸ USEPA. 2012 (December 14, last updated). National Ambient Air Quality Standards (NAAQS). Research Triangle Park, NC: UPEPA. <http://www.epa.gov/air/criteria.html>.

²⁹ European Commission. 2014a (March 6, last updated). Air Quality Standards. Brussels, Belgium: European Commission. <http://ec.europa.eu/environment/air/quality/standards.htm>.

³⁰ Ibid.

³¹ European Commission. 2014b (March 6, last updated). Air Quality – Existing Legislation: New Air Quality Directive. Brussels, Belgium: European Commission. http://ec.europa.eu/environment/air/quality/legislation/existing_leg.htm.

discussed a German national aerosol standard for number concentrations of soot particles, without a clear identification of a proposed standard for UFPs in general.³²

Exposure and Toxicology

The most common route of exposure to UFPs is via inhalation. Because of their small size, these particles can constitute only a fraction of the airborne particulate mass while the number of particles can be equal to or greater than the number of particles in the PM₁₀ to PM_{2.5} fractions. Trends in nanotoxicology are towards quantifying UFP exposure in terms of particle number per unit volume, as opposed to mass per unit volume common with current approaches for particulate and non-particulate toxicants. Studies have suggested that UFPs may pose greater health risks than larger particles per unit mass as the smaller particles may contain higher proportions of organic material (particularly semi-volatile organic compounds), have larger surface area per unit mass, and have an ability to penetrate cells.³³ While it is believed that the toxicological potency of UFPs is higher than that of larger particles (such as PM₁₀ or PM_{2.5}) on a mass basis, the toxicity of UFPs is also believed to be similar to PM₁₀ and PM_{2.5} on a particle number basis.

Toxicity associated with exposure to UFPs is currently understood to follow two principal “modes of action” (i.e., ways it affects the human body). The first mode is direct action on the lung: UFPs, like other airborne particulates, act as irritants inducing inflammation at sites of high concentration. Chronic lifetime inflammation of deep lung tissue can lead to conditions such as COPD fibrosis, and pulmonary cancers.³⁴ The second mode of action is impacts to the circulatory system: UFPs are small enough to escape macrophage scavenging and pass through the epithelium of the lung into the interstitium and the associated circulation to be transported by the lymph or blood, respectively.³⁵ UFPs in the circulation have been found to induce inflammatory processes within the vasculature resulting in accelerated arteriosclerosis and other hardening diseases.³⁶ On a chronic basis, this can result in increased probability of coronary disease and strokes. Other proposed modes of action continue to be studied.³⁷

In summary, UFPs may represent an important air pollution consideration; however, scientists are still working to understand the exposure and toxicity concerns of these particles. Additionally, the complexity of this pollutant presents challenges, as the particles change with time during transport in regards to concentration, size and biological efficacy, due to the fact that they are constantly in the midst of condensation and aggregation dynamics.

³² Karlsruhe Institute of Technology. 2013 (May 16 and 17). “Ultrafine Particles: Sources, Effects, Risks and Mitigation Strategies” (page 3). European Federation of Clean Air and Environmental Protection Associations (EFCA) International Symposium. Brussels, Belgium: KIT. <http://ufp.efca.net/uploads/images/Program%20UFP-4%20for%20Website%20update.pdf>.

³³ Diapouli, E., A. Chaloulakou, and N. Spyrellis. 2007. Levels of Ultrafine Particles in Different Microenvironments – Implications to Children Exposure. *Science of the Total Environment* 388: 128–136.

³⁴ Donaldson, K. and A. Seaton. 2012. A Short History of the Toxicology of Inhaled Particles. *Particle Fibre Toxicology* 9:13.

³⁵ Semmler-Behnke, M., S. Takenaka, S. Fertsch, A. Wenk, J. Seitz, P. Mayer, G. Oberdorster, and W.G. Kreyling. 2007. Efficient Elimination of Inhaled Nanomaterials from the Alveolar Region: Evidence from Interstitial Uptake and Subsequent Reentrainment onto Airway Epithelium. *Environmental Health Perspectives* 115(5):728-733 (page 733).

³⁶ Frampton, M.W. 2001. Systemic and Cardiovascular Effects of Airway Injury and Inflammation: Ultrafine Particle Exposure in Humans. *Environmental Health Perspectives* 109 (Supl 4) 529–532.

³⁷ Oberdorster, G., E. Oberdorster, and J. Oberdorster. 2005. Nanotechnology: An Emerging Discipline Evolving from Studies of Ultrafine Particles. *Environmental Health Perspectives* 113:823–829.

Limited Applicability of the USC Study

It is important to note that the level of operations and the meteorological conditions at LAX are very different from those at JWA. As described below, these two attributes suggest that the overall findings of the USC Study are not directly transferrable to what may occur at JWA and its surrounding communities.

First, LAX has approximately 63.7 million passengers per year,³⁸ as compared with the 9.17 million passengers served by JWA in 2013 (see page 2-10 of the Draft EIR), which is an approximately seven times difference in passenger levels. (Similarly, the Proposed Project's accommodation of 12.5 million passengers per year at JWA beginning in 2026 is an approximately five times difference.) LAX also handles 1.9 million tons of cargo per year compared with less than 18,000 tons per year for JWA³⁹; therefore, LAX handles more than 100 times as much cargo per year. Thus, the level of aircraft and related support activity (e.g., diesel trucks) at LAX is very different from that which occurs at JWA. These facts suggest that the level of UFPs at JWA is likely much lower than what may have been emitted at LAX.

Second, LAX and JWA have very different wind patterns. Exhibit RTC-1 shows the wind rose for the area near LAX, in comparison to Exhibit RTC-2, which depicts the wind rose for the Airport (RTC-2 was previously provided as Figure 3 of the *Air Quality Technical Report*. The JWA figures show a more varied wind pattern than what generally occurs in the LAX area. The different wind patterns are likely to create very different dispersion patterns for air pollutants at LAX versus JWA. This fact suggests that it is likely that any emissions of UFPs at JWA will disperse in a different pattern than they do at LAX.

Furthermore, as discussed below, the area assessed by the USC Study includes many other sources of UFPs. And, while the area surrounding JWA also contains a variety of sources of UFPs, those sources are likely different from what exists around LAX. This complicating fact limits the ability to extrapolate the findings from the USC Study to the area surrounding JWA.

LAWA Response to USC Study

Los Angeles World Airports ("LAWA"), the proprietor of LAX, has provided additional information that suggests the USC Study may not accurately reflect the conditions around LAX. Highlights of the statement LAWA released in response to the USC Study is below.

In January 2014, LAWA completed the multi-year LAX Air Quality Source Apportionment Study, which was one of the most extensive air quality studies ever performed at an airport.⁴⁰ In their May 29, 2014 statement on the USC Study, LAWA highlighted these key findings of the LAX Air Quality Source Apportionment Study as follows:⁴¹

1. All major pollutants were below [NAAQS] and [CAAQS].

³⁸ Los Angeles World Airports (LAWA). 2014a (July, access date). LAX: General Description. Los Angeles, CA: LAWA. http://www.lawa.org/welcome_lax.aspx?id=40.

³⁹ John Wayne Airport (JWA). 2014a (January 29). News Releases: John Wayne Airport Posts December 2013 Airport Statistics (Revised). Costa Mesa, CA: JWA. <http://www.ocair.com/newsroom/news/2014/nr-2014-01-24.aspx>.

⁴⁰ LAWA. 2014b (July, access date). LAX Air Quality and Source Apportionment Study. Los Angeles, CA: LAWA. www.lawa.org/airqualitystudy.

⁴¹ LAWA. 2014c (May 29). Los Angeles World Airports Statement on USC Air Quality Study (page 3). Los Angeles, CA: LAWA.

2. Air toxics are comparable or lower than elsewhere in the South Coast Air Basin.
3. Air pollutant concentrations show sharp decreases as distance from the source of emissions increases.
4. Based on data analysis from first season sampling, a supplemental study was conducted to further investigate [UFP] sources. The supplemental study determined that larger UFP indicated an association with vehicle emissions while smaller UFP indicated an association with jet exhaust and possibly secondary particles.

Ultrafine Particles, Many Sources and Localized Impacts

The challenge with monitoring data is often discriminating the original source of the emissions measured. UFPs are emitted from a variety of sources as published by California Air Resources Board (“CARB”):⁴²

- On-road vehicles (43 percent)
- Stationary sources (32 percent)
- Miscellaneous combustion (15 percent)
- Other mobile sources (10 percent)

Furthermore, the South Coast Air Quality Management District (“SCAQMD”) discusses UFPs in Chapter 9 of the 2012 Air Quality Management Plan (“AQMP”).⁴³ According to the AQMP, “UFPs are emitted from almost every fuel combustion process, including diesel, gasoline, and jet engines, as well as external combustion processes such as wood burning.”⁴⁴ The AQMP indicated that motor vehicle emissions are a major source of UFP emissions, but stationary combustion and other processes are also contributors. Furthermore, temporal concentrations of UFPs correlate closely with daily traffic patterns in the region, with the highest levels observed on weekdays during rush hours.

According to the AQMP, “the majority of all near-roadway studies conducted to date have focused on the influence of proximity to roadways on outdoor (residential) and indoor exposure to air pollutants. In virtually all of these works, it was found that the outdoor concentrations of primary pollutants emitted from motor-vehicle emissions (UFP and [black carbon] in particular) were more strongly correlated with distance from roadways than the outdoor concentrations of species dominated by atmospheric formation or other regional sources (e.g. PM_{2.5}).”⁴⁵

Consistent with the AQMP, other studies have shown that concentrations of UFPs are closely related to the proximity to a source of UFPs. A report by Airport Councils International (“ACI”) described a study conducted by the Swiss Federal Office for Civil Aviation at Zurich Airport further supported this finding.⁴⁶ Specifically, “equally high particle concentrations were measured on the M4 and M25 roadways as on the airport perimeter roads. They are too far from

⁴² CARB. 2003 (January 31). Ultrafine Particulate Matter: Public Health Issues and Related Research (page 3). Sacramento, CA: CARB. <http://www.arb.ca.gov/research/health/healthup/jan03.pdf>.

⁴³ CARB. 2014 (March 12, last reviewed). South Coast Air Quality Management Plans (2012 South Coast Ozone and PM_{2.5} Plans, Chapter 9). Sacramento, CA: CARB. <http://www.arb.ca.gov/planning/sip/planarea/scabsip.htm>.

⁴⁴ SCAQMD 2013 (page 9-2).

⁴⁵ SCAQMD 2013 (page 9-12).

⁴⁶ Airports Council International. 2012. Ultrafine Particles at Airports: Discussion and assessment of ultrafine particles (UFP) in aviation and at airports in 2012. <http://www.cph.dk/PageFiles/21605/ACI%20EUROPE%20Study%20on%20Ultrafine%20Particles%20at%20Airports.pdf>.

the airport for operations to have had any influence on concentrations. The predominant source was the heavy traffic using the roads at the time the measurements were taken.”⁴⁷

Project Efforts to Reduce Ultrafine Particle Emissions

As discussed in Section 4.1.7 of the Draft EIR (Air Quality - Mitigation Program), the County of Orange, as the proprietor of JWA, is committed to reducing emissions of UFPs from sources under its control. The Federal Aviation Administration (“FAA”) regulates most aspects of aircraft operations that might influence the ultrafine particle emission from aircraft. Specifically, the Federal Aviation Regulations (“FARs”) are rules prescribed by the FAA governing all aviation activities in the United States. The FARs are part of Title 14 of the Code of Federal Regulations (“CFR”),⁴⁸ and address items such as aircraft maintenance procedures, engine manufacture guidelines, and aircraft flight paths.⁴⁹

Nevertheless, the County has identified fifteen (15) mitigation measures in the Draft EIR that would help reduce air emissions from the Proposed Project (see Draft EIR Section 4.1.7). Many of these measures help reduce combustion-related emissions, and thus would help reduce UFPs. Some examples of these measures include: increasing the amount of electrified ground support equipment that is used; supporting the expansion of public transit opportunities; supporting bicycle use by Airport employees; and, supporting the use of alternatively fueled taxis and shuttles. As noted in Table 4.1-6 (Emission Reduction Strategies Currently Implemented at JWA), page 4.1-23, of the Draft EIR, JWA has also already incorporated combustion reductions into its existing operations through efforts such as providing plug-in power at all of the gates, which reduces the use of auxiliary power units on aircraft.

Summary

UFPs are an area of potential concern for public health, and thus the USEPA has ongoing research to further understand what those health effects may be. However, there is currently no ambient air standard for UFPs. Additionally, while the USC Study suggests that the area surrounding LAX is highly impacted by UFPs, there are other studies that show the potential impact from airports on UFP concentrations is highly localized near the airport, and that there are other sources of particles that may also contribute to elevated particle concentrations in any given area.

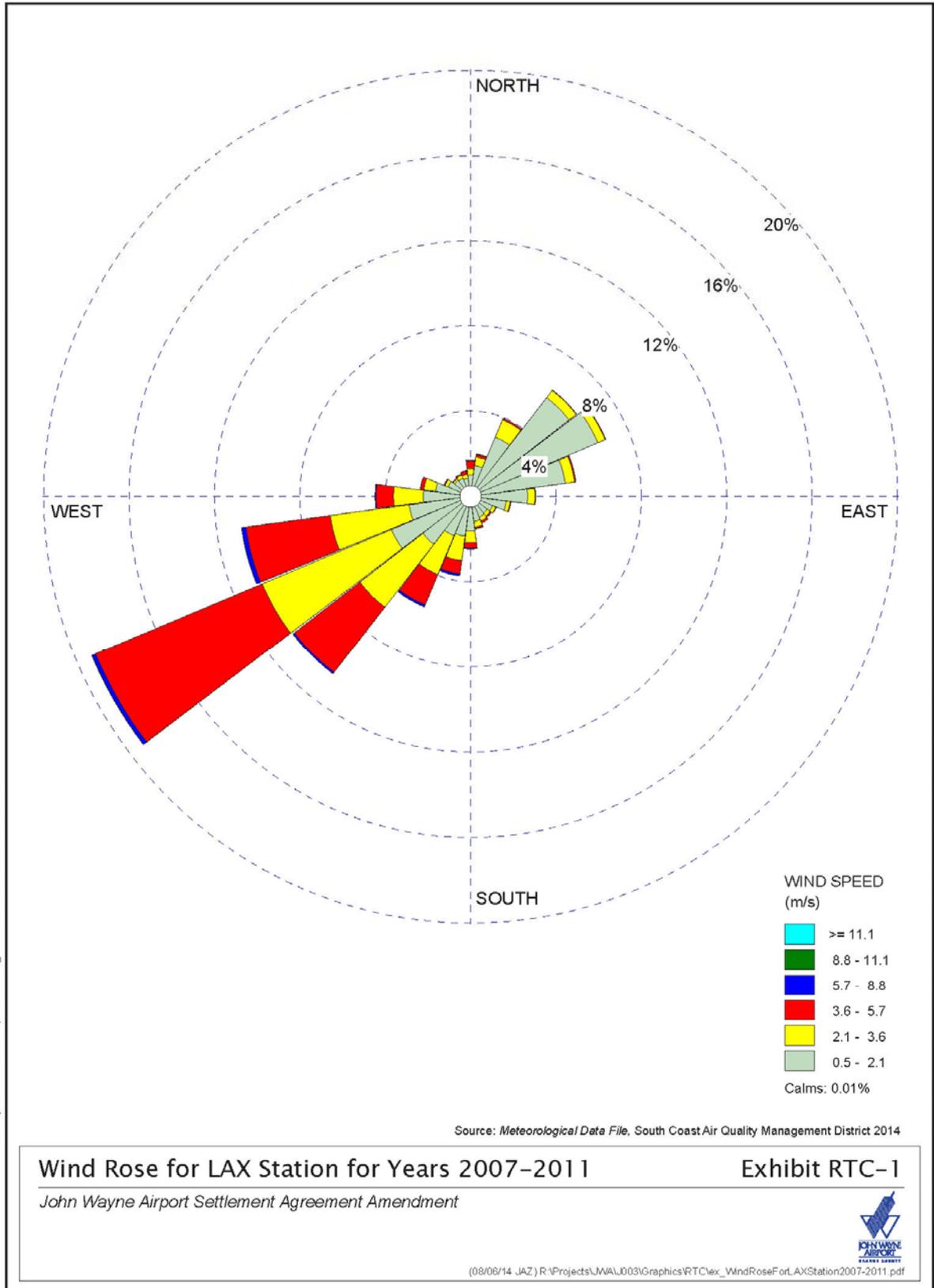
The analysis in the Draft EIR thoroughly examines the potential air quality emissions and impacts associated with the Proposed Project, and evaluates PM_{2.5}, the smallest particulate matter size that is currently regulated for air quality and public health. And, the methodology to assess air quality impacts that is included in the Draft EIR follows the guidance established by the SCAQMD.

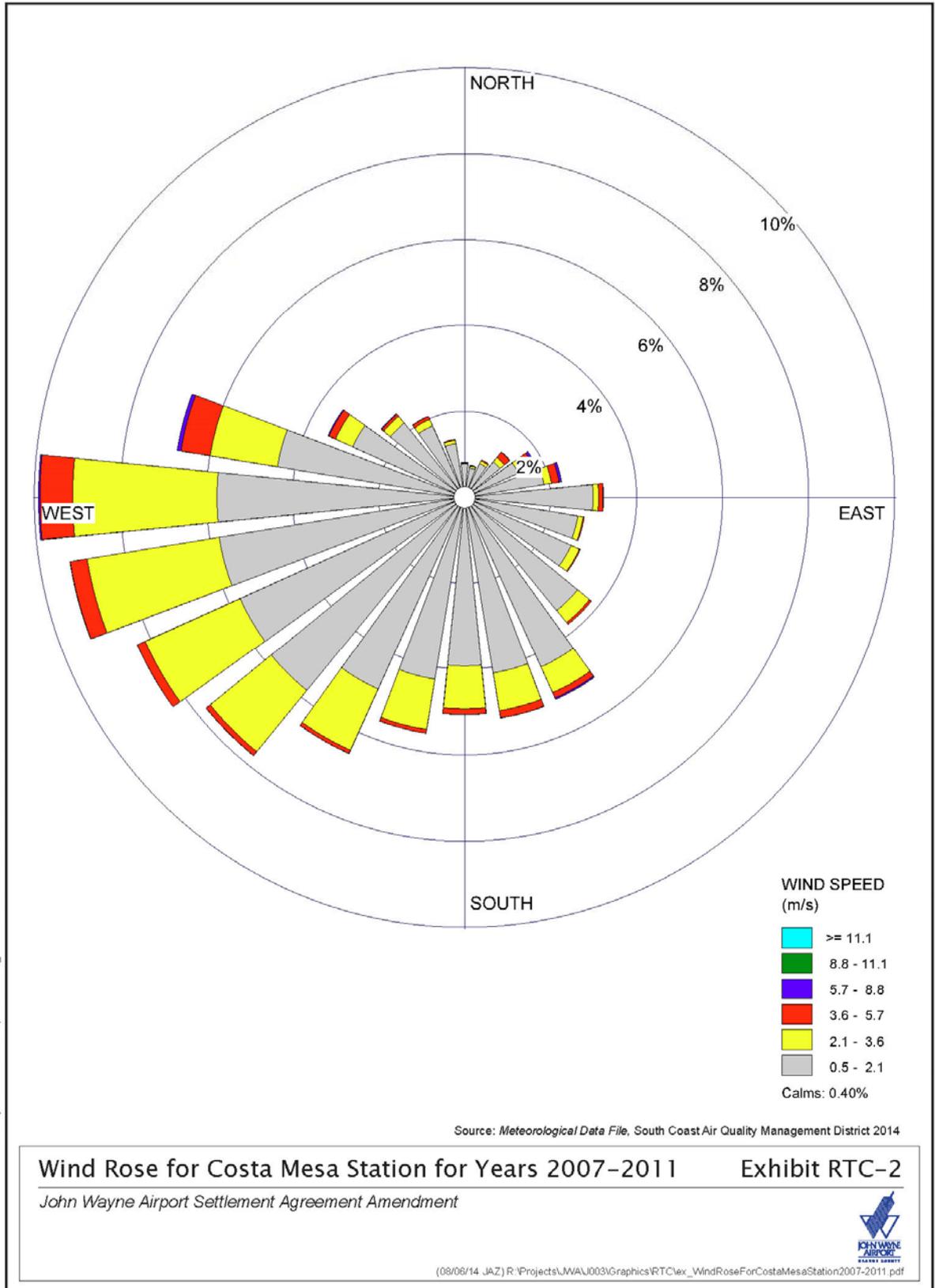
The uncertainties regarding the measurement and toxicity of UFPs limits the usefulness of any potential monitoring that could be conducted at this time. Further, due to the absence of an established regulatory or scientifically-based threshold for UFPs, any evaluation of the impacts associated with UFPs would require speculation, which is not required by CEQA.

⁴⁷ Ibid (page 26).

⁴⁸ U.S. Government Printing Office 2014.

⁴⁹ FAA 2014.





3.2.3 TOPICAL RESPONSE 3: COMMERCIAL AIRCRAFT FLIGHT PATH ISSUES

The County of Orange, as the proprietor of John Wayne Airport (“JWA”), received public comments regarding the potential to modify flight paths utilized by commercial aircraft operating at the Airport. As discussed further below, changes to the flight path are outside the scope of the Proposed Project; and, the County of Orange, as the proprietor of the Airport, has no authority or control over aircraft in flight. Rather, the Federal Aviation Administration (“FAA”) has exclusive regulatory jurisdiction over flight paths, and the pilot-in-command of each aircraft is responsible for safely maneuvering the aircraft in accordance with the FAA’s airspace procedures. The County historically has and will continue to work with FAA and affected communities on matters concerning the utilization of airspace around JWA. The following discussion provides additional information on the regulation of federal airspace, and existing and potential airspace procedures, in response to those comments.

FEDERAL AIRSPACE

The United States government has exclusive sovereignty over the airspace of the United States (49 U.S.C. §40103). To that end, Congress gave the FAA the authority to: (i) develop plans and policies for the use of the navigable airspace, and (ii) assign by regulation or order the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. (49 U.S.C. §40103(b).)

Establishment of aircraft flight paths is the sole responsibility of the FAA (49 U.S.C. §40103(b)(2)):

The Administrator [of the FAA] shall prescribe air traffic regulations on the flight of aircraft (including regulations on safe altitudes) for –

- (A) navigating, protecting, and identifying aircraft;
- (B) protecting individuals and property on the ground;
- (C) using the navigable airspace efficiently; and,
- (D) preventing collision between aircraft, between aircraft and land or water vehicles, and between aircraft and airborne objects.

All other entities, including the County of Orange as the owner and operator of JWA, are expressly prohibited by federal law from exerting any control over aircraft flight paths.

The County of Orange is the lead agency for this Environmental Impact Report (“EIR”). Because the establishment of flight paths is solely under the control of the FAA, no changes to flight paths (vertical or horizontal) are contemplated by the Proposed Project, the alternatives or the mitigation measures. Section 4.6.7 (Mitigation Program) of Draft EIR Section 4.6 (Noise) presents a detailed discussion of potentially feasible noise mitigation measures that have been identified to address the significant noise impacts of the Proposed Project.

DISCUSSION OF ARRIVAL AND DEPARTURE PATHS FOR AIRCRAFT OPERATING INTO AND OUT OF JOHN WAYNE AIRPORT

Arrival Flight Paths – How and Why?

According to the FAA, commercial aircraft, business jets and most high-performance aircraft use the Instrument Landing System (“ILS”), which is a ground-based radio system designed to provide an aircraft pilot with precise guidance for a straight-in approach to a runway. The ILS can be thought of as an imaginary line that projects straight out from the end of the runway at a three-degree vertical angle and extends approximately 10 miles north of the Airport.

The point at which aircraft intercept the ILS varies based on a number of factors including, but not limited to: (i) aircraft type, speed, weight; (ii) weather; (iii) traffic volume; (iv) instrument equipage; (v) flight crew technique (i.e., when the turn onto final approach is initiated, and the rate of turn); and (vi) the FAA’s separation or sequencing requirements.

In low-visibility conditions, pilots are directed by the FAA to intercept the ILS at a point approximately seven to ten miles north of JWA. When visibility is clear, however, pilots have the discretion to intercept the ILS at a point closer to the Airport, which can result in more dispersion of aircraft over the community.

Generally speaking, the approach procedures currently in use at JWA can be described as follows:

North Approach: Aircraft arriving from the north approach the Airport from the ocean over Huntington Beach on a path that is parallel to JWA, followed by a 180-degree right turn for a straight-in approach to the runway. This turn can begin anywhere over a wide area starting near South Coast Plaza and extending to the 91 Freeway.

East Approach: Aircraft arriving from the east approach the Airport north of, and perpendicular to, JWA, followed by a left turn for a straight-in approach to the runway. This turn can begin anywhere over a wide area starting near Tustin and extending to the 91 Freeway.

Aircraft turns during the last three to four miles of the final approach in good weather, and within the last six to seven miles during poor weather, are undesirable because they do not allow pilots to establish and maintain a stabilized approach.

Arrival procedures for JWA have been established to provide for appropriate alignment with the runway, air traffic patterns in the region, and prevailing wind conditions. (With winds predominantly coming from the ocean, aircraft typically arrive from the north about 95 percent of the time, with slight variations from year to year.) The FAA has advised, and JWA’s independent observations concur, that the arrival paths have been relatively unchanged for many years.

The “55 Freeway” Arrival

While the extended runway centerline crosses the intersection of the 5 Freeway and 55 Freeway, it does not align with the 55 Freeway. Instead, the extended runway centerline is well east of the 55 Freeway. Further, the final approach to JWA, as established by the FAA, is straight (while the alignment of the 55 Freeway is not).

The FAA advises, and the Airport's independent observations confirm, that the alignment of the ILS has been unchanged for decades, and is the only precision approach into JWA. Visual approach paths are less precise and allow the pilot to visually navigate to the runway end. Aircraft navigating visually may over-fly a portion of the 55 Freeway, but there is no requirement for them to do so.

In 2009, in response to an inquiry from a local community group, the FAA concluded that the use of a "55 Freeway" procedure was "not a viable noise mitigation solution and presents several airspace efficiency and safety of flight issues." Further, the FAA indicated that the "[u]se of the Freeway Chartered Visual Approach to Runway 19R may also transfer noise from one community to another." (See February 3, 2009 letter from William Withycombe, Regional Administrator, FAA Western Pacific Region to Richard Nelson, President, Foothill Communities Association immediately following this topical response.)

Generally, the FAA has discouraged implementation of measures that would result in the shift of noise from one community to another.

Foothill Communities Association's Request for Alternate Arrival Path

In July 2011, the Foothill Communities Association ("FCA") requested that JWA re-engage with the FAA, and the air carriers operating at JWA, regarding a request to identify alternate approaches to the Airport and other measures that could reduce aircraft noise. The FAA responded that its staff has worked closely with JWA and FCA over several years to identify ways to mitigate the noise exposure to residents represented by the FCA. The FAA also emphasized that all parties involved are fully aware of the noise created by aircraft operations at JWA, that all options currently available have been explored, and that the air carriers are complying with all applicable regulations. (See July 28, 2011 letter from William Withycombe, Regional Administrator, FAA Western Pacific Region to Alan Murphy, JWA Airport Director immediately following this topical response.)

Departure Flight Paths – How and Why?

Commercial aircraft, business jets and most high-performance aircraft use Runway 19R for departures from JWA. These aircraft are assigned an initial departure heading straight-out from the runway to a distance of approximately one nautical mile, at which point the aircraft make a 15-degree left turn to generally follow the Newport Back Bay until crossing the coastline, where they either turn left to the east or right to the north or northwest, depending on their destination and route of flight.

This flight path is not an exact path along the ground and a broadening of the flight path may be observed as aircraft depart JWA and proceed toward the coastline and beyond. Variables affecting flight path dispersion and aircraft altitude include, but are not limited to: (i) weather (e.g., winds aloft and temperature, which affect aircraft climb rates); (ii) air traffic volume; (iii) flight crew technique (i.e., when the left turn is initiated, and the rate of turn); (iv) aircraft type, speed, and weight; (v) instrument equipage; and, (vi) the FAA's separation or sequencing requirements.

The flight procedures and paths at JWA are intended to take advantage of the Airport's unique runway configuration and prevailing wind conditions. (With winds predominantly coming from the ocean, aircraft typically depart to the south about 95 percent of the time with slight variations

from year to year. Only during Santa Ana wind conditions does the flow reverse with departures to the north.)

Noise Abatement Departure Procedure (“NADP”) and Advisory Circular (“AC”) 91-53A

In 1993, the FAA issued AC 91-53A in an effort to standardize NADPs. This AC describes acceptable criteria for two safe departure profiles known as the “close-in” and “distant” NADPs. The procedures are based on the proximity of noise sensitive uses, like homes and schools, to the departure end of an airport runway. The AC provides general guidance for departure procedures at all commercial airports, not just JWA. In general, defined aircraft initiate thrust cutback at or above 800 feet above ground level and maintain speed and thrust criteria as described in the procedures to 3,000 feet, or until the aircraft has fully transitioned through its climb configuration. Ultimately, air carriers develop their own AC 91-53A-compliant procedures according to their operational specifications for each aircraft type. The use of NADPs is at the discretion of each air carrier.

Some commercial aircraft operating at JWA do utilize NADPs, which may include a reduction in power on departure. A power cut-back, however, is not and could not be legally required by the County, as the operator of JWA.

Also of note, the commercial aircraft flown in the 1980s were generally noisier than today’s fleet. In the past, those older aircraft had to depart at full power, climb as quickly as possible to gain altitude, and then reduce power until after reaching the coastline in order to meet JWA’s noise limits. The newer, quieter aircraft of today often do not need to execute as deep of a power cut-back, or in some cases *any* power reduction, to meet the Airport’s noise limits.

NEXTGEN, PBN AND RNAV

The Next Generation Air Transportation System (“NextGen”) is the FAA’s plan to modernize the National Airspace System (“NAS”) through 2025. Through NextGen, the FAA is addressing the impact of air traffic growth by increasing NAS capacity and efficiency while simultaneously improving safety, reducing environmental impacts, and increasing user access to the NAS.

To achieve its NextGen goals, FAA is implementing new Performance-Based Navigation (“PBN”) routes and procedures that leverage emerging technologies and aircraft navigation capabilities, which include satellite-based navigation systems that replace the traditional, ground-based systems. The intended result of PBN is more accurate and predictable flight paths.

The two main components of PBN are Area Navigation (“RNAV”) and Required Navigation Performance (“RNP”). RNAV enables aircraft to fly on any desired flight path within the coverage of ground- or space-based navigation aids, or within the limits of the capability of aircraft navigation systems, or a combination of both. By using RNAV, aircraft can adhere to a desired flight path with smaller deviations than traditional technology allows. In order to utilize RNAV procedures, aircraft need onboard systems called Flight Management Systems (“FMS”). The FMS monitors the position, altitude and speed of the aircraft and alerts the flight crew if the requirements are not met during operation. RNP specifies the performance criteria of the navigation equipment in terms of required accuracy.

According to the FAA, implementation of RNAV procedures generally reduces the dispersion or “fanning” of flight paths, but will not result in a single path. Therefore, aircraft flight path dispersion will continue to be noticeable to communities under JWA’s arrival and departure corridors.

NextGen Departure Procedure: RNAV – STREL

The FAA’s current RNAV departure for JWA, known as STREL ONE, was implemented in March 2011. Only those aircraft departing to destinations east of Las Vegas use the STREL procedure, which is about 50 percent of all commercial departures. All other commercial departures utilize the traditional departure procedure described above. Radar flight paths comparing the STREL procedure to the traditional departure procedure, which is still used for about half of JWA’s departures, show that – since STREL was implemented – aircraft using the RNAV departure adhere to the flight path with narrower dispersion than the traditional departure procedure. A fact sheet and flight path information on RNAV departures can be found on JWA’s web site: <http://www.ocair.com/CommunityRelations/FAQ-RNAVDepartureProcedures.aspx>.

NextGen Arrival Procedure: RNAV – KEFFR

The FAA’s planned RNAV arrival procedure, known as KEFFR, is tentatively scheduled for implementation in November 2014. Only aircraft arriving from the east would use KEFFR. According to the FAA, KEFFR is a standard terminal arrival route (“STAR”), which incorporates an optimized profile descent (“OPD”). The primary benefits of an OPD occur when the aircraft begins its descent from cruising altitude and end when the aircraft either levels off for sequencing or is established on the ILS. Once on the ILS, aircraft will continue to operate the same as they do today. Communities that are farther away from the Airport and under the OPD portion of the KEFFR should benefit from a reduction in noise. Communities under or near the ILS are unlikely to experience any noticeable change in noise levels.



U.S. Department
of Transportation
**Federal Aviation
Administration**

FEB 03 2009

Western-Pacific Region
Office of the Regional Administrator

P.O. Box 92007
Los Angeles, CA 90009-2007

Mr. Richard Nelson
President, Foothill Communities Association
P.O. Box 261
Tustin, CA 92781

Dear Mr. Nelson:

This is in response to your letter dated December 6, 2008, in which you requested the Federal Aviation Administration (FAA) to evaluate changes to the Freeway Charted Visual Approach to Runway 19 Right (19R) at John Wayne Airport (SNA) that you proposed. You also asked the FAA to describe the range of authority John Wayne Airport management has with respect to flight operations beyond the boundaries of the airport.

The Freeway Charted Visual Approach to Runway 19R is one of many published approach procedures to SNA. After careful review and analysis, airspace and procedures specialists in the FAA's Air Traffic Organization (ATO) concluded that use of this procedure in the manner envisioned by the Foothill Communities Association (FCA) is not a viable noise mitigation solution and presents several airspace efficiency and safety of flight issues. Use of the procedure in the way suggested by the FCA may require the FAA to alter Visual Flight Rules (VFR) procedures and routes near the airport and may require alteration of Instrument Flight Rules (IFR) en route traffic flows. It may also require the alteration of other arrival and departure procedures at SNA and adjacent airports. In addition, pilots using this approach may need to delay stabilizing the aircraft and configuring it for landing to accommodate the requirements of the approach procedure.

Use of the Freeway Charted Visual Approach to Runway 19R may also transfer noise from one community to another because ground tracks would be changed. Making a change to existing ground tracks is specifically discouraged by the Draft FAA Aviation Noise Abatement Policy 2000. Any changes to existing ground tracks would require an environmental assessment. The current dispersion of arriving aircraft flight tracks should reduce exposure to noise at any one location. Variables affecting flight track dispersion include, but are not limited to, weather, time of day, traffic volume, flight crew technique, aircraft type, and air traffic separation or sequencing requirements.

The FCA also requested that the FAA direct jet arrivals to delay deployment of landing gear. Deployment of landing gear is required for a stabilized approach to the airport. Safe deployment of the landing gear is based on aircraft type and other aircraft performance characteristics. It is also based on air carrier company policy and further determined by the pilot in command on a flight-by-flight basis.

FCA believes that advanced technology may also provide a solution to community noise concerns in the future. Technological innovation has had a positive effect on community noise impacts in recent years. Required Navigation Performance, Continuous Descent Approaches, or visual approaches that utilize Area Navigation (RNAV) may be among those solutions implemented as the technology develops. As these technologies evolve, they may provide an improved means of reducing aircraft noise. Future decisions regarding changes to operational procedures and altitudes currently used by jet arrivals to SNA may require community involvement or public meetings if arrival ground tracks or flight profile changes are proposed, or for actions that may alter the current dispersion of arrival aircraft flight tracks, thereby transferring aircraft noise from one community to another.

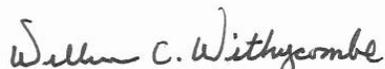
Finally, the ATO reviewed and analyzed historical Runway 19R jet aircraft arrival flight tracks at SNA and concluded that no procedural changes to ground tracks or flight profiles of jet arrivals have been made. Further, the ATO validated that the flight tracks of jet aircraft executing Instrument Landing System (ILS) and visual approaches to Runway 19 Right are within normal operational range, and that these aircraft are descending within normal parameters.

The Draft FAA Aviation Noise Abatement Policy 2000 describes the responsibilities of the FAA and airport proprietors with respect to the regulation of noise. Airport proprietors are primarily responsible for planning and implementing actions designed to reduce the effect of airport-generated noise on residents of the surrounding area. Such actions include, among other things, restrictions on scheduling and operations, establishing noise abatement ground procedures that do not interfere with the safe and efficient movement of aircraft on the ground, and the establishment of voluntary noise abatement procedures for arriving and departing aircraft.

The FAA has the sole authority to establish flight operational procedures and to manage the air traffic control system and navigable airspace in the United States. This includes the design and use of IFR and VFR arrival and departure procedures. FAA requires an environmental assessment for new or revised procedures which would route air traffic over noise-sensitive areas at less than 3,000 feet above ground level (AGL).

This letter addresses each of the concerns you raised in your correspondence. If you desire further information regarding this matter, please contact Mr. Richard G. Cambra, Manager, Executive Operations Staff, at (310) 725-7300.

Sincerely,


William C. Withycombe
Regional Administrator



U.S. Department
of Transportation
**Federal Aviation
Administration**

Western-Pacific Region
Office of the Regional Administrator

P. O. Box 92007
Los Angeles, CA 90009-2007

JUL 28 2011

Mr. Alan L. Murphy
Airport Director
John Wayne Airport
3160 Airway Avenue
Costa Mesa, CA 92626-4608

Dear Mr. Murphy:

Thank you for your letter dated July 5, 2011, regarding the Foothills Community Association (FCA) concerns about noise generated by aircraft on approach to John Wayne Airport.

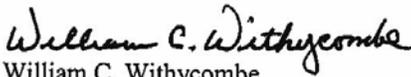
My office has worked closely with the FCA over the last several years to address this issue. We have also worked with staff and management at the Federal Aviation Administration (FAA) Southern California Terminal Radar Approach Control and the John Wayne Airport Traffic Control Tower as well as your staff at the airport to identify ways to mitigate the noise exposure to residents represented by the FCA.

I believe all the parties involved are fully aware of the noise impact created by aircraft operations at John Wayne Airport. I also believe that we have fully explored all the options at our disposal to mitigate the noise generated by aircraft on approach.

After carefully reviewing our previous efforts and the facts surrounding this issue, we have determined that air carriers are complying with all applicable regulations regarding Visual Flight Rules approach procedures at John Wayne Airport. One of FAA's major initiatives, Optimization of Airspace and Procedures in the Metroplex, will consider various types of airspace procedures, including Required Navigation Performance. The stakeholders for this process are the FAA and the users, including John Wayne Airport and the major air carriers. This would be a great opportunity to address the issues raised by FCA. You will be receiving an invitation to this August 2011 kick-off meeting directly from the Metroplex Program Office.

Please contact my office at (310) 725-3550 if you have any questions.

Sincerely,


William C. Withycombe
Regional Administrator

3.2.4 TOPICAL RESPONSE 4: ARRIVAL CORRIDOR NOISE IMPACTS

Several comments were received regarding noise levels and flight paths along the arrival corridor that passes over the City of Tustin, the North Tustin community, the eastern edge of the City of Orange and portions of the City of Villa Park. Arrival flight paths and single event noise levels are directly correlated, with the highest noise levels experienced in the areas nearly underneath the flight paths. This is reflected in the single event noise contours shown in the Draft Environmental Impact Report (“EIR”) Exhibit 4.6-13 from Section 4.6 (Noise). Please refer to Topical Response 3 pertaining to Commercial Aircraft Flight Path Issues for a discussion of the arrival flight paths.

The Proposed Project does not propose any changes to the aircraft flight paths. Single event noise levels from aircraft overflights are not expected to change with the Proposed Project. Implementation of the Proposed Project would, however, result in an increase in the number of aircraft overflights. The number of increased overflights in any one area would be expected to increase over existing conditions proportional to the increase in the number of Average Daily Departures (“ADDs”). It should be noted that the Proposed Project allows for, proportionally, fewer additional Class A aircraft, the noisiest commercial aircraft operating at the Airport, than for the quieter Class E aircraft, which meet the stricter Single Event Noise Exposure Level (“SENEL”) limits at the departure Noise Monitoring Stations (“NMS”) defined in the Settlement Agreement.

Under Phase 3 of the Proposed Project, the number of Class A ADDs will increase up to 95 per day (15 more than existing conditions) and the number of Class E ADDs will increase up to 73 per day (37 more than existing conditions). Note that this is based on the airport operating at the full capacity allowed under Phase 3 of the Proposed Project with the maximum allowable Class A ADDs. However, how the ratio of Class A to Class E ADDs will change in the future is not known as it will be determined by market forces and aircraft technology advances. The number of Class A ADDs could be considerably lower than the maximum allowed. This would allow a larger number of Class E ADDs, which are effectively controlled by the Settlement Agreement’s Million Annual Passenger (“MAP”) limit. Alternatively, the maximum number of Class A ADDs could be reached prior to the MAP limits, which would result in a lower number of Class E ADDs and potentially a higher ratio of Class A to Class E ADDs. However, as the MAP limits are approached in this situation, the ratio of Class A to Class E ADDs approaches the conditions assessed in the Draft EIR and discussed above with the airport operating with the maximum number of Class A ADDs and the maximum MAP allowed under Phase 3 of the Proposed Project.

Exhibit 4.6-13 presents 85 A-weighted decibel (“dBA”) SENEL contours for the most common commercial aircraft operating at the Airport. Along the 85 dBA SENEL contour, maximum aircraft noise levels would be expected to be approximately 75 dBA (SENEL is a measure of the total acoustic energy from a noise event and, for aircraft overflights, is typically approximately 10 decibels [“dB”] greater than the maximum noise level during the event). Higher single event noise exposures are experienced inside the contour, and lower exposures are experienced outside of the contour.

Exhibit 4.6-13 also shows that, for the loudest aircraft, Airbus A300-600 (flown only by Fed Ex at John Wayne Airport [“JWA”]), the 85 dbA SENEL contour extends through the City of Tustin, well north of Interstate (I) 5. The Boeing 737-700 85 dBA SENEL contour extends approximately

½ mile north of I-5. The Boeing 737-800 85 dBA SENEL contour extends approximately 1,000 feet north of I-5, and the Boeing 757 contour extends just to I-5. The Airbus A320 contour stops approximately ½ mile south of I-5. The Bombardier CRJ9 85 dBA SENEL contour does not extend beyond Edinger Avenue. As discussed above, these contours are not expected to change as a result of implementation of any Proposed Project or any alternative.

Noise levels at NMS 10N are representative of the noise levels impacting Tustin and the surrounding area. NMS 10N is located in the northern portion of the City of Tustin, directly in line with the Airport's runway under the Instrument Landing System ("ILS") navigation aid glide slope. Noise levels at NMS 10N are representative of noise levels in the City of Tustin and the Community of North Tustin within a few of decibels. Areas closer to the Airport experience somewhat higher noise levels while areas to the east and west of the arrival path and further from the Airport experience somewhat lower noise levels.

Relevant information regarding single event noise levels measured at NMS 10N is presented in the Draft EIR and in the *Noise Analysis Technical Report* (Appendix C of the Draft EIR). Appendix A of the *Noise Analysis Technical Report* (Appendix C of the Draft EIR) presents average SENEL noise levels measured at the NMS over the past ten years by airline and aircraft type. Figure 14B of the *Noise Analysis Technical Report* presents a histogram of aircraft overflight SENEL noise levels measured at NMS 10N. This Figure shows that the majority of aircraft overflights generate single event noise levels between 81 and 84 dBA with the loudest being approximately 88 dBA. This equates to an approximate maximum outdoor overflight noise level of between 71 and 74 dBA for most events but as high as approximately 78 dBA for some events.

The Time-Above Metric is an indicator of how a single event overflight can impact speech communication. Table 4.6-7 (page 4.6-40) from Section 4.6 (Noise) of the Draft EIR presents the amount of time noise levels are projected to exceed 65 dBA, 77 dBA, and 85 dBA at all of the NMS. Figure 5 of the *Noise Analysis Technical Report* (Appendix C of the Draft EIR) shows how voice communication is affected by background noise. Speech communication is considered to be considerably affected when background noise levels are between 60 and 65 dBA. Figure 5 of the *Noise Analysis Technical Report* shows that communication at the expected voice level is limited to approximately 6 to 8 feet when background levels are between 60 and 65 dBA. Communication becomes difficult at distances greater than 25 to 35 feet. At an ambient noise level of 77 dBA, communication at expected voice levels are limited to approximately 2 feet and communication beyond approximately 7 feet becomes difficult. Voice communication within approximately 35 feet is possible, but difficult at this level of background noise. Outdoor noise levels of 77 dBA and 85 dBA result in interior noise levels that are approximately 65 dBA with windows open and closed, respectively.

Table 4.6-7 (page 4.6-40) in Section 4.6 (Noise) shows that, under existing conditions, aircraft associated with the Airport generate a noise level greater than 65 dBA for a cumulative 17.1 minutes per day at NMS 10N. Therefore, some outdoor speech interference can be expected in the area around NMS 10N. However, this would only occur for several seconds during each overflight event that, cumulatively, result in noise levels exceeding 65 dBA for 17.1 minutes per day.

Table 4.6-7 (page 4.6-40) also shows that modeled aircraft overflight noise levels do not exceed 77 dBA at NMS 10N under existing conditions. An outdoor noise level of 77 dBA results in an interior noise level of approximately 65 dBA for typical residences with open windows.

Therefore, indoor speech communication would not be expected to be substantially interfered with by aircraft noise at NMS 10N, but some outdoor speech interference would be expected. As discussed above, maximum overflight noise levels at NMS 10N can approach and may occasionally exceed 77 dBA. Further, as discussed above, aircraft noise levels in areas in the City of Tustin that are located closer to the Airport will experience somewhat higher noise levels than at NMS 10N. Therefore, these homes likely experience some aircraft overflight events with outdoor noise levels exceeding 77 dBA and experience communication interference. There is no reason to expect that speech communication interference would occur in a structure in this area with windows closed.

Table 4.6-23 (page 4.6-82) in Section 4.6 (Noise) shows that, under Phase 3 of the Proposed Project, the time above 65 dBA is projected to increase 6.1 minutes at NMS 10N to 23.2 minutes per day. The table also shows that 3.1 minutes of this increase is anticipated to occur under the No Project Conditions. Therefore, the Proposed Project results in a 3 minute per day increase in the time above 65 dBA, which is 15 percent over future conditions without the Project.

Table 4.6-24 (page 4.6-83) in Section 4.6 (Noise) shows that the Proposed Project would not result in an anticipated increase in the time above 77 dBA at NMS 10N. As previously indicated none of the phases of the Proposed Project would result in time above 77 dBA at NMS 10N. Homes in Tustin located closer to the Airport that currently do experience overflights with noise levels greater than 77 dBA would be expected to experience an increase in time above 77 dBA approximately proportional to the increase in time above 65 dBA at NMS 10N. For example, implementation of the Proposed Project would be expected to result in an approximate 36 percent increase in the time above 77 dBA.

The Significance Thresholds adopted by the County and the Federal Aviation Administration (“FAA”) are based on the Community Noise Equivalent Level (“CNEL”) noise metric. CNEL is a measure of the average daily noise exposure which takes into account aircraft single event noise levels along with the number of aircraft events and the time of day these events occur. Under the CNEL noise metric, the specific arrival paths of aircraft are less important than the distribution of these paths because it is a measure of the daily average noise exposure. Research has found that annoyance is best correlated with CNEL noise levels and that SENEL levels are not well correlated with annoyance.

Table 4.6-5 (page 4.6-39) of the Draft EIR presents the annual CNEL noise levels measured at each of the NMS, including NMS 10N, each year between 2001 and 2012. This shows that between 2001 and 2007, the CNEL level at NMS 10N was 57.1 dB CNEL except for 2 years where it was within 0.2 dB of this value. Since 2007, the noise level at NMS 10N has decreased slightly each year with almost a 2 dB reduction between 2007 and 2012. It should be noted that this decrease is minor and would not be expected to be noticed by most people. Table 4.6-4 (page 4.6-34) in Section 4.6 (Noise) shows that the modeled 2013 CNEL at NMS 10N was 54.1 dB CNEL, more than a decibel lower than measured in 2012. Data published subsequently by the JWA’s Noise and Access Office shows that the measured noise level at NMS 10N was slightly higher at

54.8 dB CNEL.⁵⁰ The modeled 2013 CNEL levels presented in the Draft EIR were based on aircraft operations in the first three quarters of 2013 (i.e., through September).

Table 4.6-9 (page 4.6-46) of the Draft EIR shows that CNEL levels at NMS 10N are approximately 54 dB CNEL currently and that the level with any of the Proposed Project will result in an increase in the CNEL level of slightly more than 1 dB (e.g., 1.2dB). This would effectively return noise levels to those experienced at NMS 10N between 2001 and 2007. The noise levels and increases are less than the County/FAA significance threshold and therefore, while the number of overflight events would increase, their effect on the overall noise environment around NMS 10N is not significant. However, this does not mean that no one would be expected to be highly annoyed at the aircraft noise.

Exhibit 4.6-5 of the Draft EIR shows the percentage of persons expected to be highly annoyed based on their Day-Night Noise Level (“DNL”) noise exposure (DNL is nearly equivalent to CNEL). The exhibit shows that in between 55 and 57 dB L_{dn}, between 2 and 4 percent of the population would be expected to be highly annoyed. The field data shown in the exhibit shows that the annoyance level is much higher than this in many cases. Based on the 2010 census, there are 75,540 persons living in the City of Tustin. Therefore, between 1,500 and 3,000 residents would be expected to be highly annoyed by the aircraft noise. The City, County, and FAA residential outdoor noise standard of 65 dB CNEL allows for up to approximately 10 percent of persons to be highly annoyed. This standard was adopted knowing that it would result in a small percentage of the population being highly annoyed by the noise. Exhibit 4.6-5 shows that noise exposures would need to be less than 40 dB L_{dn} for the percentage of highly annoyed to approach 0 percent. However, noise levels in developed areas away from major noise sources (e.g., an airport or high traffic volume roadway) are typically in the 45 dB CNEL to 55 dB CNEL range. Reducing the number of persons highly annoyed by noise to zero is not feasible.

3.2.5 TOPICAL RESPONSE 5: EFFECTS ON PROPERTY VALUES

A number of commenters addressed the Project’s potential economic impacts on the fair market value of their property. As discussed below, this is not an issue requiring analysis under the California Environmental Quality Act (“CEQA”). Moreover, it is unlikely that the Project would cause any significant adverse impact on residential property values.

CEQA REQUIREMENTS

CEQA (Section 21080(e)), the State CEQA Guidelines (e.g., Sections 15064(e) and 15131), and established case law in California interpreting CEQA have made it clear that CEQA does not require analysis of a project’s potential effects that do not result, directly or indirectly, in a “physical change” to the environment. Indeed, noting that CEQA does not require analysis of impacts that are solely economic in nature, California courts have held CEQA is not intended to protect against depreciation in the value of property in the vicinity of a public project. (e.g., *Porterville Citizens for Responsible Hillside Development v. City of Porterville* (2007) 157 Cal.App.4th 885; *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099.)

⁵⁰ John Wayne Airport (JWA). 2014b. *Noise Abatement Program Quarterly Report for the Period: October 1, 2013 through December 31, 2013*. Costa Mesa, CA: JWA. <http://www.ocair.com/reportspublications/AccessNoise/noiseabatementquarterly/2013/na2013-q4.pdf>.

PROPERTY VALUE STUDIES

Researchers have conducted numerous “valuation” studies in areas around airports in the United States and elsewhere in the world. However, understanding the applicability of these studies is complex because it is extremely difficult to isolate airport noise (or even airport proximity) as the causative factor in any conclusions regarding effects on value. Rather, the noise level at a given property location becomes one of many property features and amenities (e.g., number of rooms, crime rate, schools) that make up the total value of that property. Some of the studies make little or no attempt to normalize the data for property-specific factors. And, even when an “appraisal” approach to valuation is performed, it is still difficult to isolate aircraft noise or proximity to an airport as the causative effect except when noise levels substantially exceed the noise levels projected for residential areas near an airport.

The following is a summary of two reports that focus on this issue. The first summarizes multiple studies conducted at various airports. Some of the studies included in that analysis were conducted at airports substantially larger than John Wayne Airport (e.g., Chicago’s O’Hare International Airport). This provides a broader overview of studies conducted on this issue. The second study was conducted in Orange County as part of the analysis for the then-proposed airport at the former El Toro Marine Corps Air Station.

Airport Cooperative Research Program Study

The Airport Cooperative Research Program (“ACRP”) develops near-term practical solutions to problems faced by airport operators. ACRP is managed by the Transportation Research Board (“TRB”) of the National Academies and sponsored by the Federal Aviation Administration (“FAA”). The TRB commissioned a continuing project, “Synthesis of Information Related to Airport Practices,” which is used to search for and synthesize useful knowledge from all available sources; concise, documented reports on specific topics related to airport practices have been prepared as part of this program.

In September 2008, “Synthesis 9: Effects of Aircraft Noise: Research Update on Selected Topics” was released by the ACRP.⁵¹ The purpose of the synthesis was to update and complement the U.S. Federal Highway Administrations’ 1985 “Aviation Noise Effects” report because, in the decades since the 1985 study was first published, much had changed in the understanding of this complex issue, including increased air travel; new and quieter aircraft; increased awareness of land use planning and aviation noise; and mitigation of previously incompatible land uses. Knowledge of the effects of aviation noise also changed, including knowledge advancements in the areas of health effects, annoyance, sleep disturbance, and potential effects on children’s learning abilities in school.

In summary, the 2008 synthesis report concluded that “the studies of the effects of aviation noise on property values are highly complex owing to the differences in methodologies, airport/community environments, market conditions, and demand variables involved.”⁵² The following list includes conclusions of the studies summarized in the 2008 synthesis report:

⁵¹ Transportation Research Board of the National Academies (TRB). 2008. *ACRP Synthesis 9: Effects of Aircraft Noise: Research Update on Selected Topics, A Synthesis of Airport Practice*. Washington, D. C.: TRB.

⁵² Ibid.

- While most studies concluded that aviation noise effects on property value range from some negative impacts to significant impacts, some studies combined airport noise and proximity and concluded that the net effect on property value was positive.
- Prospective homeowners were at times not well-informed about the aircraft noise levels at the property of interest and this lack of information often led to high bid prices and possible disappointment after purchase.
- Homeowners that came to their location when the location was quiet and later were exposed to aircraft noise bore the greatest burden of aviation noise. However, once noise levels stabilized, the property value adjusted owing to the effects of noise and subsequent homeowners were not adversely affected.
- Those that acquired their property aware of the existing noise exposure were compensated for the existing noise exposure when they willingly purchased properties that sold at a market-discounted price. This has led to the description of aircraft noise as a one-time effect on property value.

Orange County Business Council Study

The Orange County real estate industry, in partnership with the Orange County Business Council, commissioned a fact-based study in February 2000 to objectively examine the impact a proposed commercial airport at the closed El Toro Marine Corps Air Station could have on residential property values. Study participants included the Orange County Business Council, the Orange Coast Association of Realtors, and the Pacific West Association of Realtors. The study, which was discussed in Final EIR 573, looked at the experience of more than 20 other communities that experienced the actual effects of airport proximity on property values. The study also surveyed the 2,000 most recent home purchasers in Orange County to measure how the proposed El Toro airport affected their home purchase decision. The study concluded that:

- Factors other than the airport were more significant to their home purchase decision.
- The available data, studies, and analysis yielded remarkably similar and stable estimates of the relationship of airports to property values over the previous 25 years.
- Many conditions can impact property values.
- Noise is clearly the most significant airport factor in relation to property values.
- Higher value homes may be more impacted than lower value homes.
- Poor land use planning can exacerbate negative effects while good planning can mitigate negative effects.
- In certain circumstances, the benefits of proximity to an airport tend to cancel out or exceed the noise effects on surrounding property values.⁵³

⁵³ Orange, County of. 2001 (October). *Final Environmental Impact Report No. 573 for the Civilian Reuse of MCAS El Toro and the Airport System Master Plan for John Wayne Airport and the Proposed Orange County International Airport* (SCH No. 98101053). Santa Ana, CA: the County.

CONCLUSION

In conclusion, property values are not an environmental topic that requires analysis under CEQA. These concerns reflect socioeconomic rather than environmental values. The EIR is an environmental document prepared in accordance with CEQA. Pursuant to Section 15131 of the State CEQA Guidelines, the economic or social effects of a project shall not be treated as significant effects on the environment.

An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes, which in turn may result in physical changes. If it were determined that a project's social and/or economic effects would cause physical changes to the environment, the EIR would provide an analysis on the physical changes. In the case of the Proposed Project, however, it is not reasonably foreseeable that economic or social effects would cause potentially significant adverse physical environmental changes.

3.2.6 TOPICAL RESPONSE 6: QUALITY OF LIFE

CEQA does not define the phrase "quality of life." Rather, CEQA requires that the physical effects of a project be examined and disclosed; CEQA does not prescribe how those effects combine to influence "quality of life."

That being said, the physical environment is an important component of an individual's perception of the overall positive or negative quality of his or her life. There also are many potential components other than the physical environment (e.g., personal health, employment, commute length, income, and accessibility of services) that contribute to an individual's perception of the quality of his or her life. The relative importance of the various elements of the physical environment varies by individual.

The specific physical effects anticipated to occur with development of the Project are addressed in the Draft EIR. Those topical areas with the greatest potential to affect quality of life are discussed in Section 4 of the Draft EIR. This section of the Draft EIR addresses ten topical areas including, but not limited to, air quality, noise, and traffic, all of which would be contributors to one's perception of quality of life. Therefore, to the extent that the physical effects are perceived as affecting one's quality of life, the information required under CEQA is provided in the Draft EIR. The evaluation of how these impacts combine to affect one's "quality of life" is an interpretive matter not addressed under CEQA.

Though "quality of life" is not a CEQA topic, this concern was incorporated into the Project Objectives. The second Project Objective reads: "To reasonably protect the environmental interests and concerns of persons residing in the vicinity of the JWA, including their concerns regarding 'quality of life' issues arising from the operation of JWA, including but not limited to noise and traffic" (See Section 3.3 of the Draft EIR for the complete listing of Project Objectives). As part of the decision-making process, the Board of Supervisors will consider not only the environmental impacts addressed in the Draft EIR, but how well the Proposed Project meets the Project Objectives.

Section 15021 of the State CEQA Guidelines states that "CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors . . ." Whenever

an agency approves a project that would have significant unavoidable impacts, the rationale for approving the project is outlined in the statement of overriding considerations. It is through this process that balancing of competing Project Objectives is conducted.

3.2.7 TOPICAL RESPONSE 7: PART 161 AND THE CHALLENGE OF AIRPORT ACCESS RESTRICTIONS FOR NOISE CONTROL

Part 161 of the Federal Aviation Regulations, formally titled “Notice and Approval of Airport Noise and Access Restrictions,” was promulgated as a result of the *Airport Noise and Capacity Act* (“ANCA”) enacted by Congress in 1990. The purpose of ANCA is to limit the ability of airports to restrict access based on noise in exchange for the “phase-out” of noisier Stage 2 aircraft⁵⁴ (over 75,000 pounds) by the year 2000.

ANCA and its implementing regulations, Part 161, impose onerous requirements on airports that must be satisfied prior to implementing certain types of noise-based restrictions. ANCA and Part 161 broadly apply to any “noise or access restriction,” which includes, for example, the following: (a) airports attempting to impose restrictions on Stage 2 aircraft operations proposed after October 1, 1990; (b) airports seeking to impose restrictions on Stage 3 aircraft⁵⁵ operations that became effective after October 1, 1990; and, (c) airports attempting to amend airport noise and access restrictions that were in effect on October 1, 1990, but were amended after that date, where the amendment reduces or limits aircraft operations or affects aircraft safety. Airports that adopt noise or access restrictions that otherwise are preempted and unauthorized by ANCA and Part 161 may lose, among other things: (i) their eligibility for Airport Improvement Program (“AIP”) grants, and (ii) the authority to impose and use Passenger Facility Charges.

Specifically, Part 161 defines noise or access restrictions as follows:⁵⁶

Noise or access restrictions means restrictions (including but not limited to any regulation, provisions of ordinances and leases or other mandatory restriction or requirement) affecting access or noise that affect the operations of Stage 2 or Stage 3 aircraft, such as limits on the noise generated on either a single-event or cumulative basis; a limit, direct or indirect, on the total number of Stage 2 or Stage 3 aircraft operations; a noise budget or noise allocation program that includes Stage 2 or Stage 3 aircraft; a restriction imposing limits on hours of operations; a program of airport-use charges that has the direct or indirect effect of controlling airport noise; and any other limit on Stage 2 or Stage 3 aircraft that has the effect of controlling airport noise. This definition does not include peak-period pricing programs where the objective is to align the number of aircraft operations with airport capacity.

⁵⁴ Stage number is an FAA system used to determine and certify the noise level of an aircraft based on weight and number of engines. Aircraft noise levels are certified as Stage 2, 3, or 4. Any aircraft that predates this system and was never tested and certified is classified as Stage 1. Stage 2 includes aircraft such as the B-727, B-737-200, and the DC-9. Stage 2 aircraft were required by law to be modified with “hush kits” to meet Stage 3 noise levels or phased out of service by January 1, 2000. Stage 2 aircraft were phased out of JWA in the late 1990s

⁵⁵ Stage 3 aircraft are, on average, about 10 decibels (“dB”) quieter than a comparably-sized Stage 2 aircraft. These aircraft include the Boeing 737-800, 757 and 767; the Airbus 320; and the MD 80/90.

⁵⁶ 14 C.F.R. §161.5.

Part 161 expressly does not apply to the following types of aeronautical procedures:⁵⁷

Aircraft operational procedures that must be submitted for adoption by the FAA, such as preferential runway use, noise abatement approach and departure procedures and profiles, and flight tracks, are not subject to this part. Other noise abatement procedures, such as taxiing and engine runups, are not subject to this part unless the procedures imposed limit the total number of Stage 2 or Stage 3 aircraft operations, or limit the hours of Stage 2 or Stage 3 aircraft operations, at the airport.

There are two ways for an airport to impose a restriction affecting Stage 3 aircraft: (1) obtain the agreement of all airport users (including all “new entrants”) affected by the proposed restriction or (2) submit an application and obtain FAA approval. Both mechanisms present significant procedural and substantive challenges. Specifically, the FAA will approve a Stage 3 aircraft restriction only if it makes six (6) specific findings based on the airport’s application to impose a restriction as provided below, and determines that the airport has completed any environmental documentation that may be required under the National Environmental Policy Act (“NEPA”). The complete text of the six regulatory conditions that must be met in a Part 161 application are provided in the discussion below.

In order to facilitate the FAA’s review of the application, any airport proposing a noise or access restriction on Stage 3 operations must prepare and make available for public comment an analysis that demonstrates, based on substantial evidence, that the six (6) regulatory conditions (listed below) for approval have been met for each restriction and any alternatives submitted. In addition, the airport must demonstrate, through a cost-benefit analysis, that the benefit of the proposed restriction exceeds the cost. The benefits must be expressed in dollars and then compared to the cost to the aircraft operators of implementing the restriction(s). In other words, any noise benefits projected to result from the restrictions must be expressed in terms of dollars and must be compared to costs borne by the affected air carriers (e.g., acquisition of new aircraft, fuel associated with longer flight routes).

Additionally, the FAA has considerable discretion to disapprove an application on a variety of grounds and has disapproved them consistently since the advent of the statute almost 25 years ago. Indeed, the framework established by ANCA and Part 161 for Stage 3 restrictions make it abundantly clear that the FAA will approve a restriction on Stage 3 aircraft only in exceptional circumstances. This is consistent with Congress’ intent when enacting ANCA to protect Stage 3 aircraft. While some airports have attempted to complete the full analysis required by Part 161, few have completed it and most view the prospect for FAA approval of any restriction on Stage 3 operations as practically impossible.

⁵⁷ 14 C.F.R. §161.7(a).

PART 161'S SIX REGULATORY CONDITIONS (14 C.F.R. §161.305)

*Condition 1: The restriction is reasonable, nonarbitrary, and nondiscriminatory.*⁵⁸

(A) Essential information needed to demonstrate this condition includes the following:

(1) Evidence that a current or projected noise or access problem exists, and that the proposed action(s) could relieve the problem, including:

(i) A detailed description of the problem precipitating the proposed restriction with relevant background information on factors contributing to the proposal and any court-ordered action or estimated liability concerns; a description of any noise agreements or noise or access restrictions currently in effect at the airport; and measures taken to achieve land-use compatibility, such as controls or restrictions on land use in the vicinity of the airport and measures carried out in response to 14 CFR part 150; and actions taken to comply with grant assurances requiring that:

(A) Airport development projects be reasonably consistent with plans of public agencies that are authorized to plan for the development of the area around the airport; and

(B) The sponsor give fair consideration to the interests of communities in or near where the project may be located; take appropriate action, including the adoption of zoning laws, to the extent reasonable, to restrict the use of land near the airport to activities and purposes compatible with normal airport operations; and not cause or permit any change in land use, within its jurisdiction, that will reduce the compatibility (with respect to the airport) of any noise compatibility program measures upon which federal funds have been expended.

(ii) An analysis of the estimated noise impact of aircraft operations with and without the proposed restriction for the year the restriction is expected to be implemented, for a forecast timeframe after implementation, and for any other years critical to understanding the noise impact of the proposed restriction. The analysis of noise impact with and without the proposed restriction including:

(A) Maps of the airport noise study area overlaid with noise contours as specified in §§161.9 and 161.11 of this part;

(B) The number of people and the noncompatible land uses within the airport noise study area with and without the proposed restriction for each year the noise restriction is analyzed;

(C) Technical data supporting the noise impact analysis, including the classes of aircraft, fleet mix, runway use percentage, and day/night breakout of operations; and

⁵⁸ 14 C.F.R. §161.305(e)(2)(i).

(D) Data on current and projected airport activity that would exist in the absence of the proposed restriction.

(2) Evidence that other available remedies are infeasible or would be less cost-effective, including descriptions of any alternative aircraft restrictions that have been considered and rejected, and the reasons for the rejection; and of any land use or other nonaircraft controls or restrictions that have been considered and rejected, including those proposed under 14 CFR part 150 and not implemented, and the reasons for the rejection or failure to implement.

(3) Evidence that the noise or access standards are the same for all aviation user classes or that the differences are justified, such as:

(i) A description of the relationship of the effect of the proposed restriction on airport users (by aviation user class); and

(ii) The noise attributable to these users in the absence of the proposed restriction.

(B) At the applicant's discretion, information may also be submitted as follows:

(1) Evidence not submitted under paragraph (e)(2)(ii)(A) of this section (Condition 2) that there is a reasonable chance that expected benefits will equal or exceed expected cost; for example, comparative economic analyses of the costs and benefits of the proposed restriction and aircraft and nonaircraft alternative measures. For detailed elements of analysis, see paragraph (e)(2)(ii)(A) of this section.

(2) Evidence not submitted under paragraph (e)(2)(ii)(A) of this section that the level of any noise-based fees that may be imposed reflects the cost of mitigating noise impacts produced by the aircraft, or that the fees are reasonably related to the intended level of noise impact mitigation.

*Condition 2: The restriction does not create an unreasonable burden on interstate or foreign commerce.*⁵⁹

(A) Essential information needed to demonstrate this statutory condition includes:

(1) Evidence, based on a cost-benefit analysis, that the estimated potential benefits of the restriction have a reasonable chance to exceed the estimated potential cost of the adverse effects on interstate and foreign commerce. In preparing the economic analysis required by this section, the applicant shall use currently accepted economic methodology, specify the methods used and assumptions underlying the analysis, and consider:

(i) The effect of the proposed restriction on operations of aircraft by aviation user class (and for air carriers, the number of operations of aircraft by carrier), and on the volume of passengers and cargo for the year the restriction is expected to be implemented and for the forecast timeframe.

⁵⁹ 14 C.F.R. §161.305(e)(2)(ii).

(ii) The estimated costs of the proposed restriction and alternative nonaircraft restrictions including the following, as appropriate:

- (A) Any additional cost of continuing aircraft operations under the restriction, including reasonably available information concerning any net capital costs of acquiring or retrofitting aircraft (net of salvage value and operating efficiencies) by aviation user class; and any incremental recurring costs;
- (B) Costs associated with altered or discontinued aircraft operations, such as reasonably available information concerning loss to carriers of operating profits; decreases in passenger and shipper consumer surplus by aviation user class; loss in profits associated with other airport services or other entities; and/or any significant economic effect on parties other than aviation users.
- (C) Costs associated with implementing nonaircraft restrictions or nonaircraft components of restrictions, such as reasonably available information concerning estimates of capital costs for real property, including redevelopment, soundproofing, noise easements, and purchase of property interests; and estimates of associated incremental recurring costs; or an explanation of the legal or other impediments to implementing such restrictions.
- (D) Estimated benefits of the proposed restriction and alternative restrictions that consider, as appropriate, anticipated increase in real estate values and future construction cost (such as sound insulation) savings; anticipated increase in airport revenues; quantification of the noise benefits, such as number of people removed from noise contours and improved work force and/or educational productivity, if any; valuation of positive safety effects, if any; and/or other qualitative benefits, including improvements in quality of life.

(B) At the applicant's discretion, information may also be submitted as follows:

- (1) Evidence that the affected carriers have a reasonable chance to continue service at the airport or at other points in the national airport system.
- (2) Evidence that other air carriers are able to provide adequate service to the airport and other points in the system without diminishing competition.
- (3) Evidence that comparable services or facilities are available at another airport controlled by the airport operator in the market area, including services available at other airports.
- (4) Evidence that alternative transportation service can be attained through other means of transportation.
- (5) Information on the absence of adverse evidence or adverse comments with respect to undue burden in the notice process required in §161.303, or alternatively in §161.321, of this part as evidence that there is no undue burden.

Condition 3: The proposed restriction maintains safe and efficient use of the navigable airspace.⁶⁰

Essential information needed to demonstrate this statutory condition includes evidence that the proposed restriction maintains safe and efficient use of the navigable airspace based upon:

- (A) Identification of airspace and obstacles to navigation in the vicinity of the airport; and
- (B) An analysis of the effects of the proposed restriction with respect to use of airspace in the vicinity of the airport, substantiating that the restriction maintains or enhances safe and efficient use of the navigable airspace. The analysis shall include a description of the methods and data used.

Condition 4: The proposed restriction does not conflict with any existing Federal law or regulation.⁶¹

Essential information needed to demonstrate this condition includes evidence demonstrating that no conflict is presented between the proposed restriction and any existing Federal statute or regulation, including those governing:

- (A) Exclusive rights;
- (B) Control of aircraft operations; and
- (C) Existing Federal grant agreements.

Condition 5: The applicant has provided adequate opportunity for public comment on the proposed restriction.⁶²

Prior to submitting an application to the FAA, the Airport must notify interested and affected parties of the proposed rule and invite public comment. Essential information needed to demonstrate this condition includes evidence that there has been adequate opportunity for public comment on the restriction as specified in §161.303 or §161.321 of this part.

Condition 6: The proposed restriction does not create an undue burden on the national aviation system.⁶³

Essential information needed to demonstrate this condition includes evidence that the proposed restriction does not create an undue burden on the national aviation system such as:

- (A) An analysis demonstrating that the proposed restriction does not have a substantial adverse effect on existing or planned airport system capacity, on observed or forecast airport system congestion and aircraft delay, and on airspace system capacity or workload;
- (B) An analysis demonstrating that nonaircraft alternative measures to achieve the same goals as the proposed subject restrictions are inappropriate;

⁶⁰ 14 C.F.R. §161.305(e)(2)(iii).

⁶¹ 14 C.F.R. §161.305(e)(2)(iv).

⁶² 14 C.F.R. §161.305(e)(2)(v).

⁶³ 14 C.F.R. §161.305(e)(2)(vi).

(C) The absence of comments with respect to imposition of an undue burden on the national aviation system in response to the notice required in §161.303 or §161.321.

3.3 COMMENT LETTERS RECEIVED FROM AGENCIES

Comments were received from 11 public agencies. The comment letters are organized with State agencies first, followed by local agencies. Comments were received from the following agencies:

STATE AGENCIES

California Department of Transportation (Caltrans)

Native American Heritage Commission

State Clearinghouse

LOCAL AGENCIES

City of Costa Mesa

City of Irvine

City of Laguna Beach

City of Orange

City of Rancho Santa Margarita

City of Santa Ana

City of Tustin

City of Villa Park

3.3.1 RESPONSES TO STATE AGENCIES

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 12
3347 MICHELSON DRIVE, SUITE 100
IRVINE, CA 92612-8894
PHONE (949) 724-2086
FAX (949) 724-2592
TTY 711
www.dot.ca.gov



*Serious drought.
Help save water!*

July 7, 2014

Ms. Lea Choum
County of Orange/John Wayne Airport
3160 Airway Avenue
Costa Mesa, CA. 92626

File: IGR/CEQA
SCH#: 2001111135
Log #: 955 I
I-405, SR- 73

Dear Ms. Choum:

Thank you for the opportunity to review and comment on **Draft Environmental Impact Report for the John Wayne Airport Settlement Agreement**. This EIR has been prepared to address the potential environmental impacts associated with contemplated amendments to the terms and conditions of the Stipulation for Entry of Final Judgment by Certain Settling Parties that resolved the litigation entitled *County of Orange v. AirCal*. (USDC Case No. CV 85-1542 TJH [MCx]) (Settlement Agreement 1985).

The Project would be implemented at John Wayne Airport, Orange County ("JWA" or "the Airport") in an unincorporated area of the County. Although the Airport encompasses approximately 504 acres, the aviation activities at JWA are located on approximately 400 acres. The site is south of Interstate ("I") 405, north of State Route ("SR") 73, west of MacArthur Boulevard, and east of Red Hill Avenue. The Airport property, owned by the County of Orange, includes the airfield; the terminal; maintenance buildings; surface level and parking structures; the administrative building; property leased for aviation support uses; and a portion of the Newport Beach Golf Course. The Project area is surrounded by the cities of Newport Beach, Irvine, and Costa Mesa, as well as several unincorporated County islands.

The signatories have identified the following Project objectives:

1. To modify some existing restrictions on aircraft operations at JWA in order to provide increased air transportation opportunities to the air-traveling public using the Airport without adversely affecting aircraft safety, recognizing that aviation noise management is crucial to continued increases in JWA's capacity.
2. To reasonably protect the environmental interests and concerns of persons residing in the vicinity of JWA, including their concerns regarding "quality of life" issues arising from the operation of JWA, including but not limited to noise and traffic.

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

Ms. Lea Choum
June 30, 2014
Page 2

3. To preserve, protect, and continue to implement the important restrictions established by the 1985 Settlement Agreement, which were “grandfathered” under the Airport Noise and Capacity Act”) of 1990 (“ANCA”) and reflect and accommodate historical policy decisions of the Orange County Board of Supervisors regarding the appropriate point of balance between the competing interests of the air transportation and aviation community and local residents living in the vicinity of the Airport.

4. To provide a reasonable level of certainty to the following regarding the level of permitted aviation activity at JWA for a defined future period of time: surrounding local communities; Airport users (particularly scheduled commercial users); and the air-traveling public.

5. To consider revisions to the regulatory operational restrictions at JWA in light of the current aviation environment; the current needs of the affected communities; and industry interests represented at JWA.

}
1
cont.

The Department of Transportation (Department) is a commenting agency on this project and has the following comments for your consideration.

1. Table 4.8-6, (CALTRANS INTERSECTION LEVEL OF SERVICE: EXISTING (2013) CONDITIONS) indicates a level of service “C” for both MacArthur Blvd. and Jamboree Rd. Ramps. These ramps are signalized and do not represent the actual demand and flow. Visual observation of these ramps clearly shows a much lower level of service at these locations.

}
2

2. The Threshold 4.8-10, 4.8-11, 4.8-12, and 4.8-13 indicate that the Project- generated trips will cause LOS at all Caltrans study area to be degraded to a LOS “F” regardless of their existing condition.

}
3

3. Table 4.8-13 (CALTRANS INTERSECTION OPERATING AT A DEFICIENT LEVEL OF SERVICE: EXISTING PLUS PROPOSED PROJECT) indicates a LOS “C” for PM peak for both “Existing” and “Existing Plus Proposed Project” which is not an accurate analysis of the current condition.

}
4

4. The “Impact Conclusion” of all three alternatives indicates a “Significant Cumulative Impact” on Caltrans freeway facility.

}
5

5. No specific mitigation program is identified for Caltrans facility being impacted by project alternatives.

}
6

“Provide a safe, sustainable, integrated and efficient transportation system to enhance California’s economy and livability”

Ms. Lea Choum
June 30, 2014
Page 3

- 6. Include ramp intersection analyses at on and off ramps for SR-55 and SR-73 in the report, unless they are justified to be out of study boundary. } 7
- 7. The report only listed freeway facilities that would be adversely impacted by the proposed operational expansion of the airport. Where are the mitigation measures? The report need to identify mitigation measures first and discuss whether they are feasible or not. } 8
- 8. Section 5.1.4.2 (Threshold T-12, Page 68): Please delete “by 2 percent or more, and” from the sentence associated with the Section. Per Caltrans’ Guide for the Preparation of Traffic Impact Studies, any adverse impacts degrading the level of service from acceptable (A, B, C or D) to Unacceptable (E or F) must be mitigated for bringing them back to acceptable levels. } 9

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Aileen Kennedy at (949) 724-2239.

Sincerely,



MAUREEN EL HARAQUE
Branch Chief, Regional-Community-Transit Planning
District 12

c: Jose Hernandez, Traffic Operations South
Saied Hashemi, Traffic Operations North
Scott Morgan, Office of Planning and Research

*“Provide a safe, sustainable, integrated and efficient transportation system
to enhance California’s economy and livability”*

**Responses to Comments Received from the
California Department of Transportation (Caltrans)
Dated: July 7, 2014**

- Response 1:** The comment restates information contained in the Draft Environmental Impact Report ("EIR") pertaining to the Project background, location, and Project objectives and does not raise an environmental issue within the meaning of the California Environmental Quality Act ("CEQA"). Because the comment does not raise an environmental issue, no further response is required.
- Response 2:** The commenter states that the observed conditions at the Interstate 405 ("I-405") ramps at MacArthur Boulevard and Jamboree Road do not match the Level of Service ("LOS") C shown in Table 4.8-6 (page 4.8-15) of the Draft Environmental Impact Report ("EIR"). The LOS results shown in these tables are based on empirical traffic counts collected during peak hour conditions in September of 2013. The analysis also relies on traffic signal timing data obtained from the Caltrans. The LOS results are derived from the Synchro software, which was employed based on the direction of Caltrans in their response to the Notice of Preparation ("NOP"). Documentation and calculations supporting these LOS conclusions for the two subject intersections are provided in Draft EIR Appendix G, Fehr & Peers *John Wayne Airport Transportation Impact Analysis Report* (April 30, 2014) (Transportation Study), Appendix A (Existing Traffic Counts), Appendix B (Existing LOS Results), and Appendix H (With Project LOS Results). Based on this empirical data, the analysis presented in the Draft EIR and the supporting Transportation Study provide an accurate depiction of intersection operations at these locations.
- Response 3:** The comment restates information contained in the Draft EIR pertaining to the level of impact associated with Thresholds 4.8-10 through 4.8-13 and does not raise an environmental issue within the meaning of CEQA. Because the comment does not raise an environmental issue, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.
- Response 4:** The commenter states that the Draft EIR thresholds of significance for Caltrans facilities "indicate that Project-generated trips will cause LOS at all Caltrans study area to be degraded to a LOS "F" regardless of their existing condition." The comment misinterprets the referenced thresholds. Thresholds 4.8-10 and 4.8-12 identify a significant impact to Caltrans facilities if the addition of Project-generated trips causes the LOS to degrade from LOS A, B, C, or D to LOS E or F (see Response 9 below regarding the correction to be made to Threshold 4.8-12). Thresholds 4.8-11 and 4.8-13 apply to Caltrans facilities operating at LOS E or F prior to the addition of Project traffic and identify the Project related increase that would result in a significant impact.
- Response 5:** The comment restates information contained in the Draft EIR pertaining to the finding of a significant cumulative impact on the California Department of Transportation ("Caltrans") facilities and does not raise an environmental issue within the meaning of CEQA. Because the comment does not raise an

environmental issue, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Response 6: The commenter states that no specific mitigation program is identified for Caltrans facilities significantly impacted by the Project and its alternatives.

Significant impacts on Caltrans facilities potentially could be mitigated through two methods. First, mitigation could take the form of physical improvements to increase capacity on those Caltrans facilities that provide access to John Wayne Airport ("JWA"). The second approach would be to moderate any increase in vehicle trips attributable to the Project through the implementation of travel demand management ("TDM") strategies.

Preliminarily, as shown in the Transportation Study (Appendix G of the Draft EIR), under Phase 3 conditions, the Proposed Project would add between 0.0 percent and 2.3 percent additional traffic volume to the Caltrans study area mainline facilities. (See Appendix G, Tables 6-27, 6-28, 6-29, 6-30, 6-31, and 6-32.) The Transportation Study and Draft EIR report that the Proposed Project would result in a significant cumulative impact by increasing traffic volume in the amount of 2.3 percent on a segment of State Route ("SR-") 55 already operating at unacceptable LOS F even before the addition of Project traffic. (See Appendix G, Table 6-30, Northbound SR-55 between the on-ramp from I-405 northbound to the MacArthur Boulevard off-ramp.) As to the Project alternatives, the majority of the identified significant freeway impacts similarly would result from a cumulative condition in that traffic from JWA is added to facilities that would operate at a deficient level of service even without Project traffic. As the Transportation Study tables show, the Project contribution of additional traffic to these segments under each alternative is minimal, ranging between 0 and 5.2 percent. (Appendix G, Tables 7-27, 7-28, 7-29, 7-30, 7-31, 7-32 [Alternative A]; Tables 8-27, 8-28, 8-29, 8-30, 8-31, 8-32 [Alternative B]; Tables 9-27, 9-28, 9-29, 9-30, 9-31, 9-32 [Alternative C]; and Tables 10-27, 10-28, 10-29, 10-30, 10-31, 10-32 [No Project].)

Increased Capacity

Since the impact associated with the Proposed Project occurs on the Northbound SR-55 between the on-ramp from the I-405 northbound to the MacArthur Boulevard off-ramp, Fehr & Peers researched potential mitigation measures that would reduce the identified impact. Reducing this impact to less than significant levels would require the addition of a general purpose travel lane on the identified segment in order to improve operations to an acceptable LOS. Please see Attachment A immediately following the responses to Caltrans' comments. However, this improvement is infeasible for several reasons.

First, the necessary physical improvement is beyond the jurisdiction and control of the County of Orange; improvements to the SR-55 mainline are under the jurisdiction of Caltrans. Second, the necessary improvement is neither planned nor is it even being evaluated in a study of the SR-55 currently being undertaken

by the Orange County Transportation Authority ("OCTA") and Caltrans. Finally, there is no regional funding mechanism available to fund this improvement through the collection of fair-share contributions.

A public agency must mitigate or avoid a significant environmental impact *when feasible* (Pub. Resources Code, §21002.1, subd. (b)). Mitigation of extraterritorial traffic impacts (e.g., mitigation of impacts to Caltrans facilities by the County of Orange) is not feasible where the public agency has no jurisdiction over the impacted roadways, and there is no enforceable plan or program in place to assure the impacted roadways will actually be mitigated. In such a situation, extraterritorial impacts are significant and unavoidable, and the project proponent is not required to provide funding towards improvements. (*Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, 936; see also *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1189 [to be adequate, mitigation fees must be part of a reasonable, enforceable plan of actual mitigation that the relevant agency commits itself to implementing; the plan must be sufficiently tied to the actual mitigation of the traffic impacts at issue]; *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 139 [a commitment to pay fees without any evidence that mitigation will actually occur is inadequate]; *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1121-1122 [a mitigation measure to contribute an equitable share of future improvements is inadequate as Caltrans had no definite commitment on when the improvements would take place]).

As to plans for future improvements, OCTA is currently finalizing a comprehensive study of SR-55 to evaluate potential improvements through the Caltrans Project Approval/Environmental Document process. This study has tentatively identified improvements to the SR-55 that include an additional mainline lane on a limited number of segments and improvements to several interchanges. However, as of August 2014, no additional travel lanes have been proposed for the segment between I-405 and MacArthur Boulevard, which is the segment significantly impacted by the Project and other cumulative traffic. Therefore, the improvement required to mitigate the impact associated with the Proposed Project is not included within the alternatives currently being evaluated. Please see Attachment B immediately following the responses to Caltrans' comments for a description of the alternatives currently being evaluated by OCTA.

Additionally, there is no dedicated funding for the improvements that are being considered. Moreover, while the current *Regional Transportation Plan* indicates that this improvement could be funded in 2035, this would be an insufficient timeframe to address impacts that might occur as early as 2026, and, in the case of the Proposed Project, as early as 2021. Please see Appendix I and J of the Transportation Study (Appendix G to the Draft EIR). Please see Attachment C immediately following the responses to Caltrans' comments for additional information regarding the timing of the SR-55 improvement.

As to I-405, which would be significantly impacted under Alternative C, OCTA currently is evaluating various proposals to improve operations on I-405

throughout the study area. Various concepts have been evaluated including a toll lane, a general use travel lane, or some combination of the two. Regardless of the proposed improvement, it would not provide sufficient capacity to fully mitigate the impacts identified along I-405. Please see Attachment D immediately following the responses to Caltrans' comments for additional information regarding future freeway operations associated with the proposed improvements to I-405. Please see Attachment E immediately following the responses to Caltrans' comments for additional information regarding a description of the current proposals to improve I-405 provided by OCTA.

As to SR-73, which would be significantly impacted under Alternatives B and C, as of August 2014, no improvements are pending for this facility. Please see Attachment F immediately following the responses to Caltrans' comments for a listing of regional projects funded by OCTA through the Measure M2 project. As shown in this listing, there are no pending improvements for any section of SR-73.

Thus, the physical improvements necessary to provide the additional capacity for the Proposed Project would require the addition of general purpose travel lanes and, as of August 2014, no plans identifying such additional lanes are available. While OCTA, Caltrans, and other agencies currently are studying potential improvements to SR-55 through the Caltrans Project Report/Environmental Document process, widening the SR-55 between I-405 and the MacArthur Boulevard off-ramp to add a general purpose travel lane, which is the improvement necessary to mitigate the Proposed Project's identified significant cumulative impact, is not being considered at this time.

Moreover, it would be economically infeasible and undesirable for the County to adopt a mitigation measure requiring the County to remit a fair-share payment to Caltrans in the event that Caltrans, at some point in the future, (i) approves plans to add the necessary general purpose travel lanes to the impacted segment of SR-55, and (ii) adopts a corresponding funding program.

The cost of adding the subject travel lanes would be approximately \$62.5 million. The County's fair-share payment towards this amount would be between \$1.4 and \$21.1 million, depending on the fair-share calculation methodology utilized (i.e., a traditional fair-share methodology, based on the project's contribution relative to *total* traffic, or the Caltrans fair-share methodology, based on the project's contribution relative to the *growth* in traffic). (Please see Attachments G and H immediately following the responses to Caltrans' comments for information regarding the fair-share calculations.) Under either methodology, the \$1.4 - \$21.1 million amount would represent a substantial potential contingent liability that is both economically infeasible and undesirable for the County to carry over an indefinite time period for the following reasons: (a) difficulties in determining whether the future mitigation cost is "probable"; (b) difficulties in estimating when the potential liability may arise; (c) impediments to determining the amount of the potential liability, particularly where, as here, application of two different methodologies results in a dramatically different and broad range of liability (i.e., \$1.4 million - \$21.1 million); (d) desire to avoid budgetary

“surprises” that can impair fiscal sustainability; (e) issues arising over the recording and disclosing of such liabilities; and (f) desire to avoid potential liabilities that may affect credit worthiness.

It also is noted that as Federal Aviation Administration (“FAA”) projections anticipate unconstrained passenger demand at JWA reaching 12.8 Million Annual Passengers (“MAP”) by 2030, limiting the amount of JWA passengers to levels below that amount likely would cause residents of Orange County to divert to other airports in the region to satisfy their travel needs. (Draft EIR, page 4.8-158; Appendix G, page 17.) This diversion of workers and residents to other facilities, such as LAX, Long Beach, or Ontario airports, likely would result in additional travel on the regional roadway system, which could result in additional congestion (Ibid.). As such, by increasing the MAP limit at JWA, the Proposed Project, as well as Alternatives A, B, or C, likely would eliminate the need for a certain number of air passengers to travel to another airport, thereby reducing congestion on the regional freeway system. See also, Response 1 to Leonard Kranser’s June 12, 2014 comment.

Because the improvements necessary to mitigate the identified significant freeway impacts (i.e., providing increased capacity) are beyond the jurisdiction and control of the County, and because the agency with jurisdiction and control over these facilities (i.e., Caltrans) has no present plans to construct the necessary improvements within the timeframe necessary to mitigate the identified significant impacts, nor is there the necessary funding mechanism in place by which the Project could contribute a fair-share even if the necessary improvements were planned, there is no evidence that even with a fair-share payment the necessary improvements would be constructed. As such, mitigation to provide additional capacity to reduce the identified significant cumulative impacts is infeasible.

Transportation Demand Management

As to moderating any increase in vehicle trips attributable to the Proposed Project, potential mitigation could include adoption of a TDM program. However, many traditional TDM strategies are already employed by JWA. As described in the Transportation Study, transit access to JWA is provided by OCTA regional bus routes, Metrolink, and the City of Irvine’s iShuttle. (Appendix G, pages 30-31.) Additionally, one primary TDM strategy is the use of parking charges, which is already utilized. JWA currently charges between \$14 and \$20 per day for passengers to park, which are some of the higher parking charges within the Southern California region. (Please see Appendix F of the Transportation Study for additional information.) Additionally, based on the most recent passenger surveys, there already is a high use of shared use vehicles such as shuttles and taxis at the airport. (Ibid.)

Furthermore, the usefulness of additional TDM strategies beyond those already employed is limited by several factors. JWA is a distinctive facility with specific hours of operation, unique operating characteristics, and one that serves as a regional travel destination. As such, traditional strategies to limit peak hour trips

would be difficult to implement with any degree of success. Vehicular travel to and from the Airport is primarily a function of flight schedules rather than working hours. Since the Airport operates under a curfew, and flight times are established by the airlines not JWA, there are significant limits to the extent to which JWA may control the times during which vehicles travel to and from the Airport. These limitations generally compress the period of time in which vehicle trips occur, which eliminates from availability the commonly used TDM strategy of shifting trips to off-peak hours.

The usefulness of any TDM strategy at JWA is further reduced by the mix of trips associated with the airport operations. Approximately 90 percent of all trips associated with JWA are passenger trips, for which a traditional TDM program would not be applicable. The remaining 10 percent of the trips are generated by employee and delivery vehicles, which potentially could be reduced by application of a TDM program. However, since TDM programs typically reduce vehicular travel at selected locations by approximately 10 percent, the maximum benefit of any TDM program at JWA would be 1 percent, which would be insufficient to mitigate any of the regional traffic impacts.

For these reasons, mitigation to effectively moderate the projected increase in vehicle trips attributable to the Proposed Project and alternatives through the implementation of travel demand strategies is infeasible.

Response 7: The commenter requests that ramp intersection analyses at on- and off-ramps for SR-55 and SR-73 be provided unless justified otherwise. In addition to the ramps evaluated on I-405, the traffic impact analysis includes the ramp locations on SR-55 and SR-73 that were noted to be used as major access routes for Project traffic. Page 28 of the Transportation Study (Draft EIR Appendix G) discusses access to the Airport from regional roadways. This includes locations at: Jamboree Road with access to SR-73 (intersections 12 and 13), Irvine Avenue/Campus Drive with access to SR-73, (intersections 17 and 18), and MacArthur Boulevard with access to SR-55 (Intersection 48). These locations, which were analyzed under all scenarios to determine whether impacts would occur with the addition of Project trips, adequately represent the SR-55 and SR-73 access points that would be affected by Project traffic and the analysis of additional locations was not necessary to provide an accurate analysis.

Response 8: See Response 6

Response 9: The commenter requests that Transportation Study Threshold T-12 (identified as Threshold 4.8-12 in the Draft EIR) be revised to delete the following phrase – "by 2 percent or more, and". In response to the comment, Threshold T-12 (Threshold 4.8-12) has been revised as follows:

The addition of project-generated trips increases the traffic on a freeway mainline, freeway ramp, or merge/diverge section ~~by 2 percent or more, and~~ causes the LOS to degrade from LOS A, B, C, or D to LOS E or F.

In addition, the same revision will be made to corresponding Draft EIR Threshold 4.8-12 in the Draft EIR on pages 1-36, 4.8-23, and 4.8-144.

It should be noted that no new additional direct or cumulative significant impacts were identified under this significance criteria as revised because the freeway mainline, ramp, or merge/diverge sections where the Project would add traffic would all fail regardless of the additional incremental trips associated with the Project. That is, there are no instances in which the addition of Project traffic alone would cause the LOS to degrade from LOS A, B, C, or D to LOS E or F.

Attachment A

Freeway Segment Analysis Summary		
	On Ramp from 405 N to MacArthur Off	On Ramp from 405 N to MacArthur Off (With One Additional General Purpose Lane)
Type	Weave	Weave
Length	2,965	2,965
Volume	5,190	5,190
On Ramp Volume	1,210	1,210
Off Ramp Volume	1,210	1,210
Number of General Purpose Lanes	5	6
Weave Density	26.5	20.8
Notes: Weave density is used as a surrogate measure for freeway speed and improved weave density is indicative of improved speed within freeway segment to acceptable levels		

Attachment B

SR-55 Improvements



SR-55 Corridor Overview

OCTA in cooperation with Caltrans is proposing improvements to the Costa Mesa (SR-55) Freeway between San Diego Freeway (I-405) and Santa Ana Freeway (I-5). The SR-55 corridor serves as a vital link to other major freeway systems within Orange County, such as the Riverside Freeway (SR-91), the Corona Del Mar Freeway (SR-73), I-5 and I-405. The SR-55 also is the only freeway providing a direct north-south connection between central Orange County and the coastal region. This freeway corridor ranks as one of the most heavily congested freeways in Southern California.

Project Description

The existing configuration of SR-55 corridor includes four general purpose lanes and one continuous-access high-occupancy vehicle (HOV) lane in each direction. The SR-55 project proposes to reduce congestion and increase freeway capacity for an existing four-mile stretch of the SR-55 in both the northbound and southbound directions, between I-405 and I-5. OCTA and Caltrans currently are conducting an environmental study which proposes to add new lanes and improve mobility for commuters within Orange County. There are currently four "build" alternatives as well as one "no-build" alternative that are being prepared for project analysis.

- No Build Alternative - The No Build Alternative keeps SR-55 in a status quo condition. This alternative includes no additional lanes or merging lanes.
- Alternative 1: Add Auxiliary Lanes in Each Direction between On- and Off-Ramps - Alternative 1 would add auxiliary lanes (or merging lanes) in each direction on SR-55 between on- and off-ramps.

- **Alternative 2: Add One General Purpose (GP) Lane in Each Direction** - Alternative 2 would add one general purpose lane in each direction on SR-55 from McFadden Avenue to MacArthur Boulevard.
- **Alternative 3: Add Auxiliary Lanes between On- and Off-Ramps and One General Purpose Lane in Each Direction** - Alternative 3 would add auxiliary lanes between on- and off-ramps and one general purpose lane in each direction of SR-55 freeway from McFadden Avenue to MacArthur Boulevard.
- **Alternative 4: Add Auxiliary Lanes between On- and Off-Ramps and one High-Occupancy Vehicle Lane** - Alternative 4 would add auxiliary lanes between on- and off-ramps and one high occupancy vehicle lane in each direction from the northbound and southbound I-405 connector to the northbound I-5 connector.

In addition to SR-55 mainline lane widening, additional improvements would include:

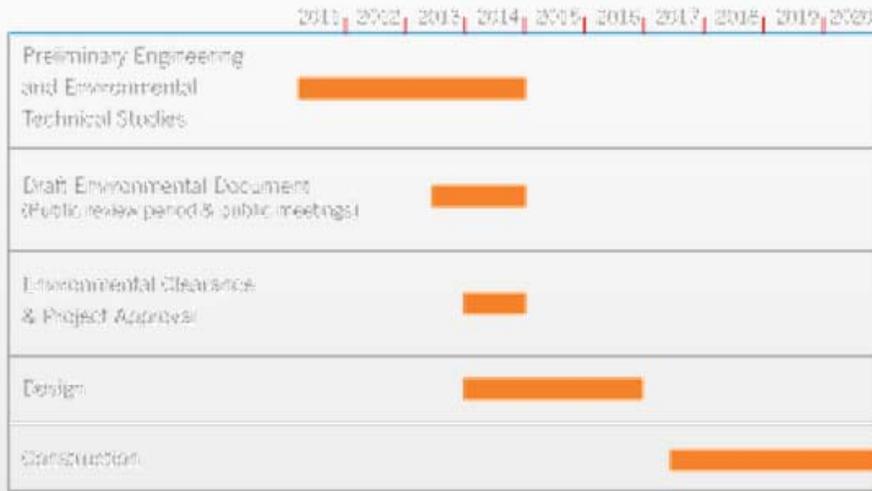
- Standard shoulders for freeway and interchange ramps
- Reconfiguration of various interchange ramps for increased ramp storage capacity
- Additional through and turn lanes at ramp intersections
- Improvements to nearby arterial street intersections affecting interchange operations
- New and replaced structures including railroad overheads
- Upgrades to existing flood channels and a storm drain bypass system

It is planned that a final design and construction of the project will be accomplished through subsequent phases of project delivery.

Community Outreach

The environmental phase will include a public review period. Additional information regarding a public hearing / meeting will be posted online as soon as the dates and locations are available. The project's public hearing is tentatively scheduled for Summer 2014.

Next Steps



Stay Connected

To schedule a presentation or for more information, please contact Sarah Swensson King at sarahking@octa.net.

Source: [http://www.octa.net/Freeways-and-Streets/Costa-Mesa-Freeway-\(SR-55\)/SR-55-Improvements/](http://www.octa.net/Freeways-and-Streets/Costa-Mesa-Freeway-(SR-55)/SR-55-Improvements/)

Attachment D

DRAFT ENVIRONMENTAL IMPACT REPORT/
ENVIRONMENTAL IMPACT STATEMENT

CHAPTER 3 AFFECTED ENVIRONMENT,
ENVIRONMENTAL CONSEQUENCES, AND
AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES

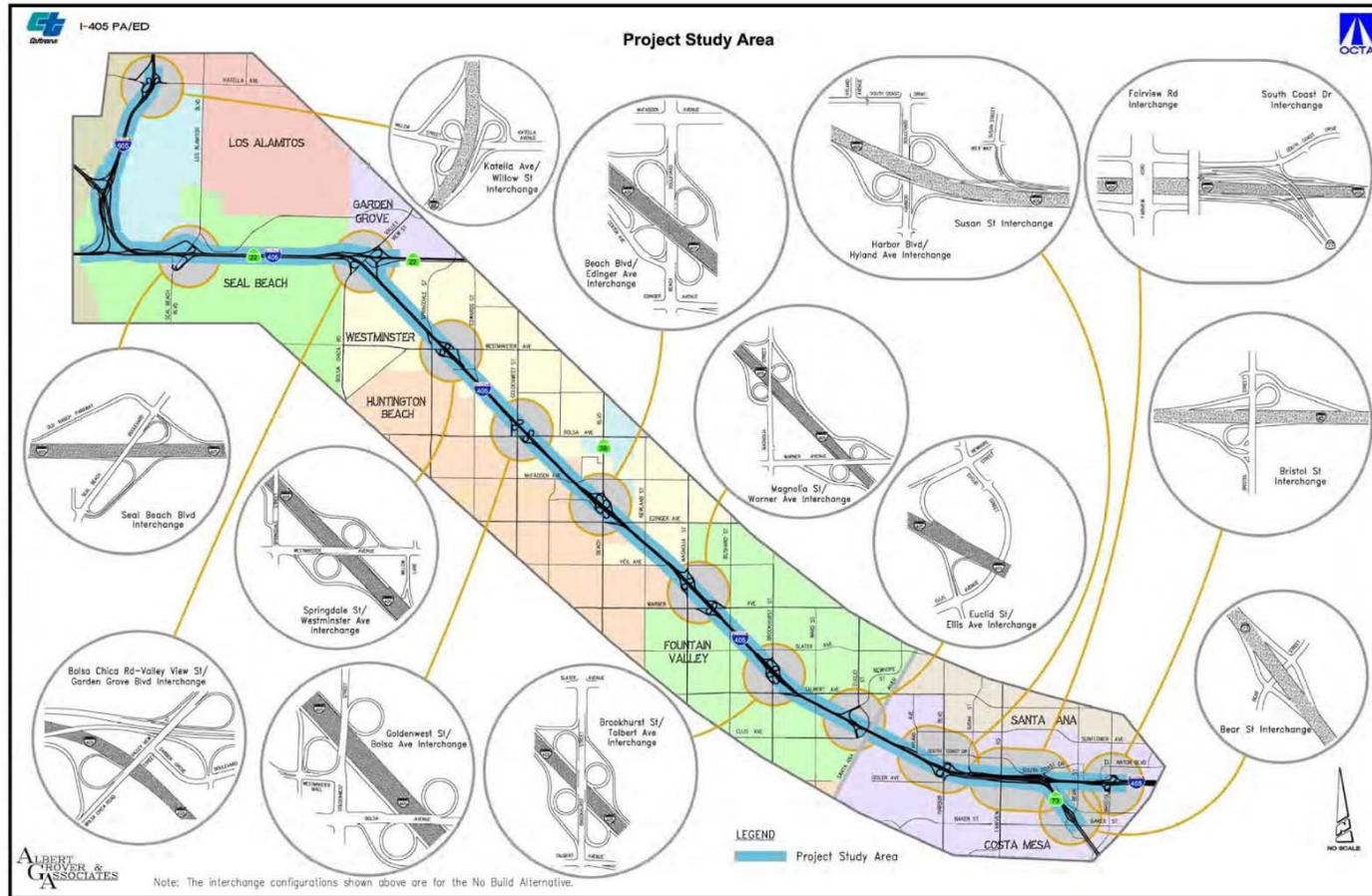


Figure 3.1.6-1: Traffic Study Area

Source: San Diego Freeway (I-405) Improvements Project Draft Environmental Impact Report/Environmental Impact Statement, May 2012.

CHAPTER 3 AFFECTED ENVIRONMENT,
ENVIRONMENTAL CONSEQUENCES, AND
AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES

DRAFT ENVIRONMENTAL IMPACT REPORT/
ENVIRONMENTAL IMPACT STATEMENT

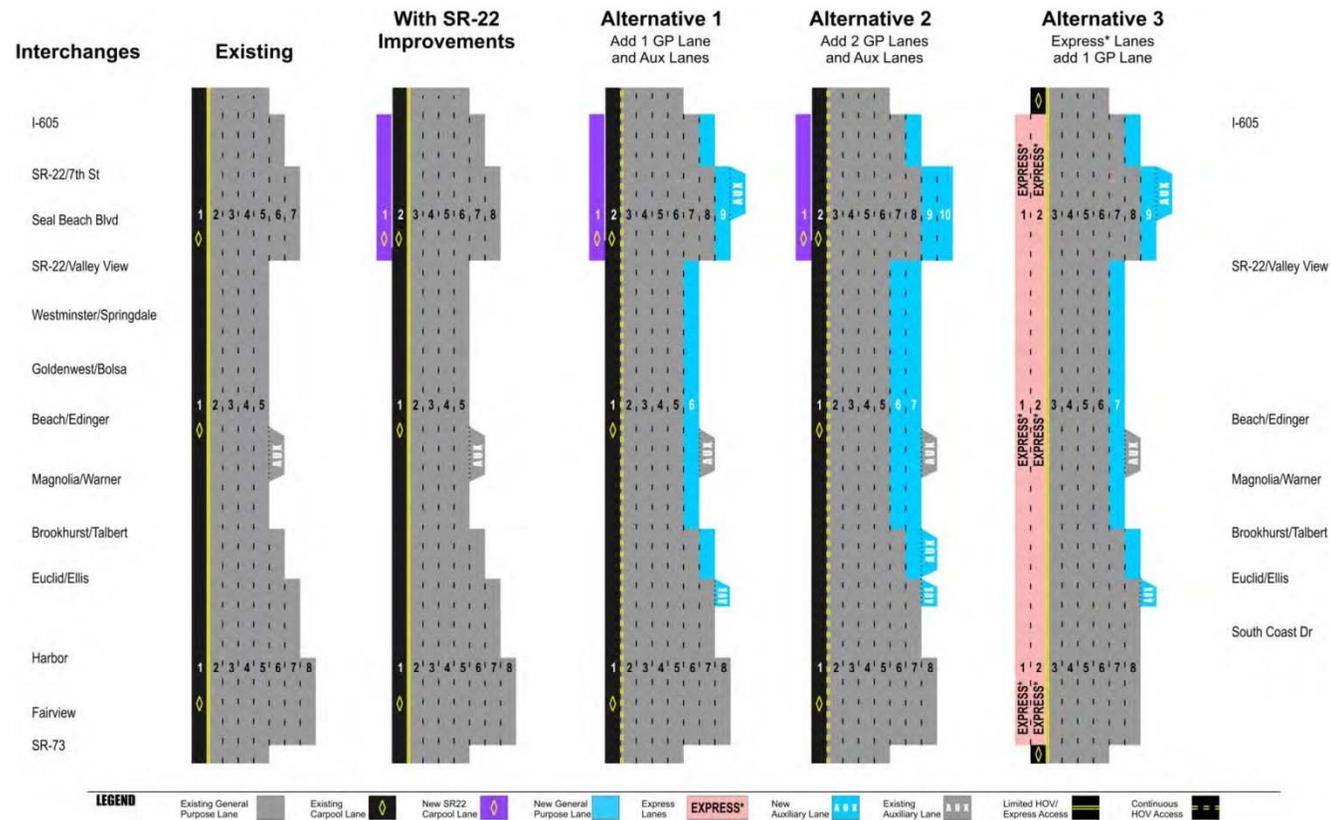


Figure 3.1.6-3: I-405 Northbound Lane Schematic

DRAFT ENVIRONMENTAL IMPACT REPORT/
ENVIRONMENTAL IMPACT STATEMENT

CHAPTER 3 AFFECTED ENVIRONMENT,
ENVIRONMENTAL CONSEQUENCES, AND
AVOIDANCE, MINIMIZATION, AND/OR MITIGATION MEASURES

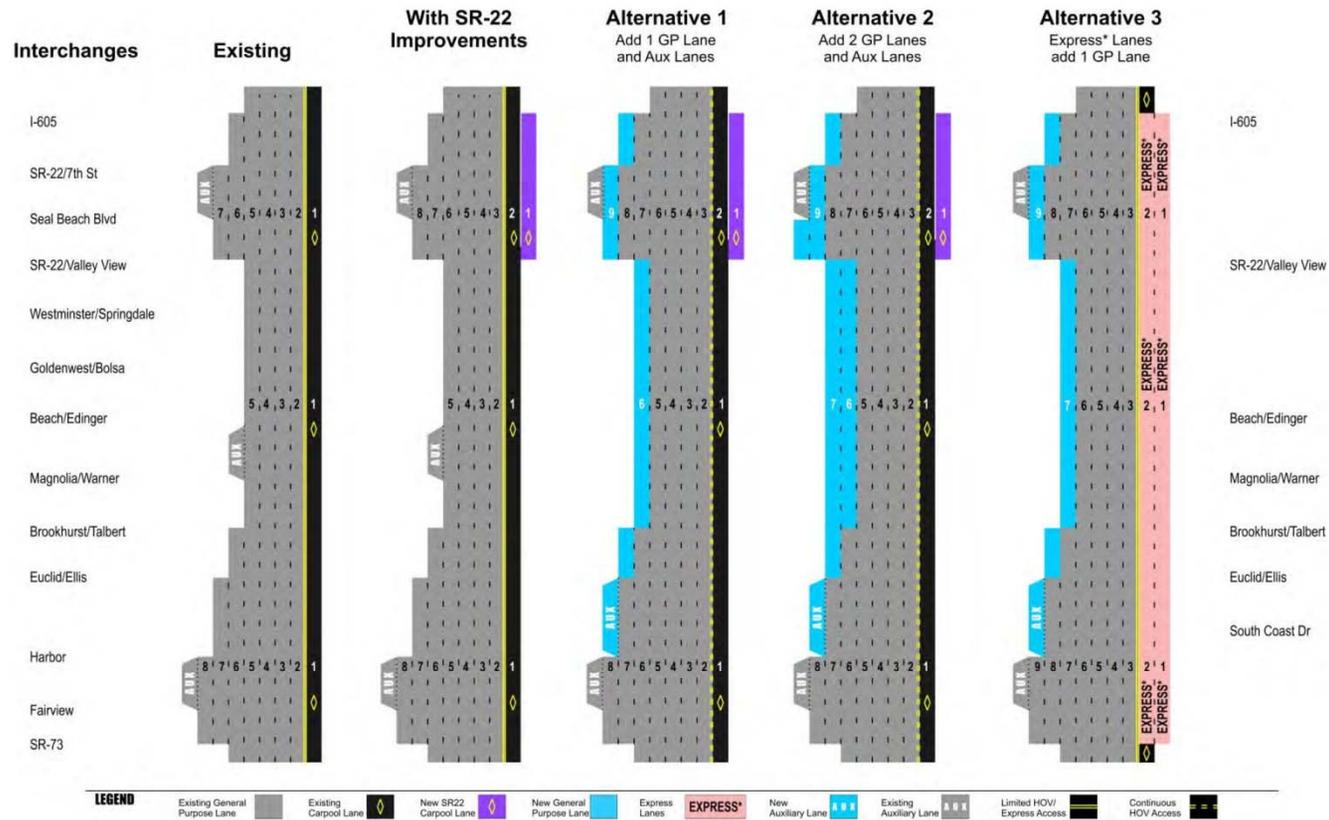


Figure 3.1.6-4: I-405 Southbound Lane Schematic

Table 3.1.6-12: I-405 Mainline GP Lane Density, LOS, and Volume-to-Capacity Ratio – Year 2040

Segment	NB or SB	Existing 2009						No Build – 2040						Alternative 1 – 2040						Alternative 2 – 2040						Alternative 3 – 2040					
		AM Peak Hour			PM Peak Hour			AM Peak Hour			PM Peak Hour			AM Peak Hour			PM Peak Hour			AM Peak Hour			PM Peak Hour			AM Peak Hour			PM Peak Hour		
		Den	LOS	V/C	Den	LOS	V/C	Den	LOS	V/C	Den	LOS	V/C	Den	LOS	V/C	Den	LOS	V/C	Den	LOS	V/C	Den	LOS	V/C	Den	LOS	V/C	Den	LOS	V/C
SR-73 to Brookhurst Street	NB	27.1	D	0.89	*	F	0.93	*	F	1.31	*	F	1.49	*	F	1.23	*	F	1.41	*	F	1.23	*	F	1.41	41.2	F	1.17	*	F	1.35
	SB	43.9	F	1.16	29.6	D	0.95	*	F	1.73	*	F	1.33	*	F	1.63	*	F	1.28	*	F	1.63	*	F	1.28	*	F	1.61	*	F	1.23
Brookhurst Street to SR-22 East	NB	*	F	1.14	42.9	F	1.15	*	F	1.64	*	F	1.76	*	F	1.37	*	F	1.47	41.4	F	1.17	*	F	1.26	*	F	1.34	*	F	1.42
	SB	*	F	1.24	42	F	1.16	*	F	1.89	*	F	1.61	*	F	1.57	*	F	1.34	*	F	1.35	39.2	F	1.15	*	F	1.54	*	F	1.29
SR-22 East to I-605	NB	*	F	1.13	*	F	1.06	*	F	1.51	*	F	1.52	*	F	1.32	*	F	1.33	42.8	F	1.19	43.6	F	1.20	*	F	1.42	*	F	1.43
	SB	*	F	1.1	*	F	1.16	*	F	1.57	*	F	1.47	*	F	1.38	*	F	1.29	*	F	1.38	*	F	1.29	*	F	1.49	*	F	1.38

NB – Northbound; SB – Southbound; Den – Density; LOS – Level of Service; V/C – Volume-to-Capacity Ratio; * - Density not calculated under HCM because volume exceeds the range of the density algorithm; Shaded cells have lower V/C in 2040 than in 2009.
Source: Albert Grover & Associates 2011.

Table 3.1.6-13: I-405 Mainline HOV/Express Lane Density, LOS, and Volume-to-Capacity Ratio – Year 2040

Segment	NB or SB	Existing 2009 HOV Lane						No Build HOV Lane – 2040						Alternative 1 HOV Lane – 2040						Alternative 2 HOV Lane – 2040						Alternative 3 Express Lane – 2040					
		AM Peak Hour			PM Peak Hour			AM Peak Hour			PM Peak Hour			AM Peak Hour			PM Peak Hour			AM Peak Hour			PM Peak Hour			AM Peak Hour			PM Peak Hour		
		Den	LOS	V/C	Den	LOS	V/C	Den	LOS	V/C	Den	LOS	V/C	Den	LOS	V/C	Den	LOS	V/C	Den	LOS	V/C	Den	LOS	V/C	Den	LOS	V/C	Den	LOS	V/C
SR-73 to Brookhurst Street	NB	15.6	B	0.58	46.4	F	0.93	*	F	1.31	*	F	1.49	*	F	1.23	*	F	1.41	*	F	1.23	*	F	1.41	22.3	C	0.78	24.6	C	0.86
	SB	27.8	D	0.81	27.8	D	0.82	*	F	1.73	*	F	1.33	*	F	1.63	*	F	1.28	*	F	1.63	*	F	1.28	24.6	C	0.86	22.3	C	0.78
Brookhurst Street to SR-22 East	NB	28.2	D	0.85	30.9	F	1.08	*	F	1.64	*	F	1.76	*	F	1.37	*	F	1.47	41.4	F	1.17	*	F	1.26	22.3	C	0.78	24.6	C	0.86
	SB	25.4	D	0.88	36	E	0.99	*	F	1.89	*	F	1.61	*	F	1.57	*	F	1.34	35.8	F	1.35	39.2	F	1.15	24.6	C	0.86	22.7	C	0.80
SR-22 East to I-605	NB	27.7	D	0.94	32.5	F	1.01	*	F	1.50	*	F	1.37	*	F	1.25	*	F	1.26	42.8	F	1.12	43.6	F	1.13	26.2	D	0.92	26.2	D	0.92
	SB	52.7	D	0.67	52.7	F	1.05	*	F	1.43	*	F	1.41	*	F	1.31	*	F	1.22	*	F	1.31	*	F	1.22	26.2	D	0.92	26.2	D	0.92

NB – Northbound; SB – Southbound; HOV – High-Occupancy Vehicle; Den – Density; LOS – Level of Service; V/C – Volume-to-Capacity Ratio; * - Density not calculated under HCM because volume exceeds the range of the density algorithm; Shaded cells have lower V/C in 2040 than in 2009.
Source: Albert Grover & Associates 2011.

Table 3.1.6-14: Peak-Period Hourly Throughput Comparison for Northbound and Southbound I-405 –Year 2040

Segment	Condition	Number of Lanes				GP Lanes		HOV Lanes		Express Lanes		Throughput (vph)				% Gain
		GP	HOV	Express	Total	LOS	V/C	LOS	V/C	LOS	V/C	GP	HOV	Express	Total	
SR-73 to Brookhurst Street	No Build	6	1	-	7	F	1.31	F	1.31	-	-	7,200	1,200	-	8,400	
	Alternative 1	6	1	-	7	F	1.23	F	1.23	-	-	7,200	1,200	-	8,400	0
	Alternative 2	6	1	-	7	F	1.23	F	1.23	-	-	7,200	1,200	-	8,400	0
	Alternative 3	6	-	2	8	F	1.17	-	-	C	0.86	7,200	-	3,200	10,400	24
Brookhurst Street to SR-22 East	No Build	4	1	-	5	F	1.61	F	1.61	-	-	4,800	1,200	-	6,000	
	Alternative 1	5	1	-	6	F	1.34	F	1.34	-	-	6,000	1,200	-	7,200	20
	Alternative 2	6	1	-	7	F	1.15	F	1.15	-	-	7,200	1,200	-	8,400	40
	Alternative 3	5	-	2	7	F	1.29	-	-	C	0.86	6,000	-	3,000	9,000	50
SR-22 East to I-605	No Build	6	2	-	8	F	1.47	F	1.37	-	-	7,200	2,400	-	9,600	
	Alternative 1	7	2	-	9	F	1.29	F	1.22	-	-	8,400	2,400	-	10,800	13
	Alternative 2	8	2	-	10	F	1.19	F	1.12	-	-	9,600	2,400	-	12,000	25
	Alternative 3	7	-	2	9	F	1.38	-	-	D	0.92	8,400	-	3,400	11,800	23

Notes:

1. GP = General Purpose; HOV = High-Occupancy Vehicle; V/C = volume-to-capacity ratio of demand volume based on lowest directional peak hour v/c from Table 3.1.6-12; Throughput units are vehicles per hour (vph). V/C ratios are provided principally to distinguish operations within LOS F. Higher v/c ratios mean greater levels of congestion.
2. Traffic flow throughput for each GP and HOV lane is 1,200 vph under congested (LOS F) conditions. Express Lanes will be managed to avoid congestion and maintain higher speeds and higher throughput.
3. Traffic flow throughput for each managed Express Lane is equivalent to forecast traffic.

Attachment E

Overview

San Diego Freeway (I-405) Improvement Project



[Click here to zoom.](#)

Today, the San Diego Freeway (I-405) is one of the most congested freeways in Orange County, carrying more than 300,000 vehicle trips in some sections each day. Traffic volumes on the I-405 are expected to increase significantly and the population is expected to grow 11 percent by 2040.

The California Department of Transportation (Caltrans), in cooperation with the Orange County Transportation Authority (OCTA), is proposing to widen the San Diego Freeway (I-405) between State Route 73 (SR-73) and Interstate 605 (I-605). The purpose of the proposed improvement is to improve travel conditions for work, recreation, school, and commerce by increasing freeway capacity, improving traffic and interchange operations, and enhancing road safety to meet state and federal standards. The I-405 Improvement Project is funded by Measure M Orange County's half-cent sales tax for transportation improvements.

Project Alternatives

The I-405 Improvement Project draft environmental impact report/impact statement (EIR/EIS) was released on May 18, 2012 and included a no build and three build alternatives. Any project built will include at least one free lane in each direction as part of the I-405 Improvement Project that is funded through Measure M, the county's half-cent sales tax for transportation.

No-Build Alternative

- The No-Build alternative leaves the I-405 in its existing configuration with no additional lanes or interchange improvements.

Alternative 1: Add one general purpose (GP) lane in each direction

- Alternative 1, the Measure M2 (M2) Project K as approved by the voters, adds one GP lane in each direction on the I-405 from Euclid Street to the Interstate 605 (I-605) interchange.

Alternative 2: Add two GP lanes in each direction

- Alternative 2 is the M2 Project K with the addition of a second GP lane in the northbound direction from Brookhurst Street to the State Route 22 (SR-22) / 7th Street interchange, and the addition of a second GP lane in the southbound direction from the Seal Beach Boulevard on-ramp to Brookhurst Street.

On January 26, 2009, the Orange County Transportation Authority (OCTA) Board of Directors (Board) approved the addition of Alternative 3 to significantly alleviate congestion and provide additional travel choices to commuters, as well as to help fund the overall Project during difficult economic times when M2 sales tax forecasts were dropping:

Alternative 3: Add one GP lane and one high-occupancy toll (HOT)/ express lane in each direction

- Alternative 3 includes M2 Project K and adds a HOT/express lane in each direction on I-405 from State Route 73 (SR-73) to SR-22. The HOT/express lane would be combined with the existing high-occupancy vehicle (HOV) lanes, and these would be converted to HOT/express lanes providing two HOT/express lanes in each direction on I-405 between SR-73 and I-605. The westbound HOV connector from SR-22 to I-405 would also be operated as a HOT/express lane.

Recent Project Timeline

On October 22, 2012, the Board of Directors recommended Alternative 1, Measure M2 Project K, which adds one general purpose lane in each direction.

On June 28, 2013, the Orange County Transportation Authority, in partnership with the California Department of Transportation, released a supplemental draft EIR/EIS which contained additional traffic information, largely in the Long Beach area, not previously contained in the original draft environmental impact report/environmental impact statement. Link to the Supplemental Draft EIR/EIS www.dot.ca.gov/dist12/405/index.htm

On December 9, 2013 the OCTA Board reaffirmed their recommendation of Alternative 1 as the Preferred Alternative to Caltrans.

Preferred Alternative NEW

The Caltrans Project Development Team met on July 24, 2014 and OCTA was informed that Caltrans recommends building Alternative 3, using a phased approach.

Under Caltrans plan, OCTA would construct one general-purpose lane on the San Diego Freeway (I-405) in each direction between Euclid Street and the San Gabriel River Freeway (I-605). This will allow OCTA to move forward on the freeway improvement project that was promised to voters in Measure M. All of the Measure M Project K funding would be directed toward adding the one general-purpose lane. Caltrans will pursue funding for the construction of an additional lane in each direction that would combine with the existing high-occupancy vehicle lane to operate as high-occupancy toll lane facility.

Below are links to the memo OCTA CEO Darrell Johnson sent to the Board of Directors as well as a press release regarding Caltrans' Preferred Alternative decision:

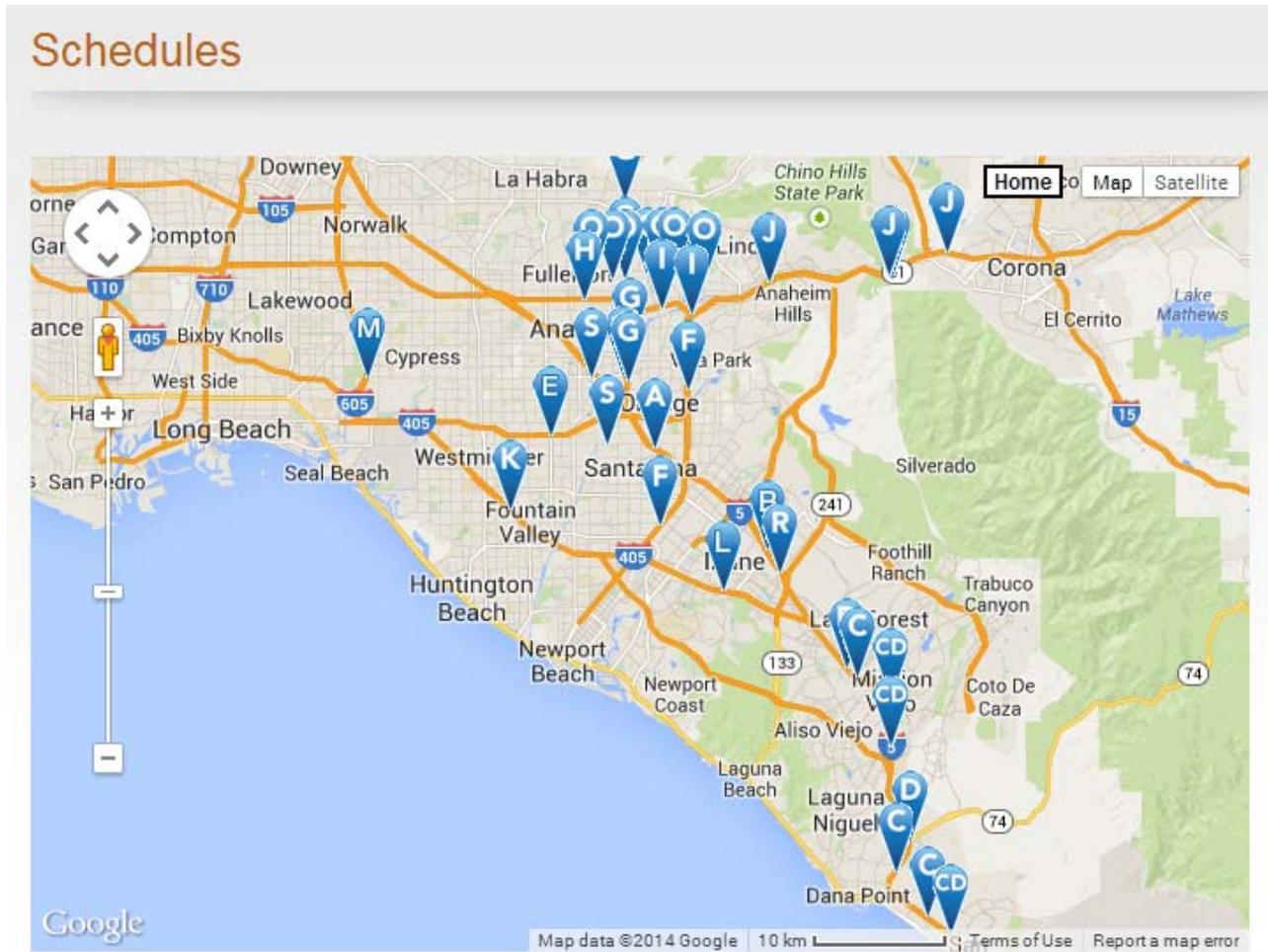
-  [I-405 Preferred Alternative OCTA Board Memo](#)
-  [I-405 Preferred Alternative Press Release](#)

I-405 Schedule

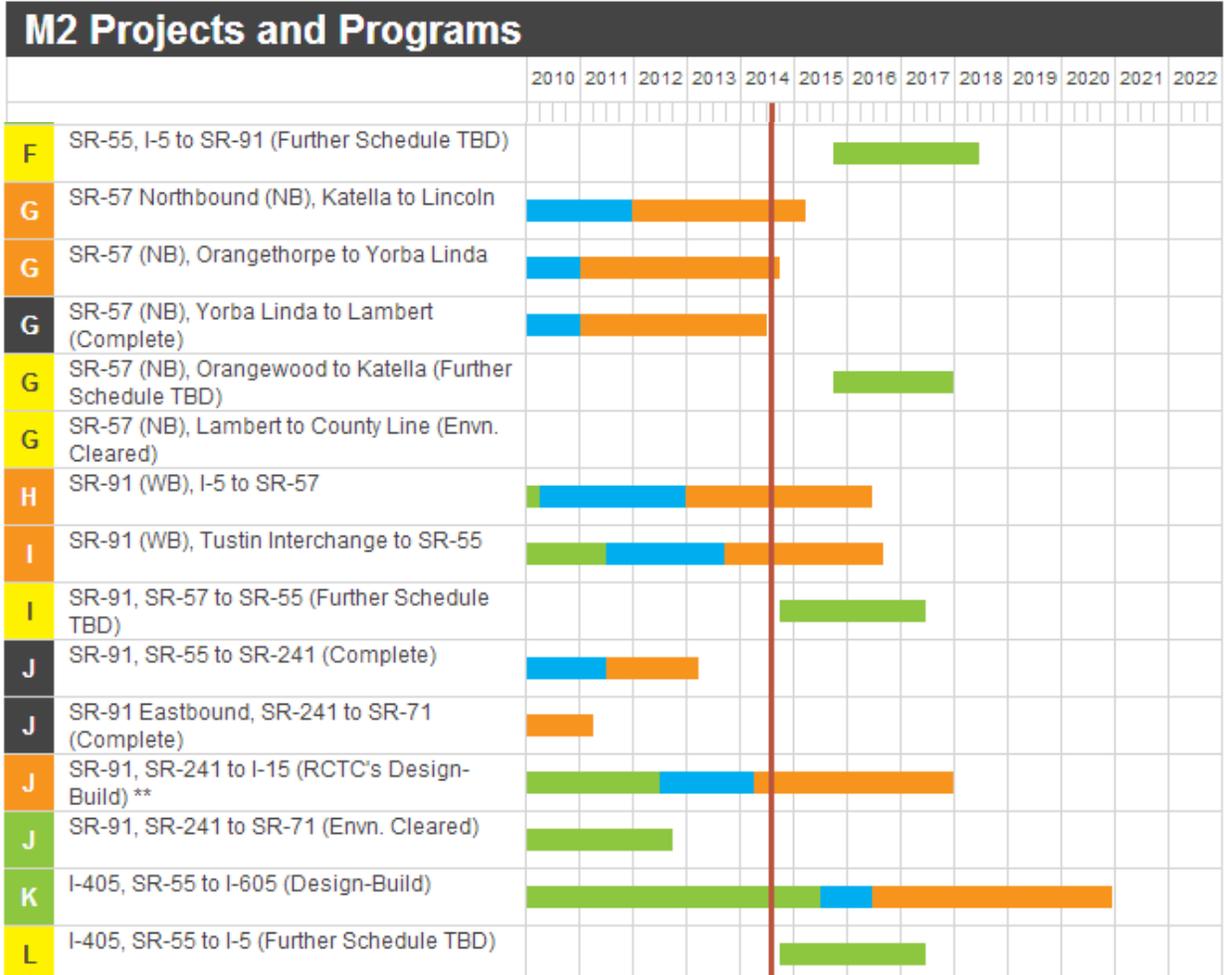
Draft EIR/EIS Public Review	May 18 to July 17, 2012
Supplemental Draft EIR/EIS Public Review	June 28 to August 12, 2013
OCTA Board Recommends Alternative 1	December 9, 2013
Caltrans Recommends Preferred Alternative	July 2014
Issue Design-Build Request for Qualifications	September 2014
Issue Design-Build Draft Request for Proposals	January 2015
Final EIR/EIS	February 2015
Issue Design-Build Request for Proposals	June 2015
Design-Build Award	February 2016
Design-Build Notice to Proceed	April 2016
Design/Construction	2016 to 2020

Source: [http://www.octa.net/Freeways-and-Streets/San-Diego-Freeway-\(I-405\)/I-405-Improvement-Project/Overview/](http://www.octa.net/Freeways-and-Streets/San-Diego-Freeway-(I-405)/I-405-Improvement-Project/Overview/)

Attachment F



PROJECT SCHEDULES



Source: <http://www.octa.net/Measure-M/Schedules/>

Attachment G

F. SR-55 (I-405 to I-5 and I-5 to SR-22)

Description:

SR-55, Phase I:

This project will add new lanes to SR-55 between the I-5 and the I-405, including merging lanes between interchanges to smooth traffic flow. The project will generally be constructed within the existing ROW.

SR-55, Phase II.

This future phase will add new lanes to the SR-55 between the SR-22 and the I-5, including merging lanes between interchanges to smooth traffic flow. Operational improvements between SR-22 and SR-91 will also be evaluated in a future environmental document (advanced as part of the M2020 Plan). The purpose of the project is to increase freeway capacity and reduce congestion.

Cost :

Phase I: \$275 million (YOE).
Phase II: \$148.46 (YOE) including advancement of environmental phase.

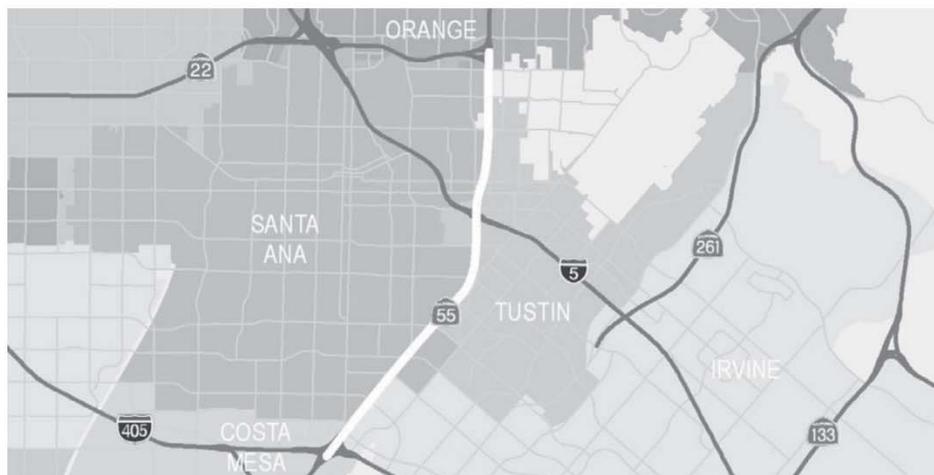
Status:

Phase I is currently in the environmental phase, scheduled for completion in 2014.

The Phase II project will be advanced to the environmental phase as part of the 2012 M2020 Plan, and the Phase II environmental document will be complete by 2020.

Present Day:

This freeway carries about 295,000 vehicles on a daily basis. This volume is expected to increase by nearly 13 percent, bringing it up to 332,000 vehicles per day in the future.



Attachment H

Cost Calculations		Source
Total Volume Formula		
Total Current Project Cost (Phase I only)	\$ 275,000,000	M2020 Plan
Per Mile Cost	\$ 62,500,000	4.4 miles of Phase I improvements
Total Length of Necessary Project Improvement (miles)	1	Measured distance on SR-55 between I-405 and MacArthur Boulevard
Total Cost of Necessary Project Improvement	\$ 62,500,000	Estimated cost for 1 mile of improvement along SR-55 freeway
Project Fair Share (Total Volume Formula)	2.3%	Overall contribution of project traffic to total traffic volume in 2026 (150 project trips divided by total segment volume of
Project Payment	\$ 1,437,500	
Caltrans Formula		
Total Current Project Cost (Phase I only)	\$ 275,000,000	M2020 Plan
Per Mile Cost	\$ 62,500,000	4.4 miles of Phase I improvements
Total Length of Necessary Project Improvement (miles)	1	Measured distance on SR-55 between I-405 and MacArthur Boulevard
Total Cost of Necessary Project Improvement	\$ 62,500,000	Estimated cost for 1 mile of improvement along SR-55 freeway
Project Fair Share (Caltrans Formula)	33.8%	Project traffic divided by ambient growth on segment (150 project trips divided by total ambient growth of 444)
Project Payment	\$ 21,114,865	

STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Boulevard, Suite 100
West Sacramento, CA 95691
(916) 373-3715
Fax (916) 373-5471
Web Site www.nahc.ca.gov
E-mail: ds_nahc@pacbell.net



May 30, 2014

Ms. Lee Choum, Environmental Planner
County of Orange / John Wayne Airport
3160 Airway Avenue
Costa Mesa, CA 92626

Sent by U.S. Mail

No. of Pages: 4

RE: SCH#2011111135CEQA Notice of Completion;; draft Environmental Impact Report (DEIR) for the **“John Wayne Airport Settlement Agreement Project;”** located in the Costa Mesa-Newport Beach-Irvine-Santa Ana areas; Orange County, California

Dear Ms. Choum

The Native American Heritage Commission (NAHC) has reviewed the above-referenced environmental document.

The California Environmental Quality Act (CEQA) states that any project which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064.5(b).. To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, pursuant to California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Also, California Public Resources Code Section 21083.2 require documentation and analysis of archaeological items that meet the standard in Section 15064.5 (a)(b)(f).

If there is federal jurisdiction of this project due to funding or regulatory provisions; then the following may apply: the National Environmental Policy Act (NEPA 42 U.S.C 4321-43351) and Section 106 of the National Historic Preservation Act (16 U.S.C 470 *et seq.*) and 36 CFR Part 800.14(b) require consultation with culturally affiliated Native American tribes to determine if the proposed project may have an adverse impact on cultural resources

} 1

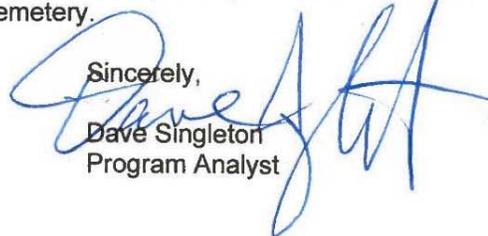
We suggest that this (additional archaeological activity) be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. Any information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure pursuant to California Government Code Section 6254.10.

A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the proposed active might impinge on any cultural resources.

California Government Code Section 65040.12(e) defines "environmental justice" to provide "fair treatment of People...with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies." (The California Code is consistent with the Federal Executive Order 12898 regarding 'environmental justice.' Also, applicable to state agencies is Executive Order B-10-11 requires consultation with Native American tribes their elected officials and other representatives of tribal governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities.

Lead agencies should consider first, avoidance for sacred and/or historical sites, pursuant to CEQA Guidelines 15370(a). Then if the project goes ahead then, lead agencies include in their mitigation and monitoring plan provisions for the analysis and disposition of recovered artifacts, pursuant to California Public Resources Code Section 21083.2 in consultation with culturally affiliated Native Americans.

Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Dave Singleton
Program Analyst

CC: State Clearinghouse

Attachment: Native American Contacts list

1
cont.

**Native American Contacts
Orange County California
May 30, 2014**

Juaneno Band of Mission Indians Acjachemen Nation
David Belardes, Chairperson
32161 Avenida Los Amigos Juaneno
San Juan Capistrano CA 92675
chiefdavidbelardes@yahoo.
(949) 493-4933 - home
(949) 293-8522

Juaneno Band of Mission Indians Acjachemen Nation
Teresa Romero, Chairwoman
31411-A La Matanza Street Juaneno
San Juan Capistrano CA 92675-2674
(949) 488-3484
(949) 488-3294 - FAX
(530) 354-5876 - cell

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address Gabrielino Tongva
tattnlaw@gmail.com
310-570-6567

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490 Gabrielino Tongva
Bellflower , CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417- fax

Gabrielino/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel , CA 91778
GTTribalcouncil@aol.com
(626) 286-1232 - FAX
(626) 286-1758 - Home
(626) 286-1262 -FAX

Juaneno Band of Mission Indians
Adolph 'Bud' Sepulveda, Vice Chairperson
P.O. Box 25828 Juaneno
Santa Ana , CA 92799
bssepul@yahoo.net
714-838-3270
714-914-1812 - CELL
bsepul@yahoo.net

Gabrielino /Tongva Nation
Sandonne Goad, Chairperson
P.O. Box 86908 Gabrielino Tongva
Los Angeles , CA 90086
sgoad@gabrielino-tongva.com
951-845-0443

United Coalition to Protect Panhe (UCPP)
Rebecca Robles
119 Avenida San Fernando Juaneno
San Clemente CA 92672
rebrobles1@gmail.com
(949) 573-3138

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting locative Americans with regard to cultural resources for the proposed SCH#201111135; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the John Wayne Airport Settlement Agreement Project; located in west, central Orange County, California

**Native American Contacts
Orange County California
May 30, 2014**

Gabrielino-Tongva Tribe
Bernie Acuna, Co-Chairperson
P.O. Box 180 Gabrielino
Bonsall , CA 92003
(619) 294-6660-work
(310) 428-5690 - cell
(760) 636-0854- FAX
bacuna1@gabrielinotribe.org

Gabrielino-Tongva Tribe
Conrad Acuna,
P.O. Box 180 Gabrielino
Bonsall , CA 92003

760-636-0854 - FAX

Juaneno Band of Mission Indians Acjachemen Nation
Joyce Perry, Representing Tribal Chairperson
4955 Paseo Segovia Juaneno
Irvine , CA 92612
kaamalam@gmail.com
949-293-8522

Gabrielino /Tongva Nation
Sam Dunlap, Cultural Resources Director
P.O. Box 86908 Gabrielino Tongva
Los Angeles , CA 90086
samdunlap@earthlink.net
909-262-9351

Gabrielino-Tongva Tribe
Linda Candelaria, Co-Chairperson
P.O. Box 180 Gabrielino
Bonsall , CA 92003
palmsprings9@yahoo.com
626-676-1184- cell
(760) 636-0854 - FAX

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino
Covina , CA 91723
gabrielenoindians@yahoo.
(626) 926-4131

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting locative Americans with regard to cultural resources for the proposed SCH#2011111135; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the John Wayne Airport Settlement Agreement Project; located in west, central Orange County, California

**Response to Comment Received from the
Native American Heritage Commission
Dated: May 30, 2014**

Response 1: The comment is noted. As discussed in Section 1.6 (EIR Focus and Effects Found Not to be Significant) of the Draft Environmental Impact Report (“EIR”), Cultural/Scientific Resources (see page 1-13) were scoped out of the Draft EIR because of the absence of ground disturbance and construction activities. The Airport is fully developed with minimal areas without existing development or paving. Further, no new development or ground disturbance is proposed with the Project; therefore, no direct or indirect impacts to historical, archaeological, or paleontological resources would occur, nor would the Project disturb any human remains.



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

July 8, 2014

Lea Choum
Orange County
3160 Airway Avenue
Costa Mesa, CA 92626

Subject: John Wayne Airport Settlement Agreement Amendment
SCH#: 2001111135

Dear Lea Choum:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 7, 2014, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures

cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report
State Clearinghouse Data Base**

SCH# 2001111135
Project Title John Wayne Airport Settlement Agreement Amendment
Lead Agency Orange County

Type EIR Draft EIR
Description The proposed project is the modification of certain substantive provisions and an extension of the term of the settlement agreement between the County of Orange, City of Newport Beach, et. al., regarding development and operations at John Wayne Airport.

Lead Agency Contact

Name Lea Choum
Agency Orange County
Phone 949 252 5123 **Fax**
email
Address 3160 Airway Avenue
City Costa Mesa **State** CA **Zip** 92626

Project Location

County Orange
City
Region
Lat / Long 33° 40' 17.88" N / 117° 52' 5.14" W
Cross Streets MacArthur Boulevard/Campus Drive
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways I-405/SR-55/SR-73
Airports John Wayne
Railways
Waterways Upper Newport Back Bay
Schools
Land Use Land Use Category 4 - Public Facilities
 Zoned A-1, Agricultural District

Project Issues Noise; Public Services; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Wildlife; Growth Inducing; Landuse; Cumulative Effects; Other Issues; Forest Land/Fire Hazard; Aesthetic/Visual; Biological Resources; Drainage/Absorption; Toxic/Hazardous

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 12; Air Resources Board; Regional Water Quality Control Board, Region 8; Native American Heritage Commission; State Lands Commission

Date Received 05/23/2014 **Start of Review** 05/23/2014 **End of Review** 07/07/2014

CLEAR
7/7/14
E

STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Boulevard, Suite 100
West Sacramento, CA 95691
(916) 373-3715
Fax (916) 373-5471
Web Site www.nahc.ca.gov
Ds_nahc@pacbell.net
e-mail: ds_nahc@pacbell.net



May 30, 2014

Ms. Lee Choum, Environmental Planner
County of Orange / John Wayne Airport
3160 Airway Avenue
Costa Mesa, CA 92626



Sent by U.S. Mail
No. of Pages:

4

RE: SCH#201111135CEQA Notice of Completion;; draft Environmental Impact Report (DEIR) for the **“John Wayne Airport Settlement Agreement Project;”** located in the Costa Mesa-Newport Beach-Irvine-Santa Ana areas; Orange County, California

Dear Ms. Choum

The Native American Heritage Commission (NAHC) has reviewed the above-referenced environmental document.

The California Environmental Quality Act (CEQA) states that any project which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064.5(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, pursuant to California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Also, California Public Resources Code Section 21083.2 require documentation and analysis of archaeological items that meet the standard in Section 15064.5 (a)(b)(f).

If there is federal jurisdiction of this project due to funding or regulatory provisions; then the following may apply: the National Environmental Policy Act (NEPA 42 U.S.C 4321-43351) and Section 106 of the National Historic Preservation Act (16 U.S.C 470 *et seq.*) and 36 CFR Part 800.14(b) require consultation with culturally affiliated Native American tribes to determine if the proposed project may have an adverse impact on cultural resources

We suggest that this (additional archaeological activity) be coordinated with the NAHC, if possible. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. Any information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure pursuant to California Government Code Section 6254.10.

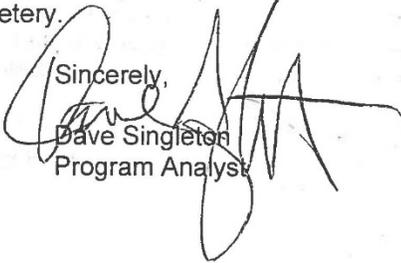
A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the proposed active might impinge on any cultural resources.

California Government Code Section 65040.12(e) defines "environmental justice" to provide "fair treatment of People...with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies." (The California Code is consistent with the Federal Executive Order 12898 regarding 'environmental justice.' Also, applicable to state agencies is Executive Order B-10-11 requires consultation with Native American tribes their elected officials and other representatives of tribal governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities.

Lead agencies should consider first, avoidance for sacred and/or historical sites, pursuant to CEQA Guidelines 15370(a). Then if the project goes ahead then, lead agencies include in their mitigation and monitoring plan provisions for the analysis and disposition of recovered artifacts, pursuant to California Public Resources Code Section 21083.2 in consultation with culturally affiliated Native Americans.

Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,


Dave Singleton
Program Analyst

CC: State Clearinghouse

Attachment: Native American Contacts list

**Office of Planning and Research
State Clearinghouse and Planning Unit
Dated: July 8, 2014**

Response 1: The comment the letter identified the agencies that received the document through the State Clearinghouse and transmitted the letter submitted by the Native American Heritage Commission (“NAHC”). The NAHC letter was also transmitted to the County directly and has been responded to above. No further response to this comment letter is required.

3.3.2 RESPONSES TO LOCAL AGENCIES



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

July 2, 2014

JWA Administrative Offices
Ms. Lea Choum
3160 Airway Avenue
Costa Mesa, CA 92626

Subject: Draft Environmental Impact Report (DEIR) for JWA

Dear Ms. Choum:

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) that has been prepared to address the potential environmental impacts associated with the modification and extension of the Settlement for John Wayne Airport.

General Comment:

The City of Costa Mesa is supportive of City of Newport Beach's position with respect to Memorandum of Understanding leading to the proposed project and project alternatives included in the Draft EIR.

Noise Sensitive Receptors:

Please note that a five-story 240-unit residential project was recently approved (May 6, 2014) at 125 E. Baker Street. This location should be considered and depicted in all exhibits related to noise contours for the project and alternatives and their related phasing plans. The residential project is anticipated to be completed within the next two years and could be affected by proposed JWA expansion project and alternatives considered in the DEIR.

Traffic:

The City is requesting additional information to fully review the traffic analysis. Please make a note of the following items:

- The traffic impact analysis should include signalized intersections within the City of Costa Mesa that are projected to have 50 or more peak hour project trips. 3
- A project trip distribution exhibit should be included in the DEIR and the traffic impact analysis. 4
- A peak hour (a.m. and p.m.) project only traffic volume exhibit should be included in the DEIR and the traffic impact analysis. 5
- Since the trip distribution and project only traffic volume exhibits are not included in the DEIR it is difficult to estimate the number of project trips on Red Hill Avenue, Paularino Avenue, Baker Street, Bristol Street and Santa Ana Avenue, beyond the project study area. 6

Please feel free to contact me with any questions.

Building Division (714) 754-5273 • Code Enforcement (714) 754-5623 • Planning Division (714) 754-5245
FAX (714) 754-4856 • TDD (714) 754-5244 • www.costamesaca.gov

Sincerely,



Gary Armstrong, AICP
Director of Economic & Development /
Deputy CEO

cc: City Council
CEO
Jerry Guarracino
Raja Sethuraman

**Responses to Comments Received from the
City of Costa Mesa
Dated: July 2, 2014**

- Response 1:** This comment is an introduction to comments that follow and also expresses support for the City of Newport Beach’s position relative to the formulation of the Proposed Project and alternatives studied in the Draft Environmental Impact Report (“EIR”). No further response is required.
- Response 2:** The project recently approved by the City of Costa Mesa that is located at 125 E. Baker Street was identified as a cumulative project in the Draft EIR (see Table 5-3 and Exhibit 5-3). The approved residential apartment building, when built and occupied, will be located outside the 60 Community Noise Equivalent Level (“CNEL”) for the Proposed Project and all of the alternatives. Exhibit 4.6-16, which depicts the CNEL contours for the Proposed Project Phase 3, identifies that the 60 CNEL contour is east of Pullman Street and would not include the property at 125 E. Baker Street in Costa Mesa.
- Response 3:** During the scoping process, the Draft EIR traffic engineers, Fehr & Peers, met with City of Costa Mesa staff to determine the study area to be used for the traffic impact analysis. City staff did not identify a 50 peak hour trip threshold as a requirement for determining the study area. Rather, City staff approved the list of study intersections proposed by Fehr & Peers with the request that two additional intersections be included in the study area: Red Hill Avenue/Paularino Avenue and Red Hill Avenue/Baker Street. In response, the EIR traffic study area was updated to include the two requested study intersections. See Draft EIR Appendix G, Fehr & Peers *John Wayne Airport Transportation Impact Analysis Report* (April 30, 2014) (Transportation Study), Appendix D, for additional information regarding the meeting.

Additionally, in response to the comment, Fehr & Peers reviewed the trip assignment associated with the highest trip generation scenario (MAP 16.9); the assignment shows less than 50 peak hour trips on Red Hill Avenue, Paularino Avenue, Baker Street, and Santa Ana Avenue. Information regarding the project trips can be found in the Transportation Study Appendix G and Appendix H which provide the No Project and With Project LOS results for each intersection.

Under Alternative C, approximately 50 AM peak hour and 100 PM peak hour trips are forecast to continue westbound on Bristol Street heading towards SR-55 outside of the study area. However, the majority of these trips would enter SR-55 at this location. Because this segment was above the 50 trip threshold, Fehr & Peers reviewed the *2000 General Plan Circulation Element*, which projects that this roadway would operate at approximately 70percent of capacity with buildout of the City’s General Plan, indicating there is available roadway capacity. Because of this available capacity, it is concluded that the addition of this number of trips would not result in additional significant impacts beyond those already identified in the Draft EIR and Transportation Study. Also, it should be noted that these additional 50 trips only result in Alternative C; the Proposed Project would result

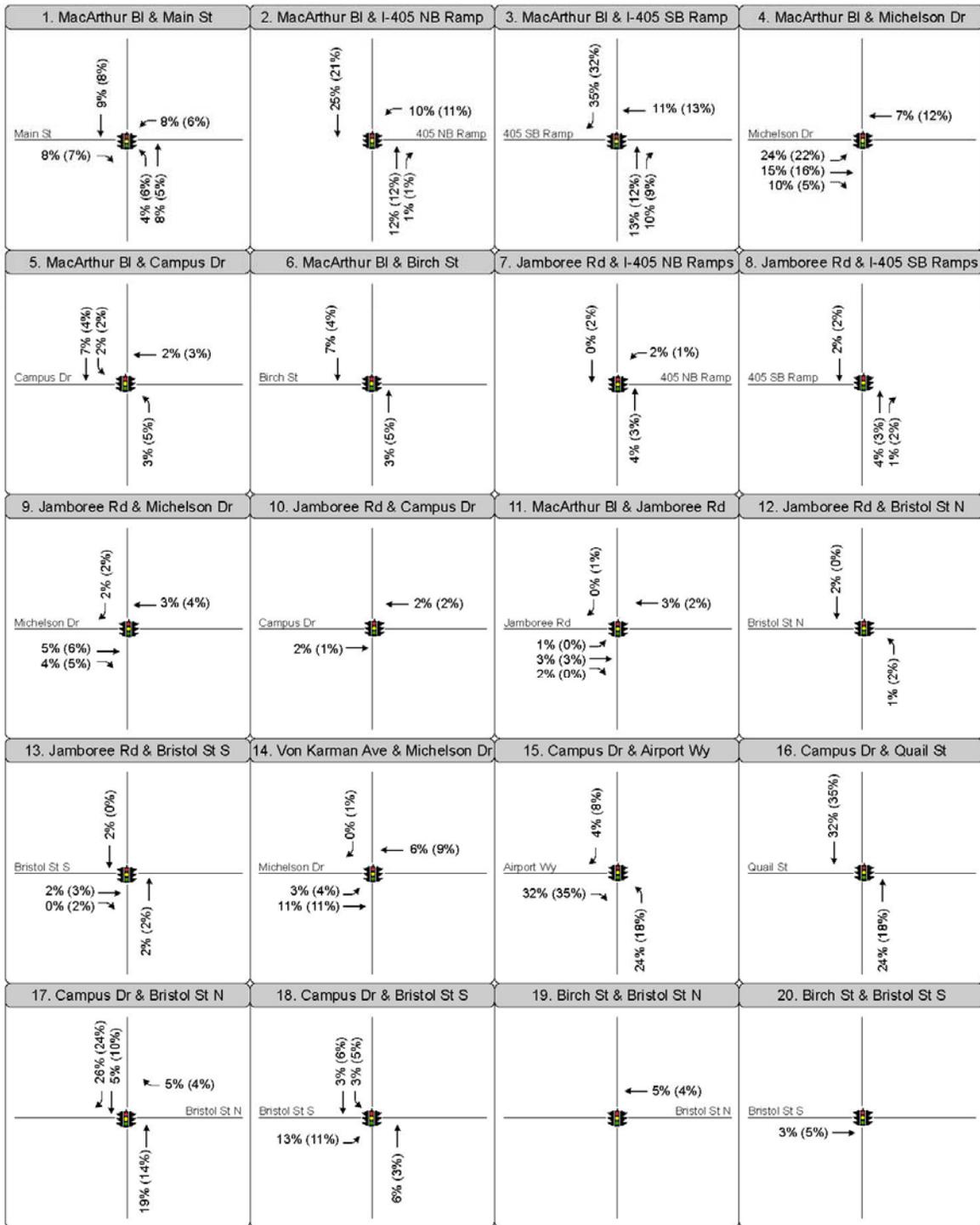
in fewer than 50 additional trips at this location in both the AM and PM peak hours.

Given the above information, it can be concluded that the Project study area is adequate and there is no need to expand the study area to include additional locations.

Response 4: Data relating to Project trip distribution is provided in the Transportation Study, Appendix G and Appendix H. A Project trip distribution exhibit based on the information contained in Appendix G and Appendix H has been prepared and is provided as Attachment A immediately following the responses to the City of Costa Mesa's comments.

Response 5: Data relating to peak hour project only traffic volume is provided in the Transportation Study, Appendix G and Appendix H. Attachments B, C, D, and E immediately following the responses to the City of Costa Mesa's comments provide exhibits depicting the project only traffic volumes.

Response 6: As noted in Response 1, above, the Proposed Project and all project alternatives would result in an increase of less than 50 peak hour trips on Red Hill Avenue, Paularino Avenue, Baker Street, and Santa Ana Avenue.



LEGEND

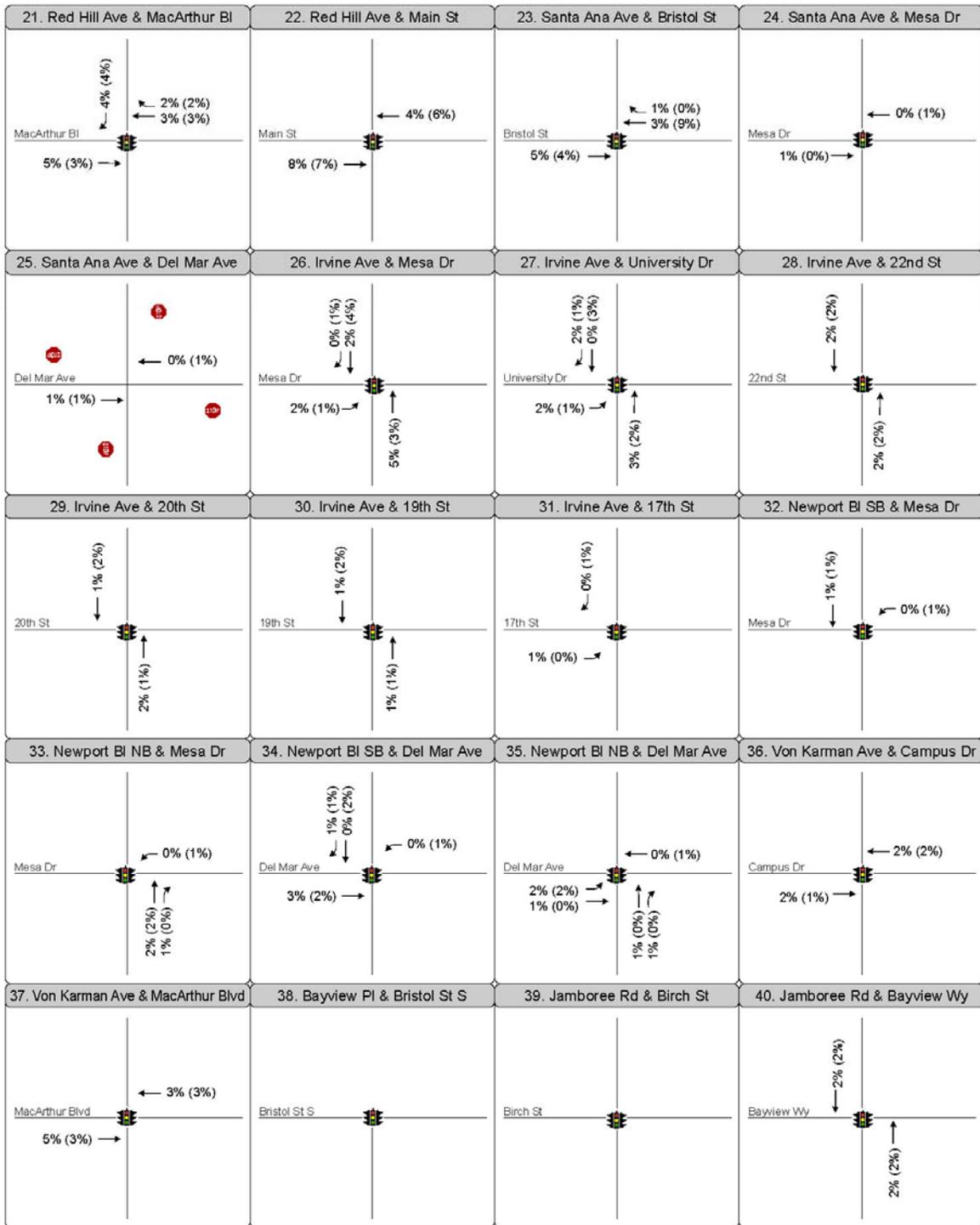
AM% (PM%) Peak Hour Trip Distribution Traffic Signal Stop Sign



Document Path: N:\Jobs\Active\OC Jobs\OCL3-0266_John Wayne Airport\GIS\MXD\ATTACHMENT_A_DISTRIBUTION.mxd

PROJECT TRIP DISTRIBUTION

ATTACHMENT A



LEGEND

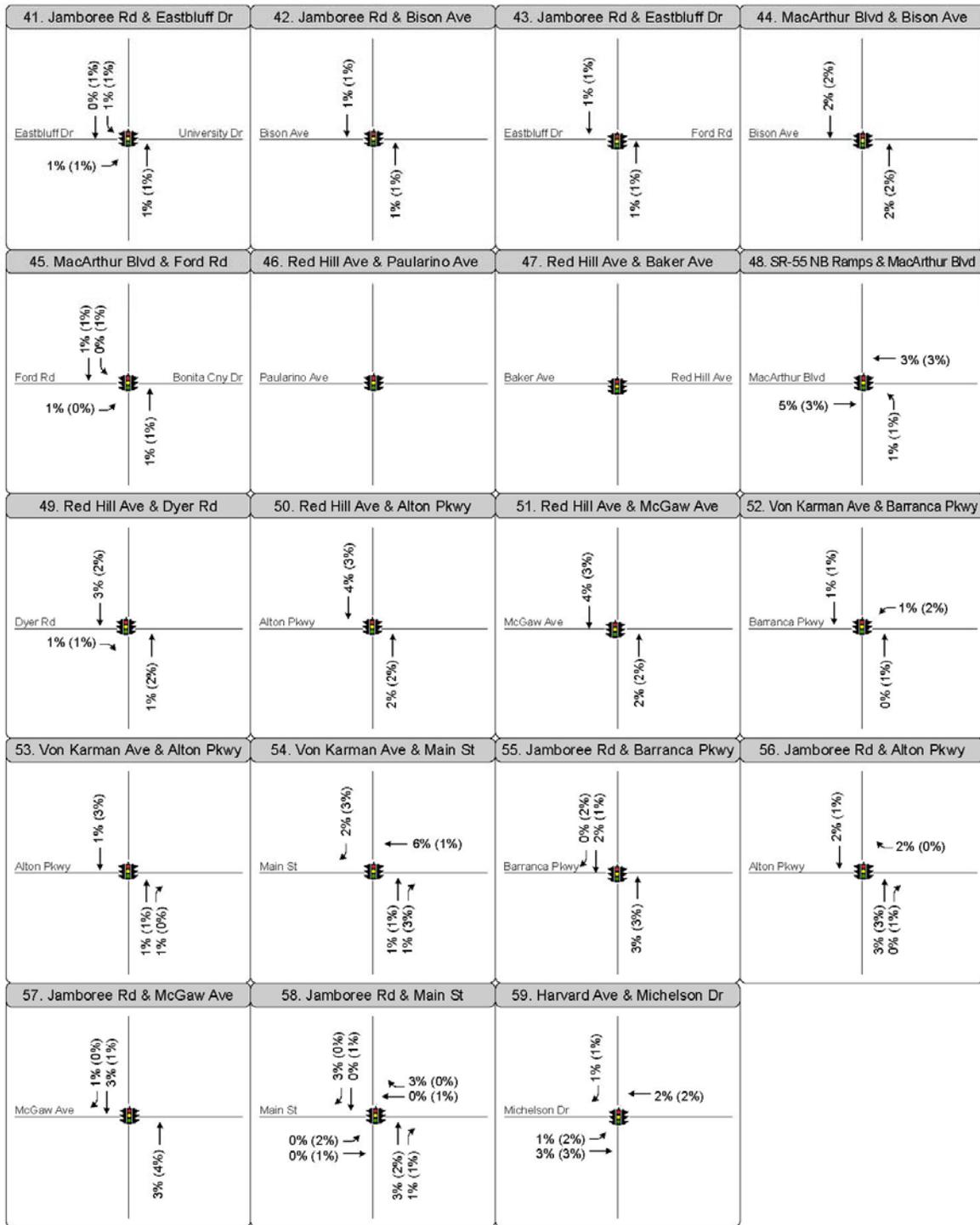
AM% (PM%) Peak Hour Trip Distribution Traffic Signal Stop Sign



Document Path: N:\Jobs\Active\OC Jobs\OC13-0266 John Wayne Airport\GIS\MXD\ATTACHMENT_A_DISTRIBUTION.mxd

PROJECT TRIP DISTRIBUTION

ATTACHMENT A



LEGEND

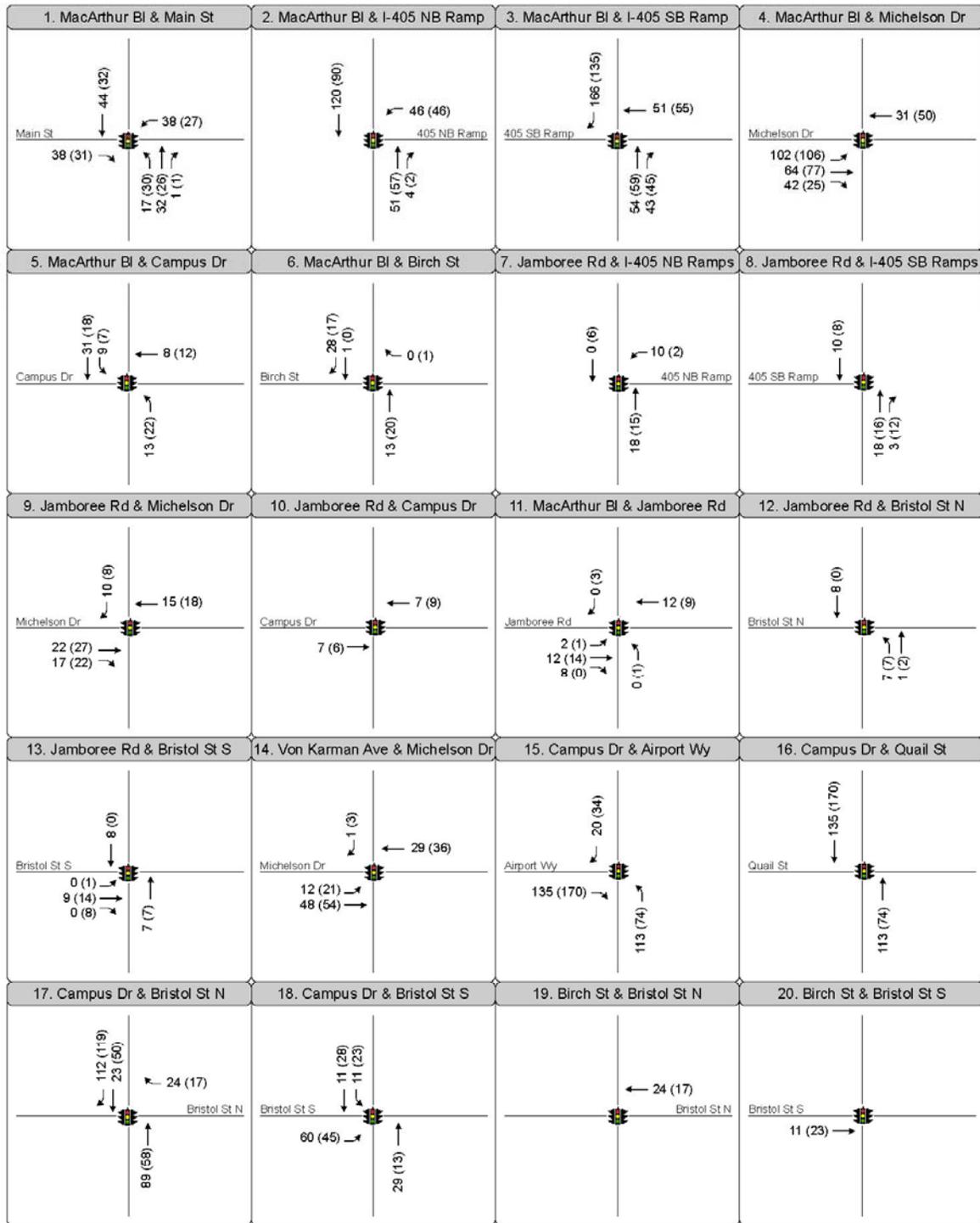
AM% (PM%) Peak Hour Trip Distribution Traffic Signal Stop Sign



Document Path: N:\Jobs\Active\OC Jobs\OC13-0266_John Wayne Airport\GIS\MXD\ATTACHMENT_A_DISTRIBUTION.mxd

PROJECT TRIP DISTRIBUTION

ATTACHMENT A



LEGEND

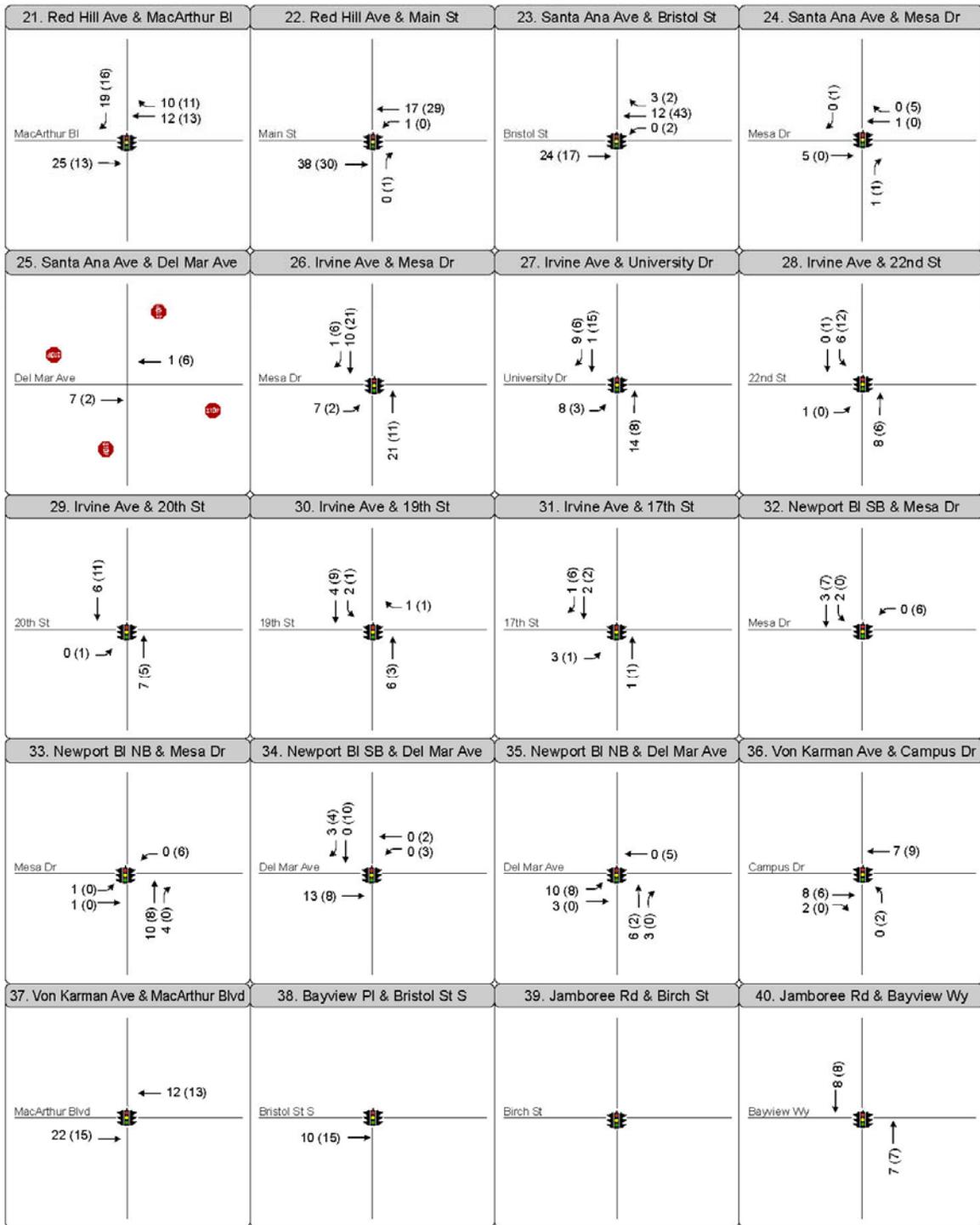
AM (PM) Peak Hour Trip Assignment Traffic Signal Stop Sign



2026 PLUS PROJECT (MAP 12.5) - PROJECT ONLY AM (PM) PEAK HOUR TRAFFIC VOLUMES

Document Path: N:\Jobs\Active\OC Jobs\OC13-0266 John Wayne Airport\GIS\MXD\ATTACHMENTB_MAP12-5_PQ.mxd

ATTACHMENT B



LEGEND

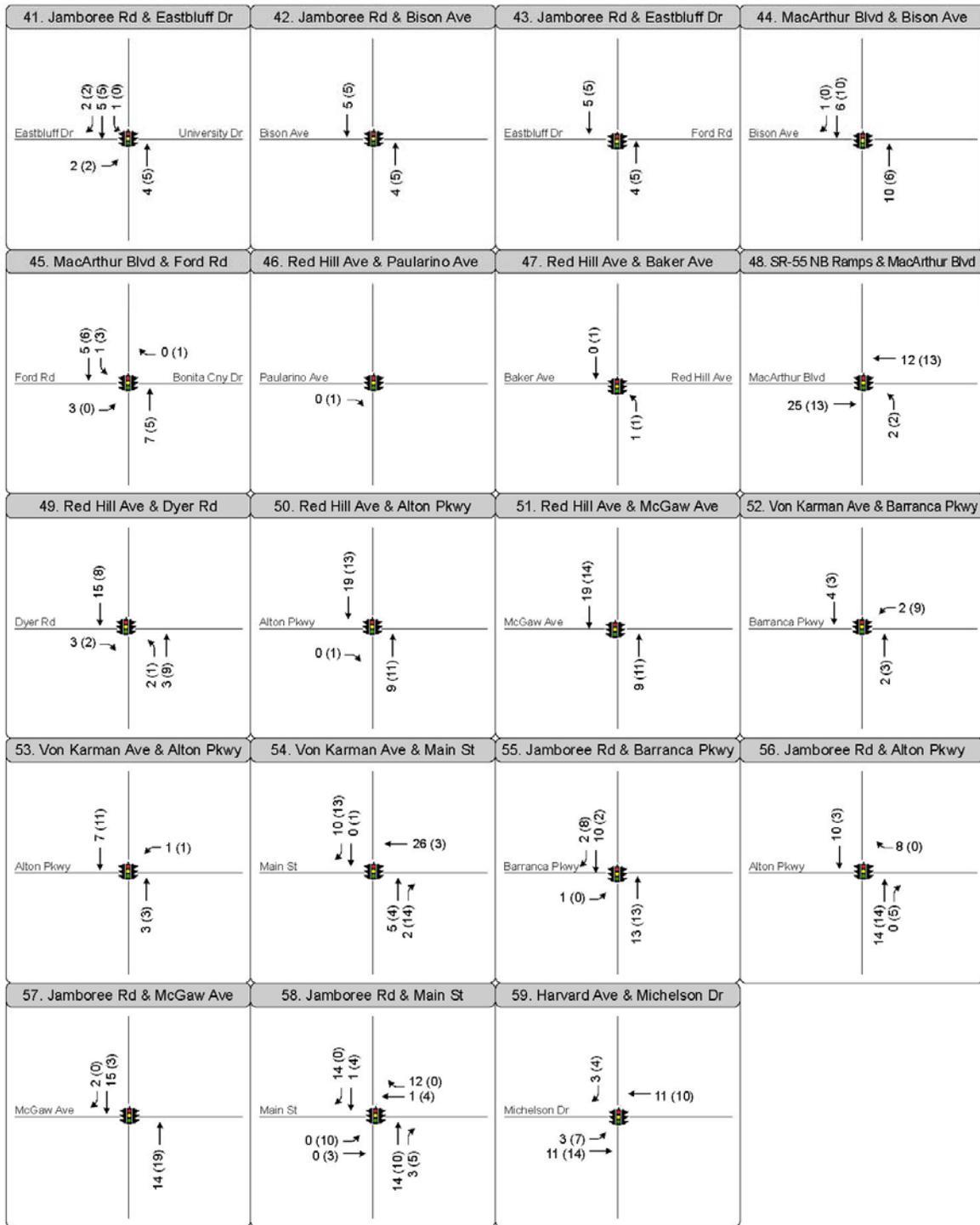
AM (PM) Peak Hour Trip Assignment Traffic Signal Stop Sign



2026 PLUS PROJECT (MAP 12.5) - PROJECT ONLY AM (PM) PEAK HOUR TRAFFIC VOLUMES

Document Path: N:\Jobs\Active\OC Jobs\OC13-0266_John Wayne Airport\GIS\MXD\ATTACHMENTS_MAP12-5_PQ.mxd

ATTACHMENT B



LEGEND

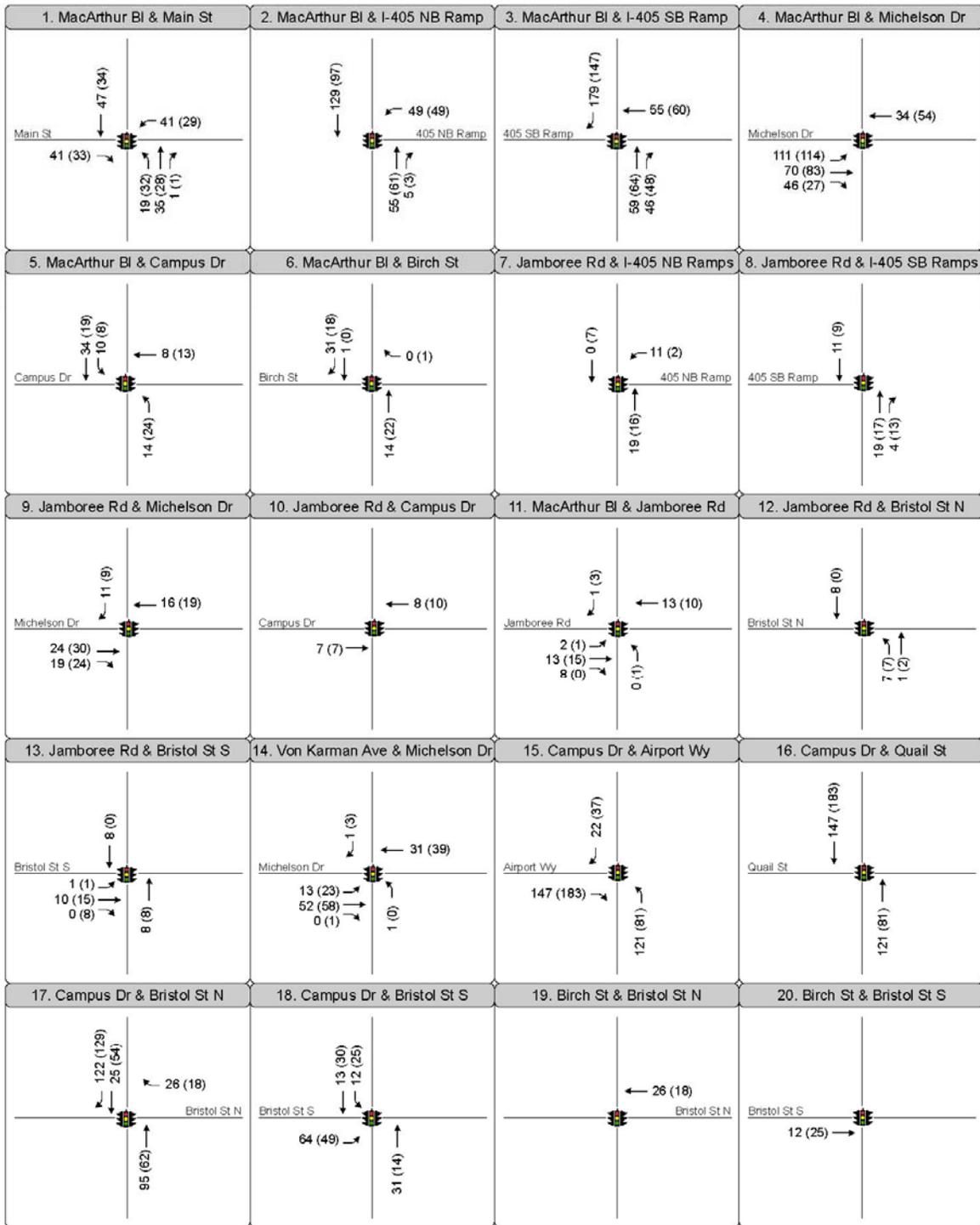
AM (PM) Peak Hour Trip Assignment Traffic Signal Stop Sign



2026 PLUS PROJECT (MAP 12.5) - PROJECT ONLY AM (PM) PEAK HOUR TRAFFIC VOLUMES

Document Path: N:\Jobs\Active\OC Jobs\OC13-0266_John Wayne Airport\GIS\MXD\ATTACHMENTS_MAP12-5_PQ.mxd

ATTACHMENT B



LEGEND

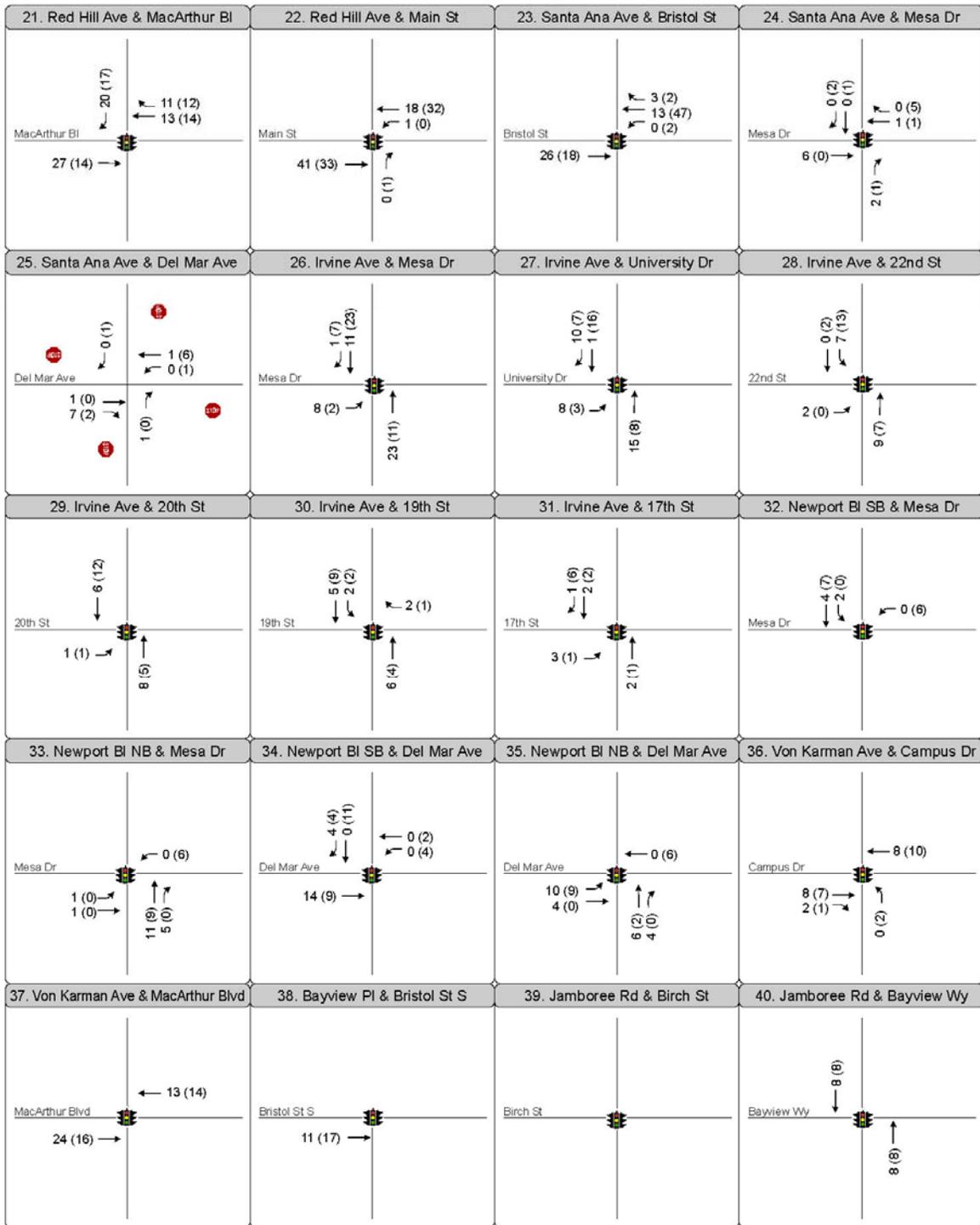
AM (PM) Peak Hour Trip Assignment Traffic Signal Stop Sign



2026 ALTERNATIVE A (MAP 12.8) - PROJECT ONLY AM (PM) PEAK HOUR TRAFFIC VOLUMES

Document Path: N:\Jobs\Active\OC Jobs\OC13-0266_John Wayne Airport\GIS\MXD\ATTACHMENT_C_MAP12-8_PQ.mxd

ATTACHMENT C



LEGEND

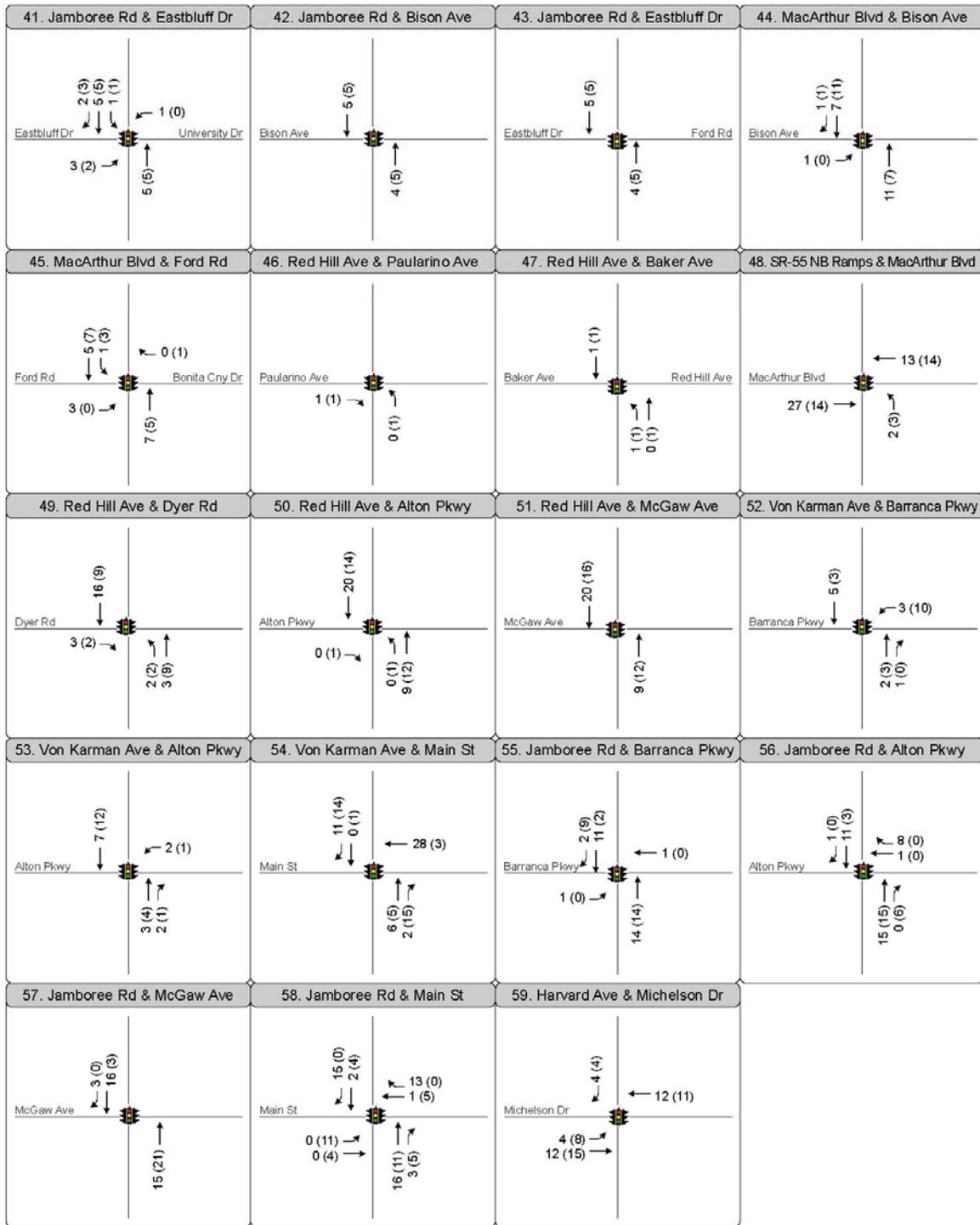
AM (PM) Peak Hour Trip Assignment Traffic Signal Stop Sign



2026 ALTERNATIVE A (MAP 12.8) - PROJECT ONLY AM (PM) PEAK HOUR TRAFFIC VOLUMES

Document Path: N:\Jobs\Active\OC Jobs\OC13-0266 John Wayne Airport\GIS\MXD\ATTACHMENT_C_MAP12-8_PQ.mxd

ATTACHMENT C



LEGEND

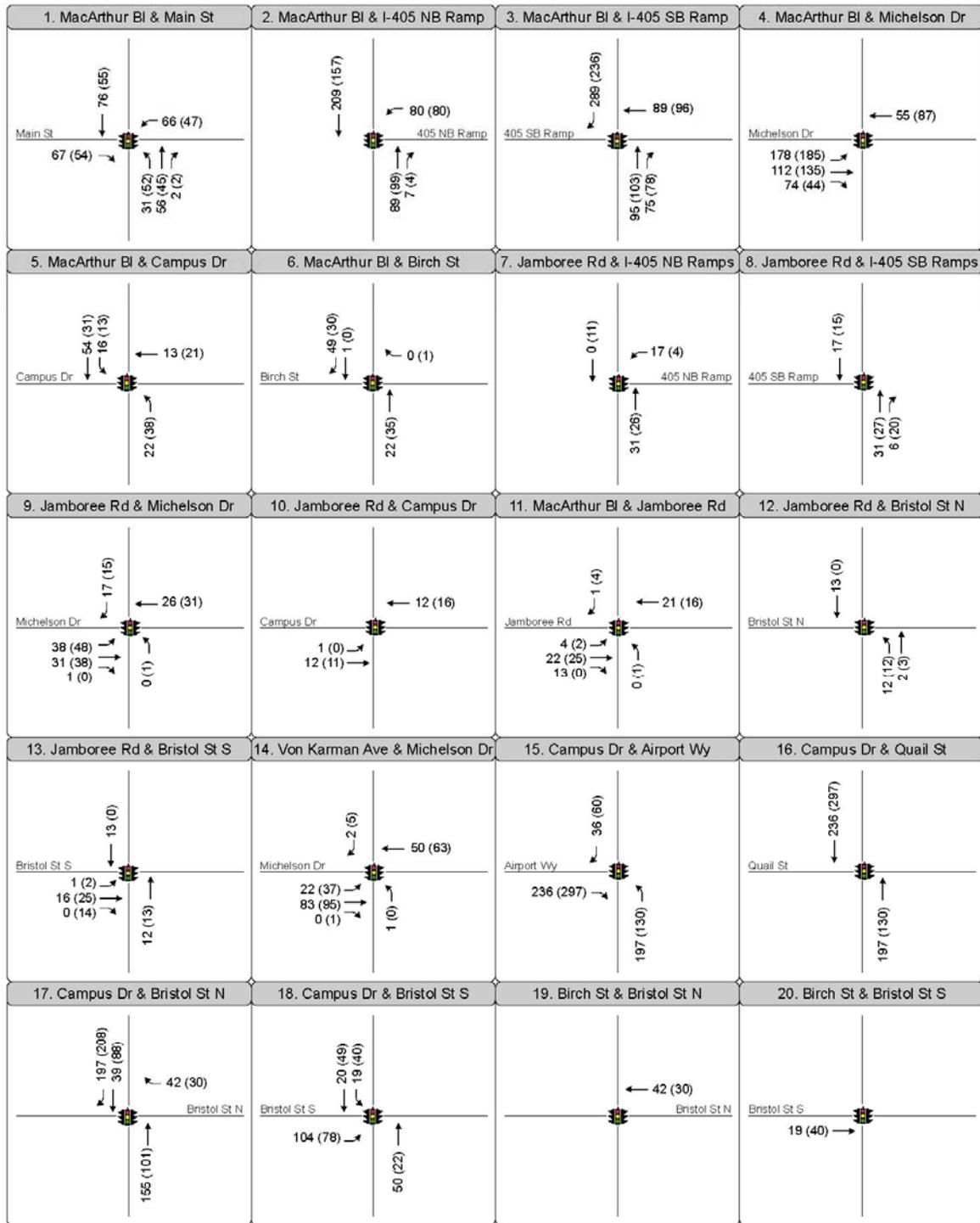
AM (PM) Peak Hour Trip Assignment Traffic Signal Stop Sign



2026 ALTERNATIVE A (MAP 12.8) - PROJECT ONLY AM (PM) PEAK HOUR TRAFFIC VOLUMES

Document Path: N:\Jobs\Active\OC Jobs\OC13-0266_John Wayne Airport\GIS\MXD\ATTACHMENTC_MAP12-8_PQ.mxd

ATTACHMENT C



LEGEND

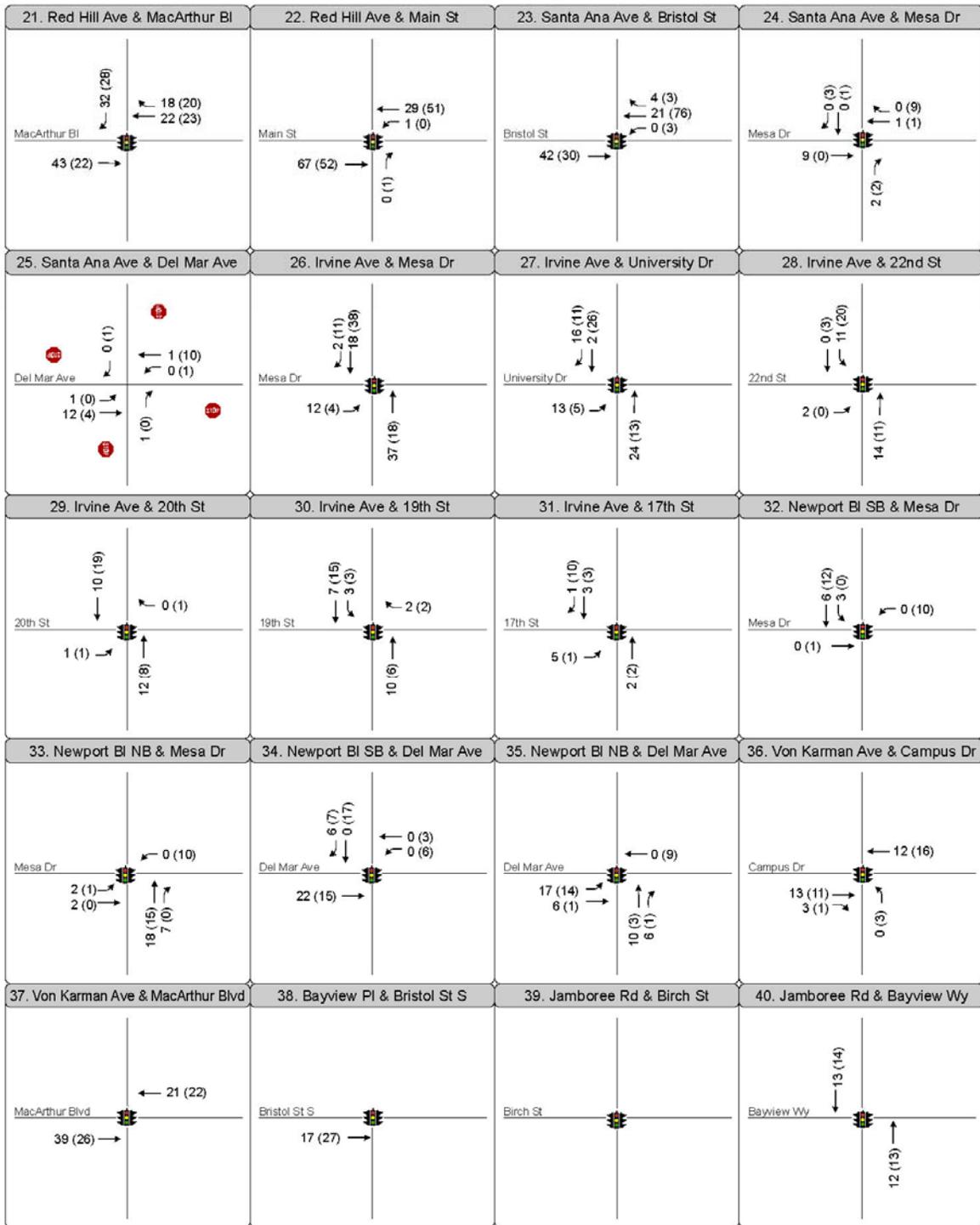
AM (PM) Peak Hour Trip Assignment Traffic Signal Stop Sign



2026 ALTERNATIVE B (MAP 15.0) - PROJECT ONLY AM (PM) PEAK HOUR TRAFFIC VOLUMES

Document Path: N:\Jobs\Active\OC Jobs\OC13-0266_John Wayne Airport\GIS\MXD\ATTACHMENTD_MAP15_0_P0.mxd

ATTACHMENT D



LEGEND

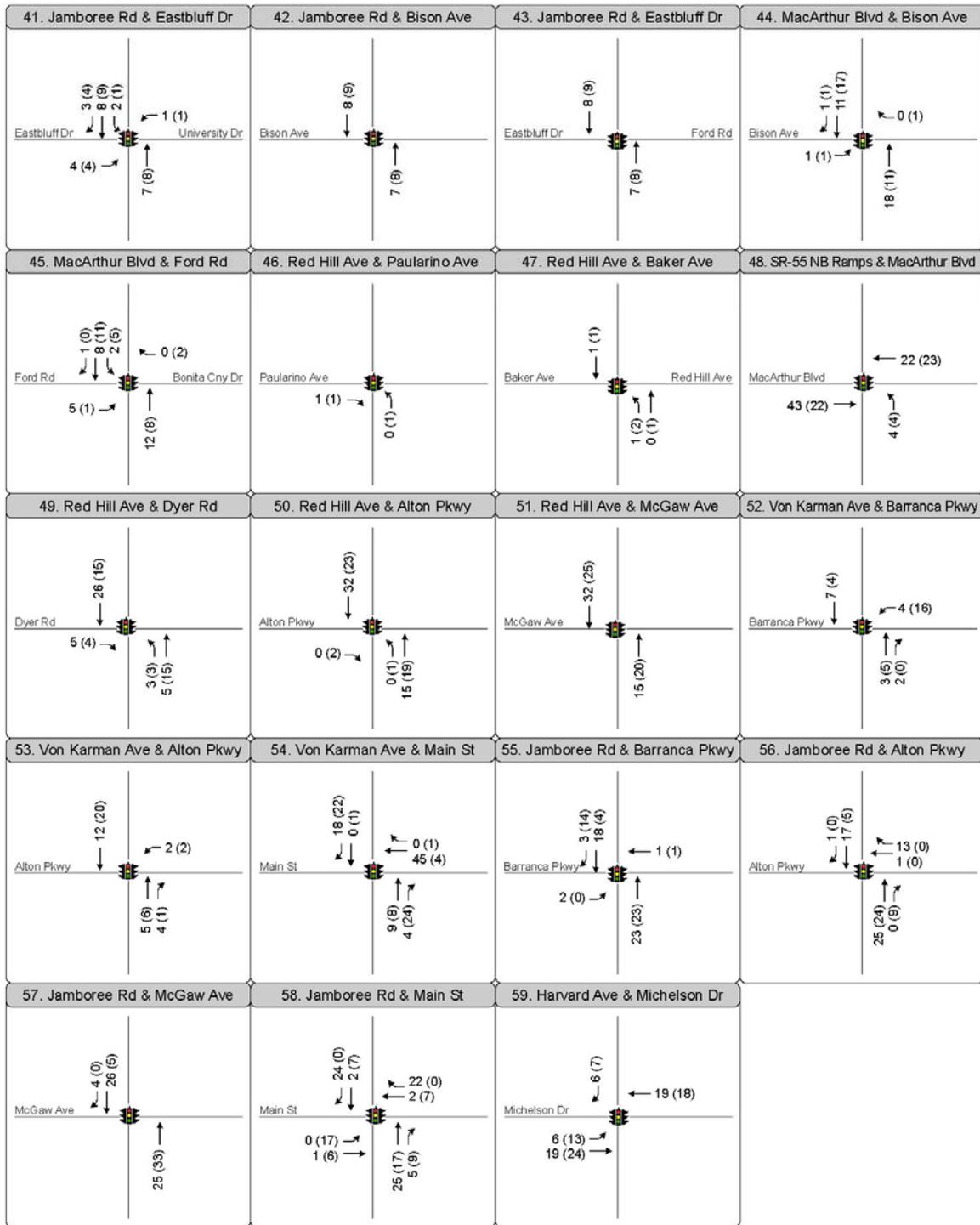
AM (PM) Peak Hour Trip Assignment Traffic Signal Stop Sign



2026 ALTERNATIVE B (MAP 15.0) - PROJECT ONLY AM (PM) PEAK HOUR TRAFFIC VOLUMES

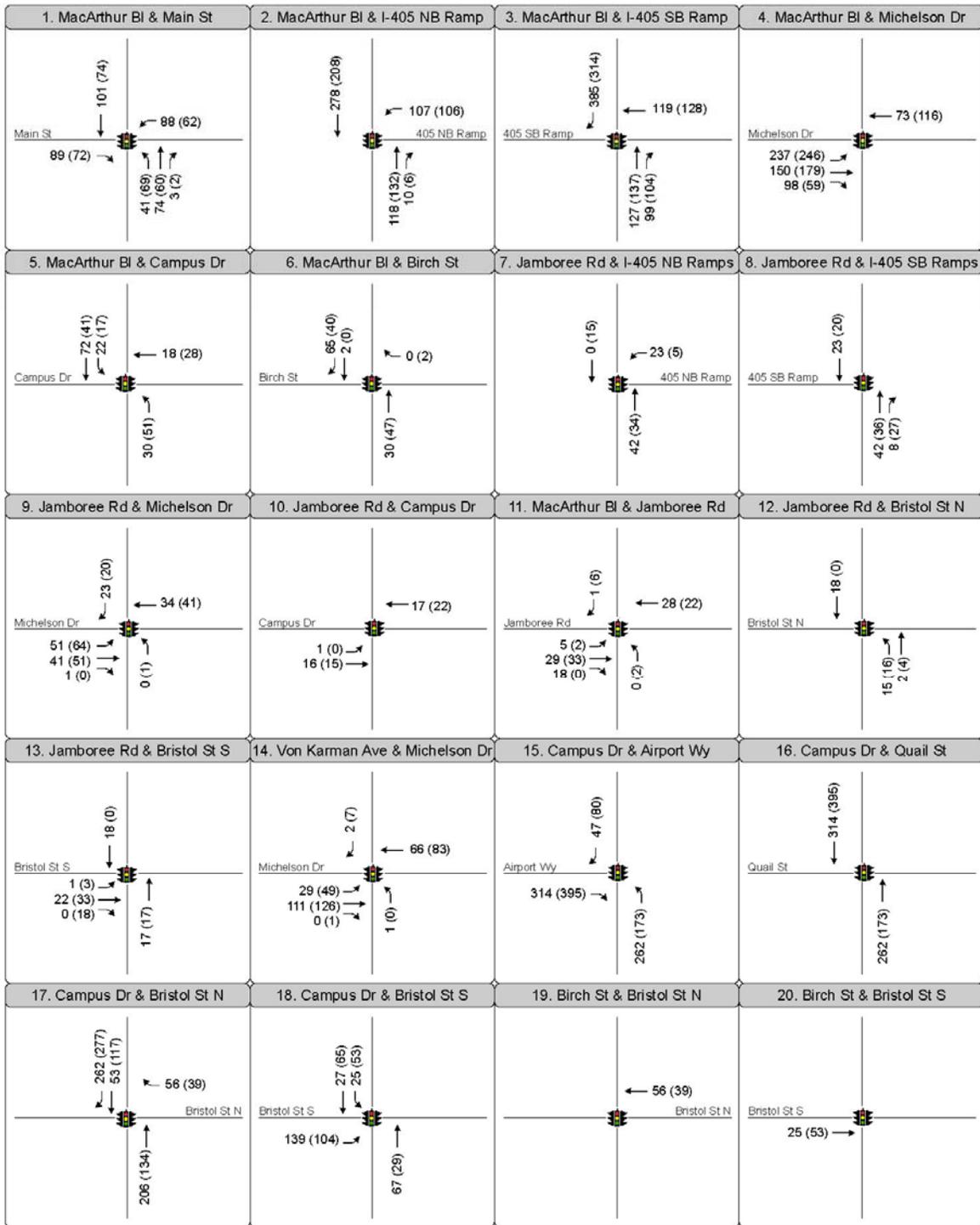
Document Path: N:\Jobs\Active\OC Jobs\OC13-0266_John Wayne Airport\GIS\MXD\ATTACHMENTD_MAP15_0_P0.mxd

ATTACHMENT D



LEGEND

AM (PM) Peak Hour Trip Assignment Traffic Signal Stop Sign



LEGEND

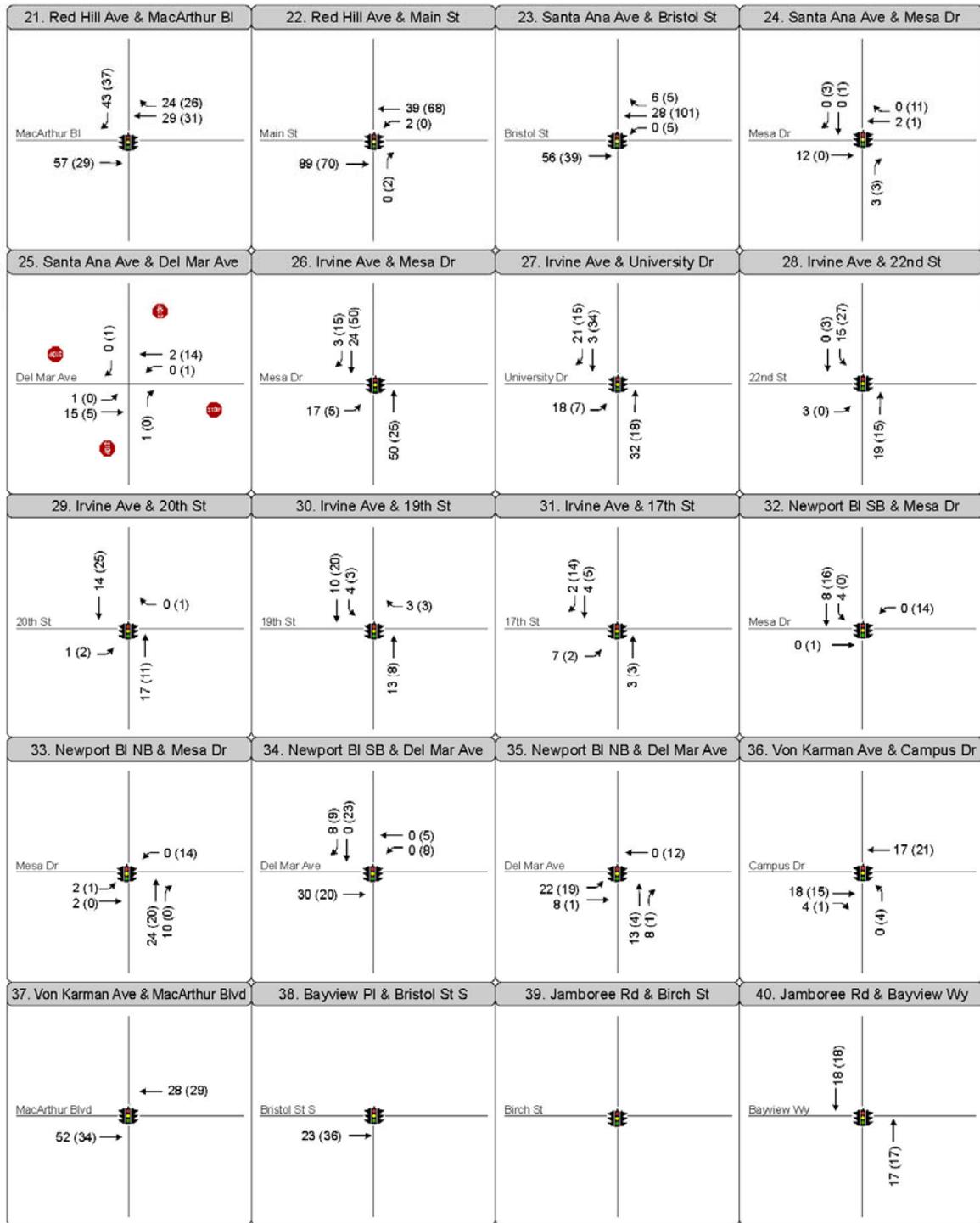
AM (PM) Peak Hour Trip Assignment Traffic Signal Stop Sign



2026 ALTERNATIVE C (MAP 16.9) - PROJECT ONLY AM (PM) PEAK HOUR TRAFFIC VOLUMES

Document Path: N:\Jobs\Active\OC Jobs\OC13-0266_John Wayne Airport\GIS\MXD\ATTACHMENTE_MAP16_9_PO.mxd

ATTACHMENT E



LEGEND

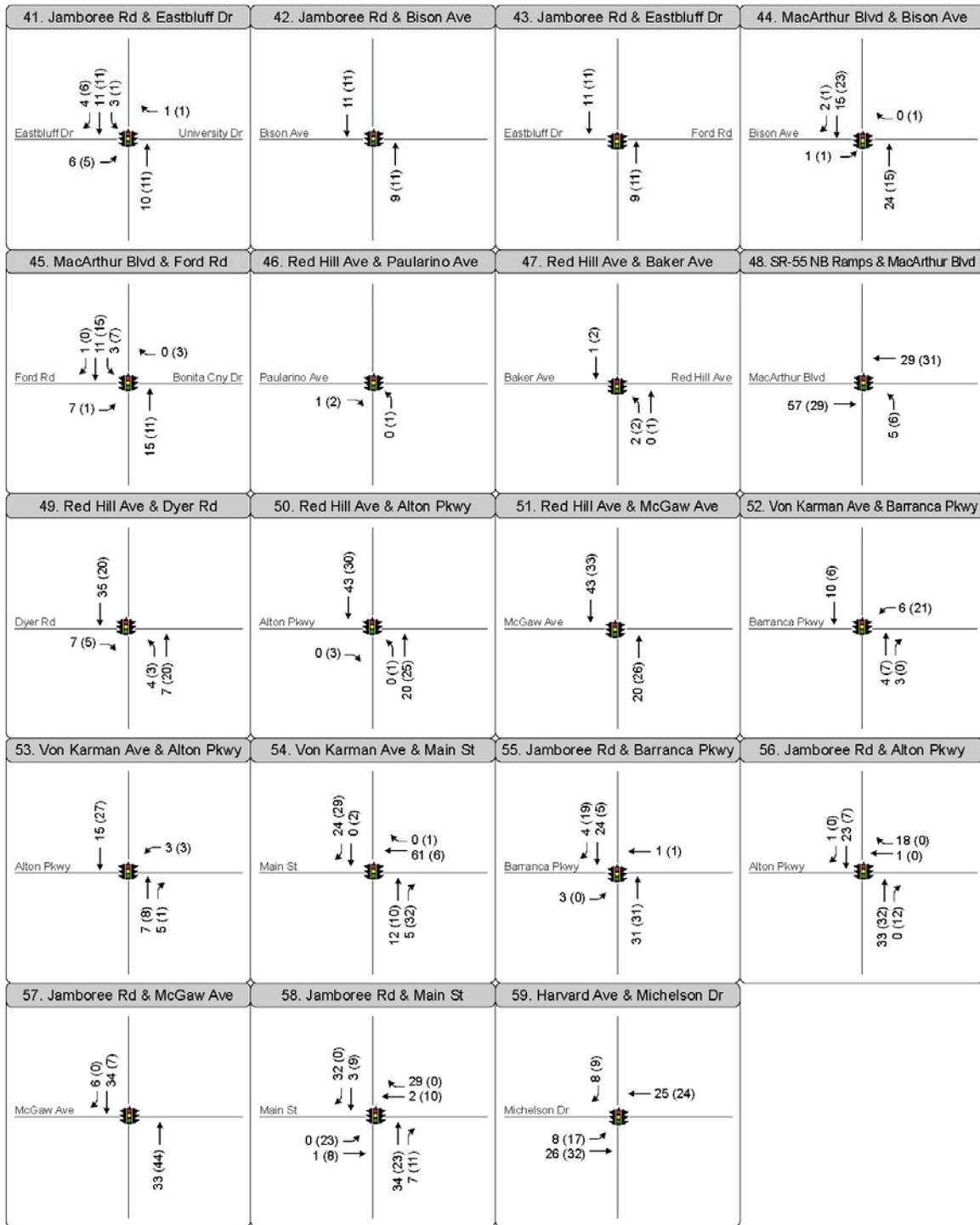
AM (PM) Peak Hour Trip Assignment Traffic Signal Stop Sign



2026 ALTERNATIVE C (MAP 16.9) - PROJECT ONLY AM (PM) PEAK HOUR TRAFFIC VOLUMES

Document Path: N:\Jobs\Active\OC Jobs\OC13-0266_John Wayne Airport\GIS\MXD\ATTACHMENTE_MAP16_9_PO.mxd

ATTACHMENT E



LEGEND

AM (PM) Peak Hour Trip Assignment Traffic Signal Stop Sign



2026 ALTERNATIVE C (MAP 16.9) - PROJECT ONLY AM (PM) PEAK HOUR TRAFFIC VOLUMES

Document Path: N:\Jobs\Active\OC Jobs\OC13-0266_John Wayne Airport\GIS\MXD\ATTACHMENTE_MAP16_9_PO.mxd

ATTACHMENT E



Community Development

cityofirvine.org

City of Irvine, One Civic Center Plaza, P.O. Box 19575, Irvine, California 92623-9575

(949) 724-6000

July 3, 2014

Ms. Lea Choum
JWA Project Manager
3160 Airway Avenue
Costa Mesa, CA 92626

Subject: Environmental Impact Report – John Wayne Airport Settlement Agreement Amendment

Dear Ms. Choum:

The City of Irvine staff has reviewed the Draft Environmental Impact Report (EIR) pertaining to the above referenced project and has the following comments:

1. Clarify why the Orange County Transportation Analysis Model (OCTAM) was used as the forecasting tool to determine significant impacts within the City of Irvine, rather than the City of Irvine's Irvine Transportation Analysis Model (ITAM). Clarify whether pending projects, as well as roadway network changes and land use growth within the City of Irvine were included in OCTAM for the future forecasted scenarios studied. For intersections located within the City of Irvine, identify whether the lane configurations and lane capacities applied in OCTAM to determine intersection capacity utilization (ICU) and level of service (LOS) are consistent with the assumptions used in the City's ITAM. } 1
2. The traffic analysis provided did not analyze the soon to be constructed intersection geometry at the intersection of Barranca Parkway and Von Karman Avenue. To address the LOS issue, the City of Tustin is currently improving this intersection. This project is expected to be completed by mid-summer. Revise the traffic analysis to include this intersection improvement in the project. } 2
3. Executive Summary, Page 1-19: It is stated in this section that the City of Newport Beach has requested that the Federal Aviation Administration (FAA) authorize a new departure procedure for use at John Wayne Airport (JWA) and that minor modifications to noise contours provided in this EIR may occur. It is also stated that departure procedures are solely under the jurisdiction of the FAA and are not a component of the Settlement Agreement Amendment, as they are not within the jurisdiction of the County or the other parties to the Settlement Agreement. The City of Irvine requests to review all proposed noise contours } 3

PRINTED ON RECYCLED PAPER

Ms. Lea Choum
July 3, 2014
Page 2

- from departure and approach patterns that may affect properties in the City of Irvine. } 3 cont.
4. Appendix G – Traffic Technical Report: MacArthur/Michelson Intersection – As stated on page 453, the proposed mitigation converts the traffic signal for the westbound right-turn lane to operate under overlap conditions. Currently, the traffic signal has the westbound right turn overlap phasing and is operating in conjunction with the southbound left turn phasing. Please work with City of Irvine staff to determine an appropriate mitigation measure for this impacted intersection. In addition, the City of Irvine requests to be notified in anticipation of JWA meeting the 12.5 million annual passengers (MAP) threshold to work in collaboration on the timing and cost of the improvement. } 4
5. Appendix G – Traffic Technical Report: Von Karman/Alton Intersection – as stated on page 456, the proposed mitigation includes the addition of a northbound right-turn lane. The City has concerns regarding the viability of implementing this improvement (i.e., potential right-of-way issues and benefit to cost in providing a right-turn lane when a defacto right-turn exists). Please coordinate with City of Irvine Transportation staff to determine an appropriate mitigation measure for this impacted intersection. In addition, the City of Irvine requests to be notified in anticipation of JWA meeting the 12.5 MAP threshold to work in collaboration on the timing and cost of the improvement. } 5
6. Page 24 of Traffic Impact Analysis (Section 2.4.2): An outdated version of The City of Irvine General Plan Objective B-1 Policy (c) was included in this section. Please remove the current text and replace it with the text listed below which reflects the most current version of the City of Irvine General Plan: } 6
- Policy (a):** Develop, on an incremental basis, a vehicular circulation system responding to local and regional access requirements. The following Level of Service (LOS) Standards shall be the goal applied to arterial highways, as shown in Figure B-1 and Figure B-5, which are in the City of Irvine or its sphere of influence, and which are under the City's jurisdiction.
1. LOS "E" or better shall be considered acceptable within the Irvine Business Complex (IBC-PA 36), Irvine Center (PA 33), and at the intersection of Bake Parkway and the I-5 northbound off-ramp.

Ms. Lea Choum
July 3, 2014
Page 3

2a. In conjunction with traffic studies for development proposed in Planning Areas 5B, 6, 8A and 9, a LOS "E" standard would be considered acceptable for application to intersections impacted in Planning Areas 13, 31, 32, 34, 35 and 39.

2b. In conjunction with traffic studies for development proposed in Planning Area 51, a LOS "E" standard would be considered acceptable for application to intersections impacted in Planning Areas 13, 31, 32, 34, 35 and 39 and a portion of 51.

Applicable to 2a and 2b above. LOS "E" would be acceptable subject to the following:

1. Preparation, submittal, processing and approval of a supporting traffic study.
2. Level of Service "E" will only be considered acceptable for an intersection that does not contain a residential quadrant unless the residential development has a net density of 30 dwelling units to the acre or greater. No Level of Service "E" will be accepted along Sand Canyon except at the Sand Canyon/I-5 Interchange ramps/intersections.
3. Participation/funding to an upgraded traffic signal system as defined in the Traffic Management Systems Operations Study (TMSOS) and/or an Advance Traffic Management System (ATMS), which may be in place at the time of processing of the individual traffic study. The City, in conjunction with the specific traffic study, shall determine the level of participation/funding using criteria and a process developed concurrently.

LOS "D" or better shall be considered acceptable within all other areas.

7. Page 65 of the Traffic Impact Analysis (Section 5.1.1): Clarify Threshold T-1 language to indicate that this condition pertains to intersections that degrade from "acceptable" to "unacceptable" LOS. Note that in proximity to the airport LOS "E" is only acceptable within the IBC. Intersections located outside of the IBC, such as Harvard Avenue and Michelson Drive, are deficient at LOS "E". Within the IBC, an intersection is deficient at LOS "F".
8. Page 65 of the Traffic Impact Analysis (Section 5.1.1): Clarify Thresholds T-3 and T-4 language to indicate that these conditions pertain to intersections that are already deficient in the baseline condition, as it is not clear as written. Note that in

6
cont.

7

8

Ms. Lea Choum
July 3, 2014
Page 4

proximity to the airport LOS "E" is only acceptable within the IBC. Intersections located outside of the IBC, such as Harvard Avenue and Michelson Drive, are deficient at LOS "E". Within the IBC, an intersection is deficient at LOS "F".

} 8
cont.

Thank you for the opportunity to review and comment on the proposed document. We would appreciate the opportunity to review any further information regarding this project as the planning process proceeds. If you have any questions, please contact me at 949-724-7453 or at bcurtis@cityofirvine.org

} 9

Sincerely,



Barry Curtis, AICP
Manager of Planning Services

cc: Eric Tolles, Director of Community Development
Tim Gehrich, Deputy Director of Community Development
Bill Jacobs, Principal Planner
David Law, Senior Planner
Sun-Sun Murillo, Supervising Transportation Analyst
Farideh Lyons, Senior Transportation Analyst
Peter Anderson, Senior Transportation Analyst

**Responses to Comments Received from the
City of Irvine
Dated: July 3, 2014**

Response 1: The commenter asks why the Orange County Transportation Analysis Model (“OCTAM”) was used as the forecasting tool rather than the City’s Irvine Transportation Analysis Model (“ITAM”).

Section 4.4 of the Fehr & Peers *John Wayne Airport Transportation Impact Analysis Report* (April 30, 2014) (Transportation Study) provides a description of the process through which OCTAM was selected for the analysis instead of ITAM. A summary of this is also provided on page 4.8-2 of the Draft Environmental Impact Report (“EIR”). As explained in the Transportation Study, the key reason for using OCTAM was that the Airport is a regional facility that distributes traffic throughout Orange County and the larger region. The ITAM model, in comparison, was designed for analyzing projects in the City of Irvine, which represents a relatively limited portion of the Project’s overall transportation study area. Thus, OCTAM, as a regional model, is better suited to analyze traffic generated by a facility that distributes traffic on a regionwide basis. Moreover, as explained in the Transportation Study and Draft EIR, in determining which model to use, Fehr & Peers conducted a comparative analysis of the OCTAM and ITAM models that concluded use of the ITAM model would not result in the identification of any additional significant impacts within the City of Irvine beyond those identified by the OCTAM model.

The following, taken from Transportation Study Section 4.4 (Future Forecasts), explains the options that were considered and the rationale for the selection of OCTAM:

Several alternatives were considered in developing the future forecasts for 2016, 2021, and 2026 analysis years including:

- Approach #1- Application of growth rates combined with manual distribution of traffic from approved and pending projects, which is the approach traditionally taken for projects in Orange County
- Approach #2- Application of Regional Travel Demand Model maintained by OCTA [Orange County Transportation Authority] (OCTAM)
- Approach #3- Application of City of Irvine Citywide Travel Demand Model (ITAM)

Given the regional nature of John Wayne Airport, the first approach was screened out because of its specifically local nature, and the use of a Travel Demand Model was prioritized. Given the two potential models that could be employed, the positive and negative aspects of each tool were evaluated.

OCTAM was developed and maintained by OCTA (“Orange County Transportation Authority”) for use in preparing regional transportation studies while ITAM was developed and maintained by the City of Irvine for use in studies for the City of Irvine. ITAM is derived from OCTAM but includes additional data within the City of Irvine.

OCTAM version 3.4 was selected for use in this study, which incorporates the latest available land use forecasts for Orange County, Orange County Projections 2012. The latest version of OCTAM incorporates traffic count data from 2010 for validation purposes and was finalized in August of 2012. OCTAM also provides the flexibility to evaluate potential impacts to the freeway system outside of the immediate study area, should such a request be forthcoming at a later date.

Consistent with state-of-the-practice travel demand forecasting, model error was corrected using the methodologies identified in the National Cooperative Highway Research Program Report 255⁶⁴ using the “difference method” for roadway segments and.

OCTAM data is available for forecast years 2010 and 2035; therefore; growth at the various intersections was interpolated for the various intervening analysis years. As part of the forecasting process, OCTAM was reviewed to determine whether there are any significant Cumulative Projects which are not accounted for in the Model. Traffic from these cumulative projects not otherwise included was added manually to the forecasts for the appropriate analysis year.

An additional review was conducted to determine whether the use of ITAM would result in the identification of any significant impacts at locations within the City of Irvine not otherwise identified with use of the OCTAM. As part of this review, the results for a version of ITAM for 2017 (the most proximate year available) were compared against the 2016 No Project and With Project results.

This comparison determined that the LOS was similar between the two models at the common intersections and that the ITAM results were often the same as the OCTAM results. This review of OCTAM to ITAM for the same time period indicated that the use of ITAM would not result in the identification of any additional significant impacts in the City of Irvine; therefore OCTAM was utilized for the entire study area for consistency purposes.

As shown in the Table RTC-1, below, which presents a side by side comparison of intersection operations under the No Project scenario (“NP”) utilizing the OCTAM and ITAM models, there is a high level of consistency between the OCTAM and ITAM results for comparable years. While there are

⁶⁴ Pedersen, N.J. and D.R. Samdahl. 1982. *Highway Traffic Data for Urbanized Area Project Planning and Design* (No. 255). Washington, D.C.: Transportation Research Board.

two locations which ITAM reports as LOS E under the NP condition, Fehr & Peers conducted a supplemental, or validation, analysis at the two intersections utilizing ITAM traffic volumes to assess potential impacts. The validation analysis determined that the addition of project trips would not cause either of these two LOS E intersections to degrade to LOS F, which would be indicative of a significant impact in the City of Irvine for these intersections. Therefore, use of the ITAM model would not result in the identification of additional significant impacts beyond those identified using the OCTAM model

**TABLE RTC-1
COMPARISON OF THE OCTAM AND ITAP RESULTS**

Intersection Locations	Peak Hour	OCTAM	OCTAM	ITAM	ITAM
		ICU 2016 NP V/C	LOS 2016 NP	ICU 2017 NP V/C	LOS 2017 NP
MacArthur Boulevard/Main Street	AM	0.59	A	0.61	B
	PM	0.75	C	0.75	C
MacArthur Boulevard/I-405 NB Ramps	AM	0.68	B	0.68	B
	PM	0.65	B	0.63	B
MacArthur Boulevard/I-405 SB Ramps	AM	0.60	A	0.57	A
	PM	0.66	B	0.74	C
MacArthur Boulevard/Michelson Drive	AM	0.71	C	0.64	B
	PM	0.91	E	0.85	D
Jamboree Road/I-405 NB Ramps	AM	0.69	B	0.73	C
	PM	0.81	D	0.83	D
Jamboree Road/I-405 SB Ramps	AM	0.89	D	0.94	E
	PM	0.78	C	0.79	C
Jamboree Road/Michelson Drive	AM	0.69	B	0.81	D
	PM	0.86	D	0.99	E
Von Karman Ave/Michelson Drive	AM	0.52	A	0.57	A
	PM	0.66	B	0.76	C
Red Hill Avenue/MacArthur Boulevard	AM	0.63	B	0.70	B
	PM	0.73	C	0.81	D
Red Hill Avenue/Main Street	AM	0.72	C	0.66	B
	PM	0.72	C	0.74	C

ICU-Intersection Capacity Utilization; NP-No Project; V/C-Volume to Capacity ratio; NB-Northbound; SB-Southbound
Source: Fehr & Peers. 2014 (April). *John Wayne Airport Transportation Impact Analysis Report*. Anaheim, CA: Fehr & Peers.

The commenter also requests that clarification be provided whether pending projects, as well as roadway network changes and land use growth within the City of Irvine, were included in OCTAM for the future forecasted scenarios studied.

Prior to preparing the Transportation Study, Fehr & Peers reviewed the roadway network improvements assumptions in OCTAM and compared those against the data contained in ITAM. The results of this analysis are summarized in Table RTC-2, below. As shown in this table, the roadway

network for ITAM is consistent for intersections in the City of Irvine. There is only one location in which there is a discrepancy in which field data collection noted an additional lane beyond what is documented in ITAM. Therefore, we can conclude that future roadway network changes in ITAM are consistent with the Transportation Study.

In regards to Cumulative development projects, Fehr & Peers reviewed the data within OCTAM as outlined in Attachment A immediately following the responses to the City's comments. This review determined that the majority of the Cumulative projects within the City of Irvine were included in OCTAM and for those projects which were not explicitly included, adjustments were made to the Traffic Analysis Zone ("TAZ") level data to ensure their presence in the forecasted volumes.

The commenter also asks whether the lane configurations applied in OCTAM are consistent with the assumptions used in the City's ITAM. The project's traffic engineers, Fehr & Peers, verified that the lane configurations were comparable between the analysis presented in the Transportation Study as summarized in the Draft EIR, which is based on the OCTAM model, and data from ITAM. As shown in the table below, the lane configurations are comparable except for one location, where field data collection noted a slightly different configuration. However, application of the ITAM configuration would not alter the results of the impact analysis conducted utilizing the OCTAM model.

**TABLE RTC-2
COMPARISON OF THE OCTAM AND ITAM
ROADWAY NETWORK IMPROVEMENTS ASSUMPTIONS**

Roadway Location	Differences in Network Assumptions
MacArthur Boulevard/Main Street	No difference
MacArthur Boulevard/I-405 NB Ramps	Transportation analysis includes an additional westbound right turn lane which was verified by field data collection.
MacArthur Boulevard/I-405 SB Ramps	No difference
MacArthur Boulevard/Michelson Drive	No difference
Jamboree Road/I-405 NB Ramps	No difference
Jamboree Road/I-405 SB Ramps	No difference
Jamboree Road/Michelson Drive	No difference
Von Karman Avenue/Michelson Drive	No difference
Red Hill Avenue/MacArthur Boulevard	No difference
Red Hill Avenue/Main Street	No difference
Source: Fehr & Peers. 2014 (April). <i>John Wayne Airport Transportation Impact Analysis Report</i> . Anaheim, CA: Fehr & Peers.	

Response 2: The commenter notes that the analysis does not include a programmed roadway improvement at the Von Karmen Avenue/Barranca Parkway intersection. While the comment is correct, this means the analysis results are conservative as the

results may overstate delay at this intersection due to the fact that the programmed improvements were not considered as part of the analysis. Nonetheless, no significant impacts were identified at this location under any analysis scenario. Therefore, since no impact is forecast to occur during any analysis scenario at the intersection, it can be concluded that no additional significant impacts would be identified at this location had it been analyzed with the future improvements in place. Since this improvement has not been implemented, the Transportation Study and Draft EIR LOS and delay tables will not be updated; however, for informational purposes the updated LOS results reflecting the programmed improvement are provided in Attachment B, which immediately follows the response to the City's comments.

Response 3: The referenced discussion in Section 1.9 (Other Airport-Related Issues Not Associated with the Settlement Agreement Amendment) was provided as an informational disclosure. As indicated in the Environmental Impact Report ("EIR"), the Federal Aviation Administration ("FAA") has indicated that the City of Newport Beach's request will be considered at a later time. At this time, it would be speculative to surmise what airspace procedure changes, if any, the FAA will implement in response to the City's request. The FAA also would be responsible for the preparation and evaluation of noise contours associated with any proposed modification to the flight path. If the FAA does choose to utilize satellite guidance that would modify the approach patterns, John Wayne Airport's ("JWA's") ongoing noise monitoring program could provide data on the noise effects of any modification to the flight path. The noise data is compiled by the JWA Access and Noise Office and is made available to the public in the Airport's Quarterly Noise Abatement Reports and Annual Noise Contours, which is posted to the Airport's website.

Response 4: The commenter states that the recommended mitigation for impacts at the MacArthur Boulevard/Michelson Drive intersection is already in place and requests that JWA work with the City to determine an appropriate mitigation measure.

The traffic engineer's (Fehr & Peers) initial data collection noted that the right-turn overlap at the intersection was not operational during a review of the study area. However, if the right-turn overlap in fact is operational as noted by the City, then the Draft EIR analysis is conservative in identifying significant impacts and recommending mitigations at this location. That is, if the right-turn overlap phase is operational, then the intersection operations are improved to an acceptable LOS (LOS "E" or better) for all analysis scenarios. As a result, the Final EIR is hereby revised to reflect no significant impact is forecast to occur at the intersection and, therefore, no mitigation is required.

With that change, the LOS and delay calculations for all analysis scenarios will be revised in the Transportation Study and EIR tables. Attachment B includes the updated LOS results.

Additionally, with this change, the Final EIR and Transportation Study will be revised to reflect that the MacArthur/Michelson intersection will no longer be significantly impacted as previously reported in the Draft EIR.

Lastly, the Final EIR and Transportation Study will be revised to reflect that the identified mitigation measures at the MacArthur/Michelson intersection have been eliminated.

Response 5: The commenter states that the City has concerns with the recommended mitigation to add a northbound right-turn lane at the Von Karman/Alton intersection in light of the fact that a defacto right-turn lane already exists.

The LOS results at the intersection of Von Karman /Alton are conservative because a northbound de facto right-turn lane is not assumed. If the analysis included a de facto right-turn lane as noted by the City, then the intersection operations are improved to be an acceptable LOS for all analysis scenarios. Therefore, no significant impact is forecast to occur and no mitigation is required.

With that change, the LOS and delay calculations for all analysis scenarios will be revised in the Transportation Study and EIR tables. Attachment B includes the updated LOS results.

Additionally, with this change, the Final EIR and Transportation Study will be revised to reflect that the Von Karman/Alton intersection will no longer be significantly impacted as previously reported in the Draft EIR.

Lastly, the Final EIR and Transportation Study will be revised to reflect that the identified mitigation measures at the Von Karman Avenue/Alton Parkway been eliminated.

Response 6: The comment states that the Transportation Study includes an outdated version of the City of Irvine General Plan Objective B-1 Policy (c). It should be noted that the text provided in the Draft EIR is consistent with the version of the General Plan available to the public on the City's website. However, in response to the comment, the following text will be stricken from the Transportation Study and from Draft EIR Table 4.5-10 (page 4.5-62) in Section 4.5 (Land Use and Planning):

~~Objective B-1 Policy (c)~~

~~Develop, on an incremental basis, a vehicular circulation system responding to local and regional access requirements. The following Level of Service (LOS) Standards shall be the goal applied to arterial highways, which are in the City of Irvine or its sphere of influence, and which are under the City's jurisdiction.~~

- ~~• LOS "E" or better shall be considered acceptable within the Irvine Business Complex (IBC PA 36), Irvine Center (PA 33), and at the intersection of Bake Parkway and the I-5 northbound off-ramp.~~
- ~~• In conjunction with individual subdivision map level traffic studies for development proposed in Planning Areas 5B, 6, 8A and 9, a LOS "E" standard would be considered acceptable for application to intersections impacted in Planning Areas 13, 31, 32, 34, 35 and 39.~~

- ~~In conjunction with individual subdivision map level traffic studies for development proposed in Planning Areas 30 and 51, a LOS “E” standard would be considered acceptable for application to intersections impacted in Planning Areas 13, 30, 31, 32, 34, 35 and 39.~~

The above deleted text will be replaced with the following text:

Policy (a): Develop, on an incremental basis, a vehicular circulation system responding to local and regional access requirements. The following Level of Service (LOS) Standards shall be the goal applied to arterial highways, as shown in Figure B-1 and Figure B-5, which are in the City of Irvine or its sphere of influence, and which are under the City’s jurisdiction.

1. LOS “E” or better shall be considered acceptable within the Irvine Business Complex (IBC-PA 36), Irvine Center (PA 33), and at the intersection of Bake Parkway and the I-5 northbound off-ramp.
- 2a. In conjunction with traffic studies for development proposed in Planning Area 5B, 6, 8A, and 9, an LOS “E” standard would be considered acceptable for application to intersections impacted in Planning Areas 13, 31, 32, 34, 35 and 39.
- 2b. In conjunction with traffic studies for development proposed in Planning Area 51, an LOS “E” standard would be considered acceptable for application to intersections impacted in Planning Areas 13, 31, 32, 34, 35 and 39 and a portion of 51.

Applicable to 2a and 2b above, LOS “E” would be acceptable subject to the following:

1. Preparation, submittal, processing, and approval of a supporting traffic study.
2. Level of Service “E” will only be considered acceptable for an intersection that does not contain a residential quadrant unless the residential development has net density of 30 dwelling units to the acre or greater. No Level of Service “E” will be acceptable along Sand Canyon except at the Sand Canyon/I-5 interchange ramp/intersections.
3. Participation/funding to an upgraded traffic signal system as defined in the Traffic Management Systems Operations Study (TMSOS) and/or an Advance Traffic Management System (ATMS), which may be in place at the time of processing of the individual traffic study. The City, in conjunction with the specific traffic study, shall determine the level of participation/funding using criteria and a process developed concurrently.

LOS “D” shall be considered acceptable within all other areas.

The above revisions do not alter the results of the impacts analysis presented in the Transportation Study and Draft EIR.

Response 7: The commenter requests that page 65 of the Transportation Study be revised to clarify that Threshold T-1 (identified as Threshold 4.8-1 in the Draft EIR) pertains to intersections that degrade from "acceptable" to "unacceptable" LOS.

Significance Criteria T-1 as applied within the Transportation Study and the Draft EIR evaluated intersections that degraded from an acceptable to an unacceptable LOS due to the addition of Project-related traffic. To clarify the application of this criteria, Threshold T-1 (Threshold 4.8-1, pages 1-33, 4.8-21, and 4.8-135) and Transportation Study (page 65), is hereby revised as follows (new text shown in underline):

In the City of Irvine outside of the Irvine Business Complex, the addition of project-generated trips increases the ICU at a study intersection by 0.01 or more of capacity, causing the intersection to change from an acceptable LOS D to an unacceptable LOS E or LOS F.

The above revision does not alter the results of the impacts analysis presented in the Transportation Study and Draft EIR.

Response 8: The commenter requests that page 65 of the Transportation Study be revised to clarify that Thresholds T-3 and T-4 (identified in the Draft EIR as Thresholds 4.8-3 and 4.8-4, respectively) pertain to intersections that are already deficient in the baseline condition.

Thresholds T-3 and T-4 (Draft EIR Thresholds 4.8-3 and 4.8-4, respectively) as applied within the Transportation Study and the Draft EIR evaluated intersections that would operate at a deficient LOS prior to the addition of Project traffic. To clarify the application of this criteria, Threshold T-3 (Draft EIR Threshold 4.8-3, pages 1-33, 4.8-21, and 4.8-135) and Transportation Study (page 65), is hereby revised as follows (new text shown in underline):

In the City of Irvine outside of the Irvine Business Complex, the addition of project-generated trips increases the ICU by 0.02 or more at a study intersection operating at an unacceptable LOS E or F under baseline conditions.

To clarify the application of this criteria, Threshold T-4 (Draft EIR Threshold 4.8-4, pages 1-34, 4.8-22, and 4.8-135) and Transportation Study (page 65), will be revised as follows (new text shown in underline):

In the City of Irvine inside the Irvine Business Complex, the addition of project-generated trips increases the ICU by 0.02 more at a study intersection operating at an unacceptable LOS ~~E or~~ F under baseline conditions.

The above revision does not alter the results of the impacts analysis presented in the Transportation Study and Draft EIR.

Response 9: The comment is noted. No further response is required given that the comment does not address or question the content of the Draft EIR.

Attachment A

ID#	Jurisdiction	Name	Model Accounts for Project?	Update to OCTAM
1	Newport Beach	Back Bay Landing	NO	TAZ 1404: Additional 47 MF du's and 123 Retail Employees
2	Newport Beach	Balboa Marina Expansion	NO	TAZ 1409: Additional 61 Retail Employees
3	Newport Beach	Old City Hall Complex Redevelopment	YES	No update needed
4	Newport Beach	Newport Harbor Yacht Club	YES	No update needed
5	Newport Beach	Banning Ranch	YES	No update needed
6	Newport Beach	North Newport Center Planned Community	Partially	TAZ 1408: Additional 254 Retail Employees and 1735 Service Employees
7	Newport Beach	919 Bayside Drive Project	YES	No update needed
8	Newport Beach	AERIE Project	YES	No update needed
9	Newport Beach	Coast Community College District - Newport Beach Learning Center Project	YES	No update needed
10	Newport Beach	Hoag Memorial Hospital Presbyterian Master Plan Update	YES	No update needed
11	Newport Beach	Hyatt Regency Newport Beach Expansion Project	YES	No update needed
12	Newport Beach	Newport Beach City Hall & Park Development Project	NO	TAZ 1412: Additional 360 Service Employees
13	Newport Beach	Santa Barbara Condominiums Project	YES	No update needed

ID#	Jurisdiction	Name	Model Accounts for Project?	Update to OCTAM
14	Newport Beach	Beauchamp Project	YES	No update needed
15	Newport Beach	Newport Business Plaza Project	NO	TAZ 1364: Additional 157 Service Employees
16	Newport Beach	Newport Marina - ETCO Development	Partially	TAZ 1407: Additional 36 Retail Employees and 72 Service Employees
17	Newport Beach	Marina Park Project	YES	No update needed
18	Newport Beach	Mariner's Medical Arts Project	NO	TAZ 1384: Additional 51 Service Employees
19	Newport Beach	Megonigal Residence Project	YES	No update needed
20	Newport Beach	Golf Reality Tennis Club	YES	No update needed
21	Newport Beach	Newport Beach Country Club Inc	YES	No update needed
22	Newport Beach	PRES Office Building B Project	NO	TAZ 1367: Additional 21 Service Employees
23	Newport Beach	Old Newport GPA Project	NO	TAZ 1390 Additional 68 Service Employees

ID#	Jurisdiction	Name	Model Accounts for Project?	Update to OCTAM
24	Newport Beach	Rhine Channel Contaminated Sediment Cleanup Project	YES	No update needed
25	Newport Beach	Sunset Ridge Park Project	YES	No update needed
26	Newport Beach	Knoll Mixed Use Development	YES	No update needed
27	Newport Beach	Uptown Newport Mixed Use Development	Partially	TAZ 1367: Additional 317 MF du's, 12 Retail Employees, and 23 Service Employees
28	Newport Beach	Plaza Corona Del Mar	YES	No update needed
29	Newport Beach	Mariner's Pointe	YES	No update needed
30	Newport Beach	MacArthur at Dolphin-Striker Way	YES	No update needed
31	Newport Beach	Lido Villas (DART)	YES	No update needed
32	Irvine	PA6 Residential Project	YES	No update needed
33	Irvine	PA33 Spectrum Restaurant Project	YES	No update needed
34	Irvine	PA40 East Apartment & Office Project	Partially	TAZ1186: Additional 220 Service Employees
35	Irvine	PA51 High School	YES	No update needed
36	Irvine	New Irvine Technology Center in IBC	Partially	TAZ 1219 Additional 380 MF du's and 34 Retail Employees

ID#	Jurisdiction	Name	Model Accounts for Project?	Update to OCTAM
37	Irvine	96 Corporate Park Medical Office Project	YES	No update needed
38	Irvine	Hilton Garden Inn Project	YES	No update needed
39	Irvine	Homewood Suite Hotel Project	YES	No update needed
40	Irvine	Residential Project	NO	TAZ 1197: Additional 280 MF du's
41	Irvine	Residential Project	NO	TAZ 1201: Additional 362 MF du's
42	Costa Mesa	West 17th St & Superior Ave Live/Work Project	YES	No update needed
43	Costa Mesa	125 East Baker St Apartment Project	NO	TAZ 1068: Additional 240 MF du's
44	Costa Mesa	Anchor Live/Work Project	YES	No update needed
45	Costa Mesa	2626 Harbor Blvd 33-Unit Residential Common Interest Development	YES	No update needed
46	Costa Mesa	Pacific Gateway Residences Project	YES	No update needed
47	Tustin	Tustin Legacy (MCAS Specific Plan)	YES	No update needed
48	Tustin	Pacific Center East Specific Plan	YES	No update needed
49	Tustin	Assisted Living/Congregate Care Facility	YES	No update needed

ID#	Jurisdiction	Name	Model Accounts for Project?	Update to OCTAM
50	Tustin	Newport Avenue Extension	YES	No update needed
51	Tustin	Tustin Ranch Road Extension	YES	No update needed

Attachment B

Intersection	Traffic Control	Peak Hour	Existing		Existing Plus Project		Change LOS	Existing Plus Alternative A		Change LOS	Existing Plus Alternative B		Change LOS	Existing Plus Alternative C		Change LOS	Existing Plus No Project Alternative		Change LOS
			V/C	LOS	V/C	LOS		V/C	LOS		V/C	LOS		V/C	LOS		V/C	LOS	
4. MacArthur Blvd at Michelson Drive	Signal	AM	0.62	B	0.68	B	0.06	0.68	B	0.06	0.72	C	0.10	0.74	C	0.12	0.65	B	0.03
		PM	0.74	C	0.77	B	0.03	0.77	C	0.03	0.79	C	0.05	0.82	D	0.08	0.76	C	0.02
52. Von Karman Ave at Barranca Pkwy	Signal	AM	0.70	C	0.71	C	0.01	0.71	C	0.01	0.71	C	0.01	0.71	C	0.01	0.71	C	0.01
		PM	0.75	C	0.75	B	0.00	0.75	C	0.00	0.75	C	0.00	0.76	C	0.01	0.75	C	0.00
53. Von Karman Ave at Alton Pkwy	Signal	AM	0.76	C	0.77	C	0.01	0.77	C	0.01	0.78	C	0.02	0.78	C	0.02	0.77	C	0.01
		PM	0.79	C	0.80	B	0.01	0.80	C	0.01	0.80	C	0.01	0.80	C	0.01	0.80	C	0.01

Intersection	Traffic Control	Peak Hour	2016 NP (Base)		2016 Plus Project		Change LOS	2016 Plus Alternative A		Change LOS	2016 Plus Alternative B		Change LOS	2016 Plus Alternative C		Change LOS	2016 Plus No Project Alternative		Change LOS
			V/C	LOS	V/C	LOS		V/C	LOS		V/C	LOS		V/C	LOS		V/C	LOS	
4. MacArthur Blvd at Michelson Drive	Signal	AM	0.64	B	0.67	B	0.03	0.67	B	0.03	0.67	B	0.03	0.76	C	0.12	0.67	B	0.03
		PM	0.76	C	0.78	C	0.02	0.78	C	0.02	0.78	C	0.02	0.85	D	0.09	0.78	C	0.02
52. Von Karman Ave at Barranca Pkwy	Signal	AM	0.74	C	0.74	C	0.00	0.74	C	0.00	0.74	C	0.00	0.75	C	0.01	0.74	C	0.00
		PM	0.73	C	0.79	C	0.00	0.79	C	0.00	0.79	C	0.00	0.80	D	0.01	0.79	C	0.00
53. Von Karman Ave at Alton Pkwy	Signal	AM	0.78	C	0.78	C	0.00	0.78	C	0.00	0.78	C	0.00	0.79	C	0.01	0.78	C	0.00
		PM	0.82	D	0.82	D	0.00	0.82	D	0.00	0.82	D	0.00	0.83	D	0.01	0.82	D	0.00

Intersection	Traffic Control	Peak Hour	2021 NP (Base)		2021 Plus Project		Change LOS	2021 Plus Alternative A		Change LOS	2021 Plus Alternative B		Change LOS	2021 Plus Alternative C		Change LOS	2021 Plus No Project Alternative		Change LOS
			V/C	LOS	V/C	LOS		V/C	LOS		V/C	LOS		V/C	LOS		V/C	LOS	
4. MacArthur Blvd at Michelson Drive	Signal	AM	0.66	B	0.70	C	0.04	0.69	B	0.03	0.72	C	0.06	0.77	C	0.11	0.68	B	0.02
		PM	0.79	C	0.82	D	0.03	0.82	D	0.03	0.83	D	0.04	0.88	D	0.09	0.81	D	0.02
52. Von Karman Ave at Barranca Pkwy	Signal	AM	0.78	C	0.79	C	0.01	0.79	C	0.01	0.79	C	0.01	0.79	C	0.01	0.78	C	0.00
		PM	0.86	D	0.87	D	0.01	0.87	D	0.01	0.87	D	0.01	0.87	D	0.01	0.86	D	0.00
53. Von Karman Ave at Alton Pkwy	Signal	AM	0.81	D	0.82	D	0.01	0.82	D	0.01	0.82	D	0.01	0.82	D	0.01	0.81	D	0.00
		PM	0.86	D	0.87	D	0.01	0.87	D	0.01	0.87	D	0.01	0.87	D	0.01	0.86	D	0.00

Intersection	Traffic Control	Peak Hour	2026 NP (Base)		2026 Plus Project		Change LOS	2026 Plus Alternative A		Change LOS	2026 Plus Alternative B		Change LOS	2026 Plus Alternative C		Change LOS	2026 Plus No Project Alternative		Change LOS
			V/C	LOS	V/C	LOS		V/C	LOS		V/C	LOS		V/C	LOS		V/C	LOS	
4. MacArthur Blvd at Michelson Drive	Signal	AM	0.67	B	0.73	C	0.06	0.73	C	0.06	0.76	C	0.09	0.79	C	0.12	0.70	B	0.03
		PM	0.83	D	0.86	D	0.03	0.87	D	0.04	0.89	D	0.06	0.92	E	0.09	0.84	D	0.01
52. Von Karman Ave at Barranca Pkwy	Signal	AM	0.83	D	0.84	D	0.01	0.84	D	0.01	0.84	D	0.01	0.84	D	0.01	0.83	D	0.00
		PM	0.93	E	0.94	E	0.01	0.94	E	0.01	0.94	E	0.01	0.94	E	0.01	0.93	E	0.00
53. Von Karman Ave at Alton Pkwy	Signal	AM	0.83	D	0.84	D	0.01	0.84	D	0.01	0.84	D	0.01	0.84	D	0.01	0.83	D	0.00
		PM	0.89	D	0.89	D	0.00	0.89	D	0.00	0.89	D	0.00	0.89	D	0.00	0.89	D	0.00



June 18, 2014

Ms. Lea Choum
IWA Project Manager
3160 Airway Avenue
Costa Mesa, CA 92626

Re: John Wayne Airport Settlement Agreement Amendment
Draft Environmental Impact Report 617 (DEIR)
City of Laguna Beach Comments

Dear Ms. Choum:

The City of Laguna Beach appreciates the opportunity to comment on Draft Environmental Impact Report 617 and our comments are attached to this letter. The Laguna Beach City Council strongly supports the proposed Settlement Agreement Amendment (Project) evaluated in the DEIR. The City Council also believes that the DEIR fully satisfies the provisions of the California Environmental Quality Act (CEQA and the CEQA Guidelines). While it seems counterintuitive that approval of a project would actually be the only way to ensure continuation of noise mitigation measures such as the curfew, that certainly seems to be the case here.

} 1

We appreciate your extensive discussion of the noise impacts in Laguna Beach that would be generated by the Project and the "Alternatives." While we understand that there are objective criteria for determining whether increases in aircraft noise are considered significant, we also are convinced that our residents' quality of life is significantly impacted by departure noise – especially those residents who live in areas where, as the DEIR confirms, departure paths are concentrated. The City Council and our residents would benefit from a better understanding as to why commercial air carrier departures are less disperse now than in previous years and what opportunities may exist in the future to persuade the Federal Aviation Administration to modify departure procedures to reduce the impact on our residents. We intend to pursue those modifications and protect our residents from aircraft noise impacts to the extent feasible.

} 2

Our comments are, for the most part, intended to generate responses that provide members of the public with a greater understanding of the manner in which the Settlement Agreement controls noise impacts generated by commercial air carrier and general aviation operations. We believe the City Council and our residents will benefit from a better understanding of when during the operational day the additional departures are likely to occur and whether the increase in service levels might be achieved through the introduction of newer aircraft like the 737-900 ER. Nonetheless, the City Council is convinced that the single most important aspect of the Project – and one that the Project achieves to a greater extent than any alternative – is the preservation of the curfew (and the requirement for consent to any changes) for as long as possible.

} 3
} 4
} 5

Finally, the City Council would like to congratulate the County, the City of Newport Beach, Stop Polluting our Newport (SPON) and the Airport Working Group (AWG) for their efforts in finding what

} 6

505 FOREST AVE. • LAGUNA BEACH, CA 92651 • TEL (949) 497-3311 • FAX (949) 497-0771



Letter to Ms. Lea Choum
June 18, 2014
Page 2

appears to be a reasonable balance between providing additional air transportation opportunities while minimizing air transportation impacts.

} 6
cont.

Regards,


Elizabeth Pearson
Mayor, City of Laguna Beach

Attachment

**City of Laguna Beach Comments
John Wayne Airport Settlement Agreement Amendment
Draft Environmental Impact Report 617**

The City of Laguna Beach has reviewed Draft Environmental Impact Report 617 (DEIR) – the environmental document that evaluates the impacts of the proposed John Wayne Airport Settlement Agreement Amendment. We have also reviewed the terms and conditions of the 2003 JWA Settlement Agreement (Current Agreement) that are considered the “No Project” alternative. Our comments focus on the analysis of aircraft noise – the issue of greatest importance to the City of Laguna Beach and its residents. The City’s comments are as follows:

} 7

1. The Project represents a 10 Average Daily Departures (ADD) increase (compared to levels authorized in the Current Agreement) beginning in 2021 (from 85 to 95). However, the DEIR does not indicate when during the operational day those additional ADD could be expected to operate. We understand that the peak demand for air transportation is from 7:00 a.m. (or earlier) to 9:00 a.m. However, we have been advised that JWA functions at or near capacity from 7 a.m. to 9 a.m. because of spatial limitations such as the number of Remain Over Night (RON) aircraft and the limited length of the taxiway which can delay RON aircraft from accessing gates. The ability of JWA to accommodate any additional ADD during the early morning hours – when ambient noise levels may be lower and aircraft noise more perceptible – is obviously of interest to the City of Laguna Beach and our residents. We would greatly appreciate an explanation as to whether JWA is operating at capacity during the 7:00 a.m. to 9:00 a.m. time frame and whether any of the additional ADD that would be authorized during Phase 2 could be expected to operate in this period.

} 8

2. In Table 3-4 - PEAK HOUR ENPLANED, DEPLANED, AND TOTAL PASSENGERS FOR THE PROPOSED PROJECT, ALTERNATIVES A, B, AND C, AND NO PROJECT ALTERNATIVE, the DEIR indicates there would be a reduction in enplaned passengers at the 7:00 a.m. “peak hour” during Phase 1 of the Project (1900) versus the Baseline condition. Table 3-4 also indicates a significant increase in total passengers during Phase 1 of the Project (2800) in the morning peak hour compared to the Baseline. Do these differences reflect some modification in the manner in which departures and arrivals are sequenced in the first two hours of the operational day and if so what modifications will be implemented?

} 9

3. To what extent is it likely that Project service level increases will be achieved primarily by the apparent trend among air carriers to re-equip with aircraft that significantly exceed the seat configuration assumptions in the DEIR? We understand that United is one of many carriers expected to take delivery of the new 737-900 ER that is capable of carrying up to 180 passengers in a two-class layout and up to 220 passengers in a one-class layout. With the recent dramatic increase in load factors and the potential for incumbent carriers to utilize aircraft that have 30% more seats than the average indicated in the DEIR, the maximum service levels may be achieved with substantially fewer operations than assumed.

} 10

4. The “No Project” alternative assumes the continuation of the restriction imposed by the Current Agreement throughout the 15 (20 including curfew) year term of the Project. The rationale for this assumption is that – while the Current Agreement would no longer be the basis for those

} 11

City of Laguna Beach Comments
June 18, 2014

restrictions – the rules would remain the same unless and until the Board of Supervisors took affirmative action, accompanied by appropriate documentation, to change them. The Current Agreement does contain language to that effect, but the DEIR fails to consider the potential for a legal challenge that could lead to a court order invalidating the rules and/or mandating changes. Without what appear to be the overly optimistic assumptions in the DEIR regarding the continuation of noise restrictions, the No Project alternative would result in more ADD, more passengers and more noise than the Project during and long after all phases.

11
cont.

5. The following language is found on Page 2.9 of the DEIR:

“In the event that the Settlement Agreement expires, other interested entities – including, but not limited to, the Federal Aviation Administration (FAA) and commercial air carriers – could initiate legal action challenging the maintenance of any noise and access restriction at JWA on the basis that such restrictions violate the Airport Noise and Capacity Act (ANCA).”

While that may be true for restrictions directly related to the Current Agreement, our understanding is that the curfew would not be subject to an ANCA challenge if the Current Agreement expires. The curfew is a County ordinance adopted long before ANCA and, to our knowledge, is a noise restriction that incumbent carriers are required to abide by as part of their operating agreements. ANCA and Federal Aviation Regulations (FAR) Part 161.7(d)(1) confirm that ANCA does not, except to the extent of the specific topics covered, supplant existing law regarding an airport proprietor’s right to adopt reasonable and non-discriminatory noise based regulations. Moreover, according to ANCA and FAR Part 161.7(b) (4), ANCA does not apply to:

12

“A subsequent amendment to an airport aircraft noise or access agreement or restriction in effect on November 5, 1990, where the amendment does not reduce or limit aircraft operations or affect aircraft safety.”

The curfew is an aircraft noise restriction in effect prior to November 5, 1990 and ANCA does not appear to apply to the JWA curfew unless and until amended and then only if the criteria are satisfied.

6. The City of Laguna Beach appreciates the analysis in the DEIR of noise impacts of commercial air carrier departures on Laguna Beach residents. The City understands that the parties to the Settlement Agreement have no jurisdiction or control over aircraft after departure and that the Project does not directly involve any changes to the existing procedure. However, since the Project does contemplate additional operations, we suspect a high percentage of those ADD will fly over Laguna Beach as they proceed east. The DEIR confirms what many Laguna Beach residents had been saying for years – that there has been a concentration of departing commercial air carrier aircraft over certain areas within Laguna Beach. The City would appreciate an explanation of Project-related ADD in the context of: (a) the current departure procedures used by air carrier aircraft proceeding east after departing JWA; (b) changes in the JWA departure procedures that are presently planned or contemplated by the FAA; and (c) regional airspace initiatives that have been proposed by the FAA that could have a bearing on JWA departures or the path taken by commercial air carrier aircraft. The City believes this information will be helpful to Laguna Beach residents in evaluating the incremental increase in noise resulting from the project

13

City of Laguna Beach Comments
June 18, 2014

and help the City Council pursue opportunities to protect our residents from commercial air carrier departure noise.

} 13
cont.

**Responses to Comments Received from the
City of Laguna Beach
Dated: June 18, 2014**

- Response 1:** This comment is an introduction to comments that follow and expresses the Laguna Beach City Council's (1) strong support for the Proposed Project evaluated in the Draft Environmental Impact Report ("EIR") and (2) belief that the Draft EIR fully satisfies the requirements of the California Environmental Quality Act ("CEQA"). No further response is required.
- Response 2:** Please see Topical Response 3 pertaining to Commercial Aircraft Flight Path Issues.
- Response 3:** Draft EIR Exhibits 3-9 through 3-13 show forecasts of hourly operations for commercial aircraft for the Proposed Project and for each alternative. The cited exhibits correspond to the three phases of operational activities evaluated in the Draft EIR (i.e., Phases 1 [2016–2020], 2 [2021–2025] and 3 [2026–2030]) and identify the number of commercial operations per hour. As to the latter category of information, the exhibits identify the number of arrivals per hour; the number of departures per hour; and the total number of operations per hour within the parameters of the Airport's hours of operation/curfew.
- Response 4:** Though the Draft EIR conservatively assumes the continuation of the existing fleet mix, the EIR does identify that, given the length of the 15-year planning timeframe for the Proposed Project (2015–2030), it is reasonable to assume that there will be interest in introducing newer and next generation aircraft. These newer aircraft, such as the 737-900ERW, 787, 737-MAX, or comparable aircraft by other manufacturers may be incorporated into the fleet mix at JWA at some point in the future. These newer aircraft may generate less noise and have fewer air emissions compared to the current fleet at JWA. In addition, since these aircraft accommodate more passengers than aircraft in the current fleet, it may be possible to serve more passengers (within the million annual passengers ["MAP"] cap) with fewer operations. The issue of the introduction of newer and next generation aircraft is discussed on pages 1-17, 3-26, 4.1-13, 4.3-16, 4.6-44, and 4.6-80 of the Draft EIR, as well as in the *Capacity Analysis Technical Report* (provided in Draft EIR Appendix F) in the section entitled: "Aircraft in Development that Will Replace Aircraft Currently Operating at John Wayne Airport."

As indicated in the Draft EIR, the timing of changes to the fleet mix at JWA cannot be known at this time and the California Environmental Quality Act ("CEQA") does not allow speculation. In order to be conservative, the environmental analysis presented in this Draft EIR assumes that the Project would maintain the Airport's existing fleet mix, thereby likely presenting a maximum environmental impact assessment of air quality (Section 4.1), greenhouse gases (Section 4.3), and noise (Section 4.6).

- Response 5:** The City’s support for maintaining the curfew is acknowledged. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.
- Response 6:** The comment is noted. No further response is required given that the comment does not address or question the content of the Draft EIR.
- Response 7:** The comment, which identifies the subject of aircraft noise as being the issue of greatest importance to the City, is noted. No further response is required given that the comment does not address or question the content of the Draft EIR.
- Response 8:** Section 3.7 (Aviation Analysis Assumptions) of the Draft EIR provides the assumptions regarding the fleet mix; the distribution of the increased flights throughout the day; and the load factors used in the analysis. The timing of the flights in each phase for the Proposed Project and each of the alternatives is graphically depicted in Exhibits 3-9 through 3-13 (see also Response 3 above).

This information is discussed in more detail in EIR Appendix B, *Aviation Forecasts Technical Report*. Tables 5-1 through 5-13 in the *Aviation Forecasts Technical Report* provide detailed information on the average hourly commercial passenger and cargo activity during the Average Day Peak Month (“ADPM”) for each phase and each scenario addressed in the Draft EIR. These tables provide not only the projected distribution of arrivals and departures by hour but also by aircraft. As shown in Tables 5-1 and 5-2, between 7:00 AM and 9:00 AM, a total of 24 departures are projected for Phases 1 and 2 of the Proposed Project (16 in the 7:00 AM hour and 8 in the 8:00 AM hour). In Phase 3, an additional departure is added in both hours for a total of 26 departures between 7:00 AM and 9:00 AM (see Table 5-3).

The *Capacity Analysis Technical Report* (Draft EIR Appendix F) presents an assessment of Airport capacity. It addresses the capacity of the runways, terminal gates and Remaining Overnight (RON) apron as these would be the main facilities that could potentially limit air carrier operations. Table 2-2 (page 2-4 of Appendix F) presents the Estimated Runway Capacity for the Airport, which is discussed in more detail on pages 2-4 and 2-5 of Appendix F. Figures 2-1 through 2-5 of Appendix F present the relationship between the capacity and projected use of the runways. The horizontal dashed line (green for VFR and red for IFR) represents the hourly runway capacity, and the vertical bars represent the demand, by hour. Demand for both air carrier and general aviation operations are depicted. These figures are also provided in the Draft EIR in Section 4.5 (Land Use and Planning), Exhibit 4.5-1 as part of the discussion of potential impact on airfield capacity. As discussed in the *Capacity Analysis Technical Report* and Draft EIR, there are multiple factors that influence the Airport’s capacity.

As seen in these exhibits, the airfield is not operating at capacity between 7:00 AM and 9:00 AM. (or any other time) for the Proposed Project so additional average daily departures (“ADD”) could occur during this period. Similarly, the gate and RON capacities are also sufficient and could support additional ADD between the hours of 7:00 AM and 9:00 AM.

Response 9: The differences noted between existing conditions for enplaned and deplaned passengers and peak passenger times are not reflective of changes to departure and arrival patterns. Rather, the passenger loads were calculated from a five-year average of passenger data at the Airport during the given times of day.

Response 10: Use of aircraft with higher seating capacities, or the use of next generation aircraft at John Wayne Airport, will be decided by the individual airlines and is not dictated by the County. Assumptions made in the Draft EIR were intended to provide a conservative (higher) level of operations for the impact analyses. It should be noted that the Boeing B737-900ER does not efficiently operate at JWA due to runway length limitations. In addition, please see Response 4, above.

Response 11: Section 3.5.5 of the Draft EIR, which defines the No Project Alternative, assumes the Settlement Agreement would be allowed to expire. The Draft EIR (page 3-12) indicates that, with the No Project Alternative, “upon expiration of the Settlement Agreement, the normal legislative discretion of the Board, as the owner and operator of JWA, to consider possible expansion of facilities or operations at JWA would, once again, be unconstrained by any judicial order.” Therefore, “the Board would be able to consider increasing the permitted levels of commercial operations. The Board would also be able to consider elimination of other restrictions on JWA operations including, but not limited to, the preexisting nighttime flight restrictions (curfew) independent of the City of Newport Beach, [Stop Polluting Our Newport], and [Airport Working Group].”

However, as indicated in Section 3.5.5 of the Draft EIR, none of those things would happen automatically without further express action of the Board. Rather, any of those actions would be “projects” within the meaning of CEQA and would require CEQA (and perhaps National Environmental Policy Act [“NEPA”]) compliance before they could be approved and implemented. Therefore, consistent with Section 15126.6(e)(3)(A) of the State CEQA Guidelines, the No Project Alternative assumes the “continuation of the existing plan, policy or operation into the future.”

Though the Draft EIR assumes the continuation of the terms of the Settlement Agreement consistent with CEQA requirements, the No Project Alternative analysis informs the reader that other parties may argue that the existing restrictions violate the Airport Noise Capacity Act of 1990 (“ANCA”) and take action against the County seeking to eliminate the restrictions. However, the County does maintain that the curfew is exempt from ANCA as a codified ordinance that has an origin independent of the Settlement Agreement. This point is further discussed in Response 12, below. The text provided on page 3-12 of the Draft EIR, as part of the No Project Alternative description, is hereby amended in the Final EIR to reflect the changes noted in bold and strike-out text:

With expiration of the 1985 Settlement Agreement (as amended) under the No Project Alternative, and irrespective of whether the County exercises its discretion to modify JWA’s existing noise and access restrictions (e.g., ~~curfew~~ and Class A ADD [Average Daily Departure] **and MAP** limitations), other interested parties – such as the FAA [Federal

Aviation Administration] and commercial air carriers – may argue that the restrictions violate ANCA and take action against the County seeking to eliminate the restrictions. (See 49 U.S.C. [United States Code] Section 47254(d)(3) [restrictions are exempt from ANCA to the extent an intergovernmental agreement is in place].)

Similar wording on page 1-18 of the Draft EIR has also been revised.

Response 12: The protection of the curfew under ANCA, separate from the Settlement Agreement, is acknowledged. Specifically, pursuant to 49 U.S.C. §47533(1), ANCA does not affect a “law in effect on November 5, 1990, on airport noise or access restrictions by local authorities.” JWA’s curfew is contained in a codified ordinance that originally was adopted by the County’s Board of Supervisors in 1987 (See Orange County Municipal Code, Title 2 [Public Facilities], Division 1 [Airports], Article 3 [Noise], §§2-1-30.1 through 2-1-30.14.) As the adoption of the curfew via ordinance occurred before November 5, 1990, and because that ordinance is grandfathered under ANCA independent of the Settlement Agreement, the expiration of the Settlement Agreement under the No Project Alternative would not automatically result in expiration of the curfew. Rather, under the No Project Alternative, additional discretionary action would need to be taken by the County’s Board of Supervisors to modify the parameters of the curfew after December 31, 2020.

Note that the legal basis for the grandfathered status of the Settlement Agreement itself is different from that of the curfew ordinance. Specifically, the Settlement Agreement is grandfathered under 49 U.S.C. §47524(d)(3) as an “intergovernmental agreement including an airport noise or access restriction in effect on November 5, 1990,” and under 49 U.S.C. §47524(d)(4) as a “subsequent amendment to an airport noise or access agreement or restriction in effect on November 5, 1990, that does not reduce or limit aircraft operations or affect aircraft safety.”

Response 13: As discussed in Topical Response 3 (Commercial Aircraft Flight Path Issues), STREL ONE is the current Area Navigation (“RNAV”) procedure utilized by aircraft for departures headed east. The County is not aware of any plans by the FAA to change the STREL procedure.

Currently, about 50 percent of all JWA departures overfly Laguna Beach. It is possible that the proportion of the Project-related ADDs over Laguna Beach could be the same in future years, but the County has no way of knowing now whether the current mix of destinations and carriers will remain the same over the next 15 years.

In response to recommendations from the aviation community, the FAA is developing integrated NextGen capabilities to improve air traffic flow for entire regions, or metroplexes. The FAA has identified 21 geographic areas, called “metroplexes,” that include several commercial and general aviation airports in close proximity serving large metropolitan areas. JWA is part of the Southern California metroplex, and the FAA’s review effort is referred to as the

Optimization of Airspace and Procedures (“OAPM”) for the Southern California metroplex.

By optimizing airspace and procedures in the metroplex, the FAA provides solutions on a regional scale, rather than focusing on a single airport or set of procedures. The optimization plan takes into account all airports and airspace that support each metropolitan area, as well as how air traffic in those areas interacts with other metroplexes. It considers a myriad of factors including safety, efficiency, capacity, access, and environmental impact.

Study teams make recommendations, including performance-based navigation procedures and airspace redesign. These study teams, made up of controllers, pilots, airport operations and technical experts, will analyze a metroplex's operational challenges and situations and explore the opportunities for efficient use of the airspace. Communities interested in the Southern California OAPM should contact the FAA to express their interest..



CITY OF ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT

www.cityoforange.org

ADMINISTRATION
(714) 744-7240
fax: (714) 744-7222

PLANNING DIVISION
(714) 744-7220
fax: (714) 744-7222

BUILDING DIVISION
(714) 744-7200
fax: (714) 744-7245

CODE ENFORCEMENT DIVISION
(714) 744-7244
fax: (714) 744-7245

July 8, 2014

#16-14

Ms. Lea Choum
John Wayne Airport
3160 Airway Avenue
Costa Mesa, CA 92626

Subject: Draft Environmental Impact Report No. 617 for the John Wayne Airport Settlement Agreement Amendment (SCH No. 2001111135)- County of Orange

Dear Ms. Choum,

The City of Orange (City) has reviewed the County's Draft EIR No. 617 regarding the John Wayne Airport (JWA) Settlement Agreement Amendment. The project consists of amending the existing JWA Settlement Agreement to extend the agreement to 2030 and to allow for an increase in the annual number of passengers, the average daily departures for Class A flights, and the number of loading bridges at JWA. No physical improvements are proposed (with the exception of traffic mitigation measures that require construction of certain street improvements).

} 1

The City of Orange is primarily concerned with noise impacts from JWA's operations to our residents and other noise-sensitive land uses. The Draft EIR contains a noise analysis that discloses existing and with-project Community Noise Equivalency Level (CNEL). Figures 4.6-14, -15 and -16 of the EIR show that the City of Orange is outside of the 60 CNEL contour for the Proposed Project. Thus, the EIR does not identify noise impacts to City of Orange residents.

} 2

However, this type of analysis does not acknowledge the noise impacts caused by the continuous aircraft "overflights" experienced by City of Orange residents. As stated on Page 4.6-27 of the EIR, JWA arrivals use a "straight-in approach from the north... lining up with the runway centerline over Anaheim Hills". Furthermore, "aircraft arriving from the north arrive from the ocean over Huntington Beach ... after which a right turn to Runway 19R is commenced. This turn can begin anywhere over a wide area starting at an area near South Coast Plaza all the way to State Route 91 (the Riverside Freeway)." Figures 4.6-6 and -7 of the EIR show that flight tracks for a majority of JWA arrivals fly over the City of Orange and cover a majority of the City's land area. Residential uses are the primary land uses located in the "overflight" areas.

Ms. Choum
JWA Settlement Agreement Amendment EIR
July 8, 2014
Page 2

The Proposed Project will allow million annual passengers (MAP) served by JWA to increase from 9.2 (existing) and 10.8 (existing Settlement Agreement) up to 12.5 by 2030. Average Daily Departures (ADD) for Class A flights (the noisiest class of flights) will be allowed to increase from 80 (existing) and 85 (allowed by the existing Settlement Agreement) to 95 Class A ADD. Furthermore, because there are no limits on Class E flights either in the existing or proposed Settlement Agreement, Class E flights are projected to increase from 36 (existing) to 73 by 2030. As stated in Table 4.6-27, this amounts to an overall 15% increase in average daily departures (Class A and E flights). This increase will result in a substantial increase in overflight events and related noise in the City of Orange.

In addition, it should be noted that aircraft noise from JWA is identified in the City's General Plan as a noticeable component of the City's noise environment. Further, under the heading "Identification of Noise Problem Areas" on Page N-12, the City's Noise Element states "Beneath the landing pattern for aircraft approaching John Wayne Airport..., some residents in the area find the aircraft noise disturbing. The aircraft noise may be considered an intermittent, recurring noise problem". Goal 4.0 of the City's Noise Element calls for "Minimiz[ing] aircraft related noise in residential areas and near noise sensitive land uses." Policies 4.1 and 4.2 call for the City to work with the Orange County Airport Land Use Commission and JWA officials "to implement noise-reducing measures and to monitor and reduce noise associated with aircraft".

Based on the above considerations, the City requests the EIR evaluate and acknowledge increased overflight noise in the City of Orange as a project impact that worsens an existing noise problem (as identified in the City's General Plan). The noise environment in the City is an important quality of life issue for our community. As such, we request the EIR identify all feasible mitigation measures to reduce JWA's overflight noise impacts to Orange.

We appreciate the opportunity to comment on Draft EIR and we look forward to reviewing the response to comments/Final EIR upon completion.

Sincerely,



John Sibley
City Manager

CC: John Sibley, City Manager
Rick Otto Interim Community Development Director/Assistant City Manager
Jennifer Le, Senior Planner/Environmental Review Coordinator

2
cont.

3

**Responses to Comments Received from the
City of Orange
Dated: July 8, 2014**

Response 1: The comment restates information contained in the Draft Environmental Impact Report (“EIR”) pertaining to the Project Description and does not raise an environmental issue within the context of the California Environmental Quality Act (“CEQA”). Because the comment does not raise an environmental issue, no further response is required.

Response 2: Under Threshold 4.6-1, described in Section 4.6.5 (Thresholds of Significance) in Section 4.6 (Noise) of the Draft EIR, the Proposed Project would have been identified as causing a significant noise impact outside the 60 Community Noise Equivalent Level (“CNEL”) contour if it caused a noise level increase that was greater than 5 decibels (“dB”) CNEL or more over existing conditions. However, the Proposed Project is not projected to result in an increase of this level. Table 4.6-9 (page 4.6-46 of the Draft EIR) shows that the maximum CNEL increase due to the Proposed Project is 1.4 dB, well below the 5 dB threshold.

The CNEL noise metric used in the significance threshold applies to the noise levels generated by individual aircraft overflights and to the number of overflights and the time of day the overflights occur. CNEL has been shown to provide the best correlation with annoyance, which is the primary impact from aircraft noise.⁶⁵ The data show that some people will be annoyed at relatively low noise exposures. Exhibit 4.6-5 of the Draft EIR shows the percentage of persons expected to be highly annoyed based on their Day-Night Noise Level (“DNL”) noise exposure (DNL is nearly equivalent to CNEL). The exhibit shows that two to four percent of the population would be expected to be highly annoyed to noise that is between 55 and 57 dB LDN. The exhibit also shows that, in many cases, the annoyance level is much higher than this.

The City, County, and Federal Aviation Administration (“FAA”) assume that approximately 10 percent of persons would be highly annoyed by a residential outdoor noise standard of 65 dB CNEL. When this 65 dB CNEL standard was adopted, it was assumed that it would result in a small percentage of the population being highly annoyed by the noise. Exhibit 4.6-5 shows that noise exposures would need to be less than 40 dB LDN for the percentage of highly annoyed to approach 0 percent. However, noise levels in developed areas away from major sources (e.g., an airport or high traffic volume roadway) are typically in the 45 dB CNEL to 55 dB CNEL range. Therefore, even if the Airport were eliminated, some people would still consider the background noise in developed areas to be highly annoying.

The Draft EIR provides considerable information regarding single event noise levels. Exhibit 4.6-13 presents single event arrival noise contours for the most common commercial aircraft operating at the Airport. In addition, historical

⁶⁵ Federal Interagency Committee on Aviation Noise (FICAN). 1992 (August). *Federal Agency Review of Selected Airport Noise Analysis Issues*. Burlington, MA: FICAN. <http://www.fican.org/pdf/nai-8-92.pdf>.

Single Event Noise Equivalent Levels (“SENEL”) measured at the NMS are presented in Section 4.6.5 and Appendix A of the *Noise Analysis Technical Report* (Appendix C of the Draft EIR). Topical Response 4 (Arrival Corridor Noise Impacts) provides a detailed discussion of the noise impacts, both single event and cumulative, from Airport operations and the Proposed Project at NMS 10N, which is located in the City of Tustin, but is the closest NMS to the City of Orange. Noise levels and noise impacts are lower in the City of Orange than in the City of Tustin.

As discussed in Section 4.6.6 (Impact Analysis) of the Draft EIR under the Noise Evaluation For Informational Purposes heading (starting on Page 4.6-80), the noise analysis assumes no change in single event aircraft overflight noise levels. The Proposed Project does not propose changes to, nor is it anticipated to cause changes to, flight operations that would result in changes to individual aircraft flyover noise levels. The comment correctly cites that the Proposed Project will result in a 15 percent increase in Average Daily Departures (“ADDs”). (It should be clarified that, while there is no direct limit on the number of Class E ADDs as discussed in the comment, the number of Class E ADDs is effectively controlled by the proposed Million Annual Passenger [“MAP”] limits.) The number of aircraft overflights in any one area would be expected to increase at the same rate as the ADD. Therefore, with the Proposed Project, the number of overflights in any one area would be expected to increase by only 15 percent. This fact is included in the CNEL metric and shown to not result in a significant impact.

There are no established arrival noise mitigation procedures. However, the departure noise level limits defined in the 1985 Settlement Agreement (as amended) restrict the types of aircraft that can depart from the Airport to those who can meet the noise limits; these types of aircraft are generally the quietest commercial aircraft available. This effectively limits the arrival noise levels because louder aircraft cannot meet the departure noise level limits and therefore cannot land at the Airport.

Section 6.5 of the *Noise Analysis Technical Report* (Appendix C of the Draft EIR) provides additional discussion regarding newer, quieter aircraft that are anticipated to replace the existing fleet operating at John Wayne Airport (“JWA”) in the future, and this is anticipated to happen independent of the Project. At this time, specific noise data required to accurately characterize these changes is not available and it would be speculative to anticipate the rate at which the newer aircraft will replace older aircraft. In addition to being quieter, these newer aircraft are also more fuel efficient than the aircraft they replace, which provides incentive for the airlines to acquire and utilize the newer aircraft. The trend towards the use of quieter aircraft will occur with or without implementation of the Proposed Project.

Response 3 As discussed above, the Proposed Project would not result in a noise level increase in the City of Orange greater the applicable threshold described in Threshold 4.6-1 of Section 4.6.5 of the Draft EIR. Further, absolute aircraft noise exposures in the City of Orange are well below the limits that would trigger a significant impact under Threshold 4.6-2. Therefore, the Proposed Project would not result in

significant noise impacts in the City of Orange. The fact that the Proposed Project would increase the number of operations and associated aircraft overflights is well documented in the Draft EIR. However, the conclusion reached, based on the significance thresholds, is that this increase in daytime overflights will not result in a significant noise impact in the City of Orange.

Section 4.6.7 (Mitigation Program) of the Draft EIR provides an in-depth description of the potential mitigation measures available to the Airport to reduce aircraft noise impacts along with their applicability to the Proposed Project. This discussion also describes the noise mitigation measures currently practiced by the Airport and notes that a number of measures currently in place could not be newly implemented under current FAA regulations if the existing regulations were allowed to lapse. New mitigation for the Proposed Project is limited to those areas shown to be significantly impacted by the Project based on the significance thresholds. Specifically, new mitigation would provide a Sound Insulation Program for certain residences in Santa Ana Heights located within the 65 CNEL contour.



CITY OF RANCHO SANTA MARGARITA

May 28, 2014

Mayor
Carol Gamble

Mayor Pro Tempore
Bradley J. McGirr

Council Members
Steven Baric
L. Anthony Beall
Jesse Petrilla

City Manager
Jennifer Cervantez

Lea Choum
3160 Airway Avenue
Costa Mesa, CA 92626

**SUBJECT: ENVIRONMENTAL IMPACT REPORT TO ADDRESS
THE POTENTIAL IMPACTS ASSOCIATED WITH THE
MODIFICATION AND EXTENSION OF THE JOHN
WAYNE AIRPORT SETTLEMENT AGREEMENT**

Dear Ms. Lea Choum:

The City of Rancho Santa Margarita appreciates the opportunity to review and comment on John Wayne Airport Settlement Agreement Amendment Project. At this time, the City of Rancho Santa Margarita has no comments on the proposed project.

Please keep the City informed about the status of the project by forwarding any future studies, public notices, meeting notices, and environmental review documents to the City as part of the public review process. If you have any questions, please contact me at (949) 635-1800.

Sincerely,

Anthony Viera
Planning Intern

} 1

22112 El Paseo • Rancho Santa Margarita • California 92688-2824
Phone 949.635.1800 • Fax 949.635.1840 • www.cityofrsm.org

Response to Comment Received from the

City of Rancho Santa Margarita

Dated: May 28, 2014

Response 1: The comment is noted. No further response is required given that the comment does not address or question the content of the Draft Environmental Impact Report.

MAYOR
Miguel A. Pulido
MAYOR PRO TEM
Sal Tinajero
COUNCILMEMBERS
Angelica Amezcua
P. David Benavides
Michele Martinez
Roman Reyna
Vincent F. Sarmiento



CITY OF SANTA ANA
PLANNING & BUILDING AGENCY
20 Civic Center Plaza
P.O. Box 1988 • Santa Ana, California 92702
www.santa-ana.org/pba

CITY MANAGER
David Cavazos
CITY ATTORNEY
Sonia R. Carvalho
CLERK OF THE COUNCIL
Maria D. Huizar

June 9, 2014

Ms. Lea Choum
John Wayne Airport – Orange County
3160 Airway Avenue
Costa Mesa, CA 92626

Subject: John Wayne Airport Settlement Agreement Amendment Project

Dear Ms. Choum,

Thank you for the opportunity to comment on the Settlement Agreement Amendment Project and the Environmental Impact Report for John Wayne Airport.

At this time, we have no substantive comments, but would like to continue to receive updates as the project progresses.

Thank you for your time.

Sincerely,

A handwritten signature in blue ink that reads "Hally Soboleske".

Hally Soboleske
Associate Planner
City of Santa Ana

HS: correspondence/Environmental_JWA.doc

} 1

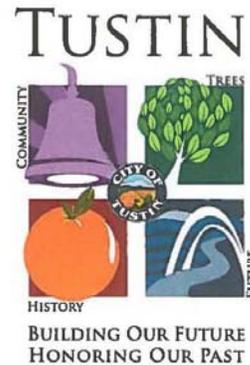
SANTA ANA CITY COUNCIL

Miguel A. Pulido Mayor MPulido@santa-ana.org	Sal Tinajero Mayor Pro Tem, Ward 6 STinajero@santa-ana.org	Vincent F. Sarmiento Ward 1 VSarmiento@santa-ana.org	Michele Martinez Ward 2 MMartinez@santa-ana.org	Angelica Amezcua Ward 3 AAmezcua@santa-ana.org	P. David Benavides Ward 4 DBenavides@santa-ana.org	Roman Reyna Ward 5 RReyna@santa-ana.org
---	---	--	--	--	--	---

**Response to Comment Received from the
City of Santa Ana
Dated: June 9, 2014**

Response 1: The comment is noted. No further response is required given that the comment does not address or question the content of the Draft Environmental Impact Report.

Community Development Department



July 2, 2014

Ms. Lea Choum
JWA Project Manager
John Wayne Airport
3160 Airway Avenue
Costa Mesa, CA 92626

SUBJECT: REVIEW OF THE JOHN WAYNE AIRPORT SETTLEMENT AGREEMENT AMENDMENT DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Ms. Choum:

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the proposed extension and amendment of the existing John Wayne Airport (JWA) Settlement Agreement between the County of Orange, the City of Newport Beach and two (2) citizens groups.

The proposed project would extend the existing arrival and departure curfews through 2035, while allowing for a phased increase in the maximum number of annual passengers from 10.8 to 12.5 million. An increase in average daily departures of the noisiest (Class A) aircraft from 85 to 95 departures is also proposed.

The City of Tustin (COT) would prefer no expansion of JWA based on the significant noise, hazard, and air quality impacts associated with additional aircraft arriving at, and departing from, the airport. However, the phased increases in the annual passenger limit and the daily number of Class A passenger flights under the proposed project are preferable to Alternatives A, B, and C, and are better than the loss of the protections and limitations currently provided by the Settlement Agreement.

The COT offers the following comments on the DEIR:

1. The DEIR should analyze the increase in noise levels and potential hazards related to the change in air traffic patterns resulting from the increase in the number of flights arriving into JWA. As the number of flights increases, the flight patterns over Tustin will likely become more dispersed, thereby creating noise disturbances and posing potential safety risks where none may presently exist. In addition, the COT would suggest additional noise monitoring stations be placed in Old Town Tustin and the vicinity. We would appreciate working with the JWA and the County of Orange on the locations.
2. The DEIR should recognize a significant increase in CNEL of 3dB or more, regardless of the CNEL level. Such increases should be appropriately mitigated.
3. The project may negatively impact historical resources that may require sound attenuation as a result of increased aircraft noise levels in Old Town Tustin. For example, the window openings on many historical buildings cannot be effectively sound proofed without removing the original

County of Orange
JWA Settlement Agreement Extension
July 2, 2014
Page 2

windows, thereby altering the historical significance of the buildings. The DEIR should evaluate these potential impacts to historical resources.

} 6
cont.

Thank you again for the opportunity to provide comments on the DEIR. The COT would appreciate receiving a copy of the Final EIR, with responses to comments, when it becomes available, and all future public hearing notices with respect to this project. If you have any questions regarding the COT's comments, please contact me at (714) 573-3031.

} 7

Sincerely,



Elizabeth A. Binsack
Community Development Director

cc: Supervisor Todd Spitzer
Jeffrey C. Parker
Doug Stack
Justina Willkom
Scott Reekstin

SR:environmental etc/JWA 2014 Settlement Agreement Amendment DEIR Letter.doc

**Responses to Comments Received from the
City of Tustin
Dated: July 2, 2014**

- Response 1:** The comment restates information contained in the Draft Environmental Impact Report (“EIR”) pertaining to the description of the Proposed Project and does not raise an environmental issue within the meaning of the California Environmental Quality Act (“CEQA”). Because the comment does not raise an environmental issue, no further response is required.
- Response 2:** The comment expresses a preference for no expansion of operational capacity at the Airport, but notes that the Proposed Project is preferable to Alternatives A through C and the No Project Alternative. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.
- Response 3:** The increased number of flights contemplated by the Proposed Project would not modify existing air traffic patterns. Relatedly, the Federal Aviation Administration (“FAA”) (not the County of Orange) has regulatory jurisdiction over flight patterns. Please see Topical Response 3 pertaining to Commercial Aircraft Flight Path Issues.
- Response 4:** As neither the Proposed Project nor any of the alternatives are expected to result in any changes to procedures or flight paths, no additional noise monitors are warranted at this time. Additionally, no significant impacts, as defined by the CEQA thresholds, have been identified in the City of Tustin. It also should be noted that, due to the Airport Noise and Capacity Act of 1990 and the implementing regulations set forth in Part 161 of the Federal Aviation Regulations, which are discussed in Section 4.6.7 of the Draft EIR and in Topical Response 7, any additional monitors could only be non-regulatory and for informational purposes only. In terms of informational use, the existing Noise Monitoring Station (“NMS”) 10N, combined with noise modeling, can provide accurate information for any location in Tustin.
- Response 5:** Exhibit 4.6-5 from Section 4.6 (Noise) of the Draft EIR shows the percentage of persons expected to be highly annoyed due to noise exposure by Day-Night Noise Level (“DNL”) (note that DNL is nearly equivalent to the Community Noise Equivalent Level [“CNEL”]). This exhibit shows that, as the absolute noise level increases, the rate of increase in annoyance also increases. This is shown by the curve getting steeper with higher noise levels. The significance thresholds for noise described in Section 4.6.5 of the Draft EIR take this into account by allowing for a smaller increase in noise level as absolute noise levels are increased before a significant impact is identified. The City’s proposed 3 decibel (“dB”) increase threshold does not take this into account.

The County/FAA Significance Threshold only allows a 1.5 dB increase for noise levels greater than 65 dB CNEL. Using a 3 dB threshold in this range would result in the elimination of the significant impacts identified for Phase 3 of Alternative B and Phase 2 of Alternative B. The County/FAA Significance Threshold allows for

a 3 dB increase for absolute noise levels between 60 and 65 CNEL so the proposed change would not affect the results of the analysis.

The County/FAA Threshold allows for a 5 dB increase for noise levels between 45 and 60 CNEL. The only change in the significance determination that a 3 dB threshold would cause is that Phases 2 and 3 of Alternative C would result in significant impacts at sensitive receptors around NMS 9N and 10N. However, the absolute noise levels under these conditions would be less than 58 dB CNEL, which is 7 dB lower than the City of Tustin's 65 dB CNEL outdoor residential noise standard. Further, as discussed in Section 4.6.7, the only available noise mitigation measure is a sound insulation program and the FAA restricts Airports from using funds to implement sound insulation for uses exposed to outdoor noise levels less than 65 dB CNEL. Therefore, there would be no mitigation available for these theoretical impacts based on the City's suggested threshold.

Response 6: Please refer to Topical Response 4 (Arrival Corridor Noise Impacts) for a detailed discussion of the noise impacts, both single event and cumulative, from Airport operations and the Proposed Project along the arrival corridor that passes over the City of Tustin, the community of North Tustin, and the eastern edge of the City of Orange. As discussed in the Draft EIR and Topical Response 4, the Proposed Project is not projected to cause significant noise impacts along the arrival corridor in these areas.

As noted in Topical Response 4, aircraft noise levels at NMS 10N are currently approximately 55 dB CNEL and will increase by less than 2 dBA under the Proposed Project. As Old Town Tustin is located slightly closer to the Airport, noise levels are only slightly higher than at NMS 10N.

Most structures provide between 10 and 15 dB of outdoor-to-indoor noise reduction with windows open. The County of Orange has adopted an estimate of 12 dB of noise reduction for a home with open windows. Therefore, interior noise levels at uses near NMS 10N would not be expected to exceed 45 dB CNEL (i.e., the City of Tustin's and the County's most restrictive interior noise standard). As discussed above, the noise level increases due to the Proposed Project do not exceed the significance threshold and therefore, this area would not be significantly impacted by the Proposed Project. Noise impacts are imposed on the occupants of a building rather than on the building itself. Therefore, there is no reason to adopt different noise standards for historical buildings.

Should any historic buildings qualify for noise attenuation all improvements would comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic buildings, and more specifically, the Secretary of the Interior's Standards for Rehabilitation (Standards).

Response 7: The comment is noted. No further response is required given that the comment does not address or question the content of the Draft EIR.



City of Villa Park

17855 Santiago Boulevard, Villa Park, California 92861-4187
(714) 998-1500 • Fax: (714) 998-1508

www.villapark.org

July 7, 2014

Ms. Lea Choum
John Wayne Airport
3160 Airway Avenue
Costa Mesa, California 92626

Sent via Email to: DEIR617@ocair.com (with a follow up sent regular mail)

Subject: Comments on Draft Environmental Impact Report 617

Dear Ms. Choum:

The City of Villa Park has reviewed the Draft Environmental Impact Report 617 prepared for the John Wayne Airport Settlement Agreement Amendment and is pleased to support the Proposed Project.

As a member of the "Corridor Cities Coalition" that has adopted principles to keep John Wayne Airport small and essentially neighborhood friendly, the City offers its support of the Proposed Project. The City's support is very much attributed to the preservation of the curfew, which we feel is the single, most critical component of the Proposed Project. The alternative projects, however, are too immense and we are convinced that our residents' quality of life will be significantly impacted by airplane noise and pollution – the issues of greatest importance to the City of Villa Park and its residents.

} 1

Though unrelated to the Proposed Project, the City of Villa Park is perpetually opposed to expanding flight plans that would allow pilots to fly over the City. We understand that approach patterns are solely under the jurisdiction of the Federal Aviation Administration, and are not a component of the Settlement Agreement Amendment as they are not within the jurisdiction of the County or the other parties to the Settlement Agreement. Accordingly, the City will continue its efforts to persuade the FAA to reduce airplane noise impacts on residents in Villa Park.

} 2

We appreciate the opportunity to comment on the DEIR. The Proposed Project appears to reasonably balance the need for adequate air transportation services and the environmental interests and concerns of local residents. If you have any questions or need any additional information, please contact me at (714) 998-1500 or by email at jarad@villapark.org.

} 3

Sincerely,
THE CITY OF VILLA PARK

Jarad Hildenbrand
City Manager

RICK BARNETT, Mayor • DIANA FASCENELLI, Mayor Pro Tem
BRAD REESE, Councilwoman • GREG MILLS, Councilman • DEBORAH PAULY, Councilwoman

**Responses to Comments Received from the
City of Villa Park
Dated: July 7, 2014**

- Response 1:** The comment expresses support for the Proposed Project and does not raise an environmental issue; therefore, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.
- Response 2:** The comment is noted. No further response is required given that the comment does not address or question the content of the Draft Environmental Impact Report ("EIR").
- Response 3:** The comment is noted. No further response is required given that the comment does not address or question the content of the Draft EIR.

3.4 COMMENT LETTERS RECEIVED FROM ORGANIZATIONS

Comments were received from eight organizations during the public review period. Two organization submitted more than one letter. Businesses have been included with the other organizations. The organizations include:

Balboa Island Improvement Association and Little Balboa Island Property Owners' Association

Balboa Peninsula Point Association (two comment letters)

Bayside Village Homeowners Association

Eastbluff Homeowners Community Association

Foothill Communities Association (three comment letters)

Orange County Business Council

Orange County Visitors Association

Southwest Airlines Company

3.4.1 RESPONSES TO ORGANIZATIONS

Balboa Island Improvement Association
P.O. Box 64
Balboa Island, CA 92662

To: John Wayne Airport
Administrative Office
3160 Airway Avenue
Costa Mesa, CA 92626

From: Balboa Island Improvement Association
Little Balboa Island Property Owners' Association

Subj: Public Comments on JWA EIR

Thank you for the opportunity to review the Draft EIR Settlement Agreement Amendment. The Balboa Island Improvement Association (BIIA) and Little Balboa Island Property Owner's Association (LBIPOA) are volunteer non-profit groups working to improve the Balboa Island and Little Balboa Island. Each Board has completed the review of the Draft EIR to insure that the full impacts of the proposed Projects are identified and mitigated.

All of the proposed projects, alternatives A through C and "no project" will continue flights to and from the John Wayne Airport. After review of these alternatives and the resulting impacts, the BIIA and LBIPOA support the proposed Project to continue the current program and agreement.

The following comments are provided to insure that the EIR complies with the California Environmental Quality Act. For the purpose of this review, we have limited our comments to the adequacy of the EIR for the impacts and mitigation related to takeoff flights from the airport. Our focus is on the areas of noise and health impacts on our residents and property owners.

The draft EIR states that it uses the standards of practicality and reasonableness related to the impacts of the project alternatives. We believe that further discussion should be included related to air quality impacts, health and noise. The following comments are offered:

The FAA currently requires commercial pilots to follow a cut back procedure which requires reducing power at 800 feet and then navigating

} 1
}
} 2
} 3

over a departure path until they reach the ocean. In a high density area such as Orange County, and specifically Newport Beach, this practice results in a concentration of impacts on a fixed group of the population. The result of these impacts are not properly modeled in the EIR document under the noise and air quality impacts. If the FAA and airport would assign multiple departure procedures that are in existence, it would reduce the noise and pollution impact of the Project on the areas currently under the flight path of JWA.

3
cont.

The EIR included a paragraph under the section “Other Airport-Related Issues Not Associated With The Settlement Agreement Amendment.” Noted in the EIR is that the request from the City of Newport Beach to the FAA for a GPS refined flight path is unrelated to the project. Because the Project assumes growth in flights and related noise impacts, the City proposal and any deviation from the existing flight pattern over the high density areas should be discussed further and modeled for impacts. The results of the request are a more concentrated impact on areas directly under the flight path of JWA.

4

NOISE: The area in and around the flight path including Balboa Island is a high density development with many noise sensitive categories. Due to climate, and the makeup of this noise impacted area, a larger than normal number of residents spend their time outside on patios, beaches or in an active lifestyle. In addition due to the temperate climate most homes do not have air conditioning and windows and doors are open year round. There are many older homes uninsulated and with single pained windows.

The EIR includes data and studies related to the health impacts of noise both 65CNEL and above and a noise category entitled “Nuisance Noise.” According to the EIR and research to prepare the EIR, there is no data available to substantiate the health impacts of this nuisance category of noise. We feel that more information should be included for nuisance noise including modeling to determine the number of people impacted by this type of noise. Using non-technical noise measuring equipment, single incident noise levels from airplanes cause noise levels of 90+dbL. It would appear that this nuisance noise may have health impact not discussed in the EIR document and at a minimum the uses and number of people impacted by this noise should be estimated/mapped and the Lead Agency should research the impacts in more detail.

5

Section 15145 of the State CEQA Guidelines directs Lead Agencies who find a particular impact too speculative after a thorough investigation to note this conclusion and terminate discussion of the impact. The draft EIR concludes: “The discussion above shows that, at this time, the effects of noise on cardiovascular health at noise levels below 65 CNEL are too speculative for further evaluation in this CEQA document.”

5
cont.

The EIR includes evidence that nuisance noise “is associated with: (1) the fear of an aircraft crashing or of danger from nearby surface transportation; (2) the belief that aircraft noise could be prevented or reduced by designers, pilots or authorities related to airlines; and (3) an expressed sensitivity to noise generally. The EIR refers to a U.S. Study, by Jonathan Levy that suggests what could be done in the interim to protect human health. His “study emphasizes that interventions that reduce noise exposures could reduce cardiovascular risks among people living near airports. This can be done through improved aircraft technology and optimized flight paths, by using runways strategically to avoid, when possible, residential areas when people are sleeping, and by soundproofing of homes and other buildings.” This study includes a reference to optimized flight paths. The draft EIR does not discuss or list optimized flight paths or alternative flight paths as mitigation to noise and health impacts related to the population directly under the flight path.

6

Also noted in the draft EIR document is “In recent years, researchers have suggested that the noise from aircraft is different than it is for road and rail noise. Some studies go on further to describe that communities form unique attitudes about noise and that differing communities show a wide range of annoyance response for the same noise exposure that can be attributed to non-acoustic factors. Some of these facts and statements within the EIR show the need for further research, discussion and potential mitigation of nuisance noise within the draft EIR.

7

The BIIA and LBIPOA believe that the EIR only identifies and mitigates the noise impacts related to the 60 and 65 CNEL level. The failure to identify the residents and areas impacted what is defined as nuisance noise will not properly identify the impacts of the project and mitigate these impacts. The draft EIR may meet the minimum requirement CEQA but fails to fully address the impacts on some of the areas impacted aircraft noise that will be continued to be subject of these impacts for many years. The conclusion to not fully address and model the impacts of nuisance noise and

8

the need to assess the impact of current flight paths do not meet the intent of CEQA. This must be properly discussed modeled and mitigated in the draft EIR prior to the final approval.

} 8 cont.

The noise study states that significant indoor noise impacts occur when the interior noise level of a sensitive use exceeds the 45 CNEL interior noise standard. There is no information or data in the report to indicate that the coastal areas impacted by nuisance noise are in or out of a 45 CNEL indoor category. Age of homes, window type, and lifestyle play a factor on the impact of noise. The noise impact on a temperate climate where most windows and doors are open or the fronts of homes can be completely opened to the outdoors is likely more significant than a home closer to the airport or within the 60 or 65 CNEL noise contour in a climate where there is less outdoor activities, where air conditioning can be used and the home is insulated and has double pained windows.

} 9

Finally, further discussion should be included in the EIR related to the City of Newport Beach Noise Element as, "Protection of Newport Beach residents from the adverse noise impacts of commercial air carrier operations at John Wayne Airport as provided in the City Council Airport Policy." The current practice to fly over high density areas heavily populated vs. less populated areas should be discussed in the EIR.

} 10

Air Quality: The draft EIR uses a sophisticated FAA and SCAQMD approved model. It is not within our expertise to review and comment on this model.

} 11

The draft EIR discusses air quality impacts and health impacts but fails to adequately discuss and mitigate these impacts. We cannot speak for the SCAQMD as the responsible agency for determining the adequacy of the discussion and proposed mitigation measures. We believe that residents impacted under the airport flight pattern are impacted by a black silt/particulate matter and potentially other contaminants. They are not aware of health impacts resulting from the combustion of jet fuels and the potential impacts, some still not studied with unknown health impacts.

} 12

From the draft EIR: "Epidemiological studies have consistently found an association between small increases in urban particulates and health effects, including increased morbidity and mortality in people with respiratory and cardiac disease; the elderly are especially susceptible. These health effects

} 13

are associated with fine rather than coarse particles. Some other epidemiological studies have found that particle number reflecting ambient ultrafine particles correlated with increased symptoms in people with compromised respiratory and cardiovascular symptoms.”

13
cont.

Page 5-30 of the draft EIR indicates the project would have a significant and unavoidable cumulative air quality impact. The mitigation measures provided in section 4.1, Air Quality, would serve to minimize the impacts associated with the Proposed Project and alternatives. We believe the draft EIR should identify the population areas impacted by these health risks by number of people and mapped. Mitigation should be included where possible. Modifications of flight paths should still be listed as a potential mitigation for the associated health risk. The Air Quality study did not measure contaminants and just used the model for the conclusions. In order to determine impacts on people under the flight path some testing is necessary to properly discuss the impact of the project. In addition, a study of Santa Monica Airport Health Impact Assessment (HIA) dated February 2010 should be discussed and included to further quantify potential health impacts under the flight path.

14

15

16

17

The EIR should discuss alternative flight paths or varying the flight paths over the back bay open space and areas impacting less of the population of Newport Beach as a mitigation to the current practice of flying over high density areas of the City. This may reduce the long term impact of pollutants on residents under the flight path.

18

There is currently a Regional FAA study underway. This study may have positive, negative or no impact on pollution noise and other elements of this EIR. There should be a discussion of potential changes by the FAA and the scope of the Regional Study. Any flight pattern changes may have a positive or negative impact and changes to some of the assumptions within this draft EIR.

19

SUMMARY

The BIIA and LBIPOA support the Project and impacts resulting from the project with the following comments:

20

1. The draft EIR should be expanded to include and identify the population and areas that are impacted by takeoff overhead flights (outside of the 60

21

- CNEL and not near the Costa Mesa air quality monitoring station). Numerical counts of residents and sensitive land uses should be shown in the EIR. } 21 cont.
2. The discussion of health impacts and noise should be expanded in the EIR. There is enough research to draw better scientific conclusions than presented in the EIR. Because of the number of people impacted, further study may be necessary. } 22
3. The discussion of nuisance noise and analysis should include Balboa Island and other affected areas such as Promontory Point and Balboa Peninsula subject to overhead flights. The study of this area should recognize the temperate climate and unique lifestyle of these areas. Although these areas do not fall within the 60 or 65 CNEL noise contour, the short and long term impacts should be included and potential impacts mitigated. } 23
4. More discussion should be included related to the City of Newport Beach Noise Element and current flight practices. The current practices over high density areas of Newport Beach may be inconsistent with their policy. } 24
5. The draft EIR should clarify the health impacts of the contaminants resulting from the jet fuels and those residents under the low altitude departure path. The discussion of the 2010 Santa Monica Airport study should be included in the draft EIR. Ultrafine particles, black carbon, hydrocarbons and other contaminants may have a health or long term impacts on residents and sensitive land uses under the flight path. } 25
6. The residents of Balboa Island have experienced a black material on their cars and buildings. The EIR should identify if these are airport related. Although the modeling process is the accepted method used in the EIR, some measurements under the flight path should be a part of the EIR to identify if there are any impacts to be mitigated. } 26
Mitigation measures to include notification of the SCAQMD of the current problem and education of residents impacted by these pollutants should be presented in the EIR. Because some of these contaminants do not have current standards it is more important to identify this issue during the EIR process. If these impacts can be quantified residents should be notified of health risks to reduce future liability. } 27

7. The EIR should discuss options to relieve areas under the flight path subject to air pollution and nuisance noise. The current fixed takeoff flight path concentrates all impacts on Balboa Island, the Balboa Peninsula and other residential areas directly under the flight path. Variation of the flight path or a flexible flight path may help mitigate some of the long term impacts. If adjustments to the flight path can reduce the number of people and sensitive land uses affected, this analysis should be included in the EIR. Also, the EIR should include some flight path alternatives and the persons and uses impacted under each alternative. A strategy varying the takeoff pattern may result in less environmental impacts from long term nuisance noise and pollutants.

} 28

8. The EIR should include prior history of departure patterns for a minimum of 15-20 years. This should be mapped since the patterns have changed over time. Reasons for the changes should be included in the report and a discussion showing how the current flight pattern evolved.

} 29

9. The EIR should address the upcoming FAA regional study for the Los Angeles Basin and environmental impacts of changes that can be recommended in the study. This may have an impact on the EIR and the project.

} 30

Thank you for the opportunity to comment of the Draft EIR

**Responses to Comments Received from the
Balboa Island Improvement Association and
Little Balboa Island Property Owners' Association
Dated: July 3, 2014**

- Response 1:** The comment provides an introduction to the role of the commenting parties and expresses support for the Proposed Project. No further response is required given that the comment does not address or question the content of the Draft Environmental Impact Report ("EIR").
- Response 2:** This comment is an introduction to comments that follow. No further response is required.
- Response 3:** The specific cutback altitude is not defined by the Federal Aviation Administration ("FAA"), but by the airlines and are based on meeting the SENEL noise level limits defined in the Settlement Agreement. The minimum cutback altitude (as defined in FAA Advisory Circular 91-53A) is 800 feet above the runway elevation, and airlines typically use a cutback altitude of 800 or 1,000 feet. This Project does not propose modifying the specific departure procedures being used and would not cause any changes to the procedures. As discussed in Section 4.6.7 (Pages 4.6-95 and 4.6-96 of Section 4.6 [Noise]) the Airport and the County have no control over flight procedures, which are solely under FAA jurisdiction.

The ground path that the departure path uses was developed to minimize noise levels for the greatest number of sensitive uses by flying the aircraft down the middle of the Back Bay. This results in all commercial aircraft directly overflying the community between Noise Monitoring Station ("NMS") 7S and the Balboa Peninsula. Providing multiple flight paths would reduce the number of overflights at any given point under the current flight path and would result in increased aircraft overflights of the homes to either side of the current flight path.

The departure procedures defined in the noise model developed for the noise analysis are based on radar traces of actual departures and adjusted so that the modeled Single Event Noise Equivalent Levels ("SENEL") match the average SENELs for the specific aircraft at the noise monitoring sites along the departure path. Therefore, the noise model provides proper estimates of the aircraft noise levels used to determine project impacts. For additional information please see Topical Response 3 pertaining to Commercial Aircraft Flight Path Issues.

The air dispersion modeling source characterization details are presented in Section 4.1.3 of the Draft EIR, and Section 3.2.1.1 and Table 3.2-1 of the *Air Quality Technical Report* (Draft EIR Appendix D). The air dispersion modeling analysis accounts for the departure procedures specific to JWA in terms of the flight-path modeled, and also represents the departure flight path as a single flight line to conservatively represent the potential concentration of emissions. Thus, the Draft EIR does properly evaluate the issue raised by the comment.

The comment does not provide any other details regarding the analysis that are of concern and, therefore, no more specific response can be provided or is required.

Response 4: As discussed above, this Project does not propose to modify any departure procedures, nor would it cause any existing departure procedures to be changed. As discussed in Section 4.6.7 (pages 4.6-95 and 4.6-96 of Section 4.6 [Noise]), the Airport and the County have no control over flight procedures which are solely under FAA jurisdiction.

The City of Newport Beach has requested, from the FAA, a modification to the flight path; however, at this point in time, the FAA has deferred consideration of the request until a later date. In order to adequately model the air quality and noise effects of a new takeoff pattern, it would be necessary to have a detailed definition of the flight track, which the FAA has yet to develop and approve. The proposed City of Newport Beach flight path was designed to more closely follow the center of Back Bay accounting for all of the twists and turns of the bluffs on either side of the bay. The current Area Navigation (“RNAV”) procedure (called “STREL”), which is used by approximately one-half of the commercial departures, includes a turn and then follows a straight line that approximates the center of Back Bay to the coastline. The multiple turn departure proposed by the City of Newport Beach has not been modeled. Further development and review of this procedure would need to occur prior to FAA approval and implementation. At that time, noise modeling runs would be performed to determine changes, if any, in the annual Community Noise Equivalent Level (“CNEL”). Since the proposed change is a refinement of an existing procedure and since the average flight path would likely not change significantly (although the width of the dispersion would likely decrease), changes in the annual CNEL would likely be small.

One consideration that the Newport Beach proposed flight procedure does not account for is the fact that aircraft lose speed when turning and therefore, to maintain minimum speeds, additional thrust may be required to perform the procedure. While the proposed turns are small, this effect needs to be evaluated before assuming that the Newport Beach proposal will actually reduce noise levels.

Response 5: The term “Nuisance Noise” was not used in Section 4.6 (Noise) of the Draft EIR, nor is it in the *Noise Analysis Technical Report* (Appendix C of the Draft EIR), so it is unclear as to exactly what the commenter is referring to. Based on the context of the comments, it appears that the commenter is referring to the single event noise levels from individual aircraft overflights. Single event noise impacts are discussed in the Draft EIR.

Exhibit 4.6-12 from Section 4.6 presents single event noise data in the form of 85 SENEL contours for typical commercial aircraft operating at the Airport. Note that 85 SENEL is equivalent to a maximum noise level (“ L_{max} ”) level of approximately 75 A-weighted decibels (“dBA”).

The Time-Above metric is an indicator of how a single event overflight can impact speech communication. Table 4.6-7 (page 4.6-40) of the Draft EIR presents the amount of time noise levels are projected to exceed 65 dBA, 77 dBA, and 85 dBA at all Noise Monitoring Stations (“NMS”). Figure 5 of the *Noise Analysis Technical Report* (Appendix C of the Draft EIR) shows how voice communication is affected by background noise. Speech communication is considered to be considerably affected when background noise levels exceed between 60 and 65 dBA. Figure 5 shows that communication at the expected voice level is limited to approximately 6 to 8 feet when background levels are between 60 and 65 dBA. Communication becomes difficult at distances greater than between approximately 25 and 35 feet. At an ambient noise level of 77 dBA, communication at expected voice levels are limited to approximately 2 feet and communication beyond approximately 7 feet becomes difficult. Voice communication within approximately 35 feet is possible but difficult at this level of background noise. Outdoor noise levels of 77 dBA and 85 dBA result in interior noise levels that are approximately 65 dBA with windows open and closed, respectively.

Table 4.6-7 (page 4.6-40) in Section 4.6 presents the time above values for existing conditions, and Tables 4.6-23, 4.6-24, and 4.6-25 (pages 4.6-82, 4.6-83, and 4.8-84, respectively) present the time above values for the future conditions with and without the Proposed Project. However, as discussed in the Draft EIR, no significance thresholds have been developed for the time above metric. The significance thresholds are based on the CNEL noise metric, which takes into account not only the noise levels from individual aircraft overflights but the number of overflights by type of aircraft and the time of day those overflights occur.

Noise levels as high as 90 dBL, as measured by non-technical noise equipment, are not surprising. However, the “L” indicates that the linear frequency weighting was used. The noise levels presented in the Draft EIR and the *Noise Analysis Technical Report* are A-weighted. This is a frequency weighting that takes into account human sensitivity to different frequencies. There is a considerable component of low frequency acoustic energy generated by aircraft engines that result in the high noise level under the linear frequency weighting. However, humans are not very sensitive to low frequency noise compared to mid frequencies, and A-weighting accounts for this. Note that measurements taken using the linear weighting are highly influenced by even a slight breeze due to low frequency noise generated by the wind over the microphone. This is not noise that you would hear, but an artifact of measurement technique.

Response 6: The quote is from the second paragraph of Page 6 of the *Noise Analysis Technical Report* (Appendix C of the Draft EIR), but does not state that these are factors in nuisance noise, but are factors in annoyance response to noise. Section 4.6.7 in Section 4.6 (Noise) presents a detailed discussion of potential noise mitigation measures, including those that have been enacted by the Airport as well as those that are infeasible for the Airport to implement and the reason they are not feasible. As discussed in the Draft EIR, flight paths are under the sole jurisdiction of the FAA, and the County has no control over them. Therefore, alternative flight paths were determined to be an infeasible mitigation measure. Further, existing

departure flight paths have been developed to utilize Back Bay to minimize noise exposures to sensitive uses. Therefore, altering the flight paths from their current configuration to reduce noise exposures in one area of sensitive uses would likely result in increases in another area of sensitive uses. Where significant noise impacts are identified based on the Thresholds of Significance presented in Section 4.6.5 of the Draft EIR, all feasible mitigation measures have been implemented

Response 7: The need for additional basic scientific research to fully understand the potential effects of noise is acknowledged in Section 4.6.1 the Draft EIR. There are a number of active research efforts both in the United States and Internationally that are underway to better understand the annoyance response to noise. However, these are basic scientific research efforts that are not required by the California Environmental Quality Act (“CEQA”) and are outside of the scope of the Draft EIR, which assesses the potential environmental impact of the Project based on current accepted knowledge. The Noise Significance Thresholds used in the Draft EIR are based on the current level of understanding of the environmental impacts of noise, and there is no non-speculative information to justify additional or more restrictive significance thresholds.

Response 8: Impacts are identified for uses exposed to noise levels 60 decibels (“dB”) Community Noise Equivalent Level (“CNEL”) or greater (see pages 4.6-49, 4.6-54, 4.6-57, and 4.6-62 of the Draft EIR), not just between 60 and 65 dB CNEL as asserted in the comment. There are no impacts identified for uses exposed to noise levels that are 60 dB CNEL or less because the projected noise level increase with the Proposed Project would not exceed the significance thresholds in these areas.

Section 4.6.5 of the Draft EIR presents the thresholds used to determine the significance of the noise impacts. Threshold 4.6-1 shows that a significant impact would be identified for any noise-sensitive receptor experiencing a future with Project noise level between 45 and 60 CNEL that also experiences a noise level increase of 5 dB CNEL or greater (i.e., based on County of Orange/FAA Significance Thresholds). Under the City of Newport Beach Significance Thresholds, a sensitive use with a future noise exposure between 55 and 60 CNEL would be significantly impacted if the noise level was projected to increase by 3 dB or more over existing conditions.

The CNEL noise levels and noise level increases at the NMS are presented in Table 4.6-9 (page 4.6-46) for the Proposed Project. This table shows that there are no areas currently exposed to noise levels less than 60 dB CNEL that are projected to experience a noise level increase of 5 dB or more. Also, there are no areas in the City of Newport Beach that are exposed to noise levels that are 60 dB or less that are projected to experience noise level increases of 3 dB or more. The reason no significant impacts are identified outside the 60 CNEL contour is because the projected noise level increase over existing conditions would not exceed the significance threshold.

Response 9: The comment is regarding Threshold 4.6-2 described in Section 4.6.5 of the Draft EIR (Page 4.6-43). Impacts relative to this Significance Threshold are assessed beginning on Page 4.6-67 of the Draft EIR. As discussed in the introduction to the impact assessment for Threshold 4.6-2, the interior noise levels are based on a closed-windows condition, which provides at least 20 dB of outdoor-to-indoor noise attenuation. Therefore, residences must be exposed to an outdoor noise level greater than 65 CNEL in order for the interior noise level to exceed 45 CNEL.

Pre-upgrade testing performed as a part of the Residential Sound Insulation Program previously implemented in Santa Ana Heights, showed that only a few rooms achieved outdoor-to-indoor noise reductions of less than 20 dB with windows closed (i.e., 2.5 percent of 903 rooms tested). However, these structures had considerable and obvious maintenance issues that resulted in the lower levels of noise reduction. Of the vast majority of the rooms tested, 75 percent provided at least 25 dB of outdoor-to-indoor noise reduction. Therefore, the 20 dB of outdoor-to-indoor noise reduction with windows closed is a very conservative estimate of the noise reduction provided by homes in Newport Beach.

Response 10: The identified goal from the City of Newport Beach General Plan (Goal N 3) was evaluated in Section 4.5 (Land Use and Planning) of the Draft EIR as part of the goals and policies consistency analysis provided in Table 4.5-10 (see page 4.5-59). As discussed in the Draft EIR, the City of Newport Beach General Plan recognizes the noise contours established by the 1985 JWA Master Plan, which was the basis for the Settlement Agreement. The noise contours associated with the Proposed Project would not exceed the noise contours contained in the 1985 JWA Master Plan. Exhibits 4.6-11b and 4.6-11c in Section 4.6 (Noise) show the 1985 Master Plan contours. Therefore, the Proposed Project would be consistent with this goal of the City of Newport Beach General Plan.

With regards to the request to discuss flying over populated versus less populated areas in the EIR, the flight path is solely under the jurisdiction of the Federal Aviation Administration (“FAA”) and the pilot-in-command of the aircraft. This is not a component of the Proposed Project. However, flight path information is provided in Section 4.6 (Noise). As shown in Exhibit 4.6-7 (Radar Tracks for Air Carrier & General Aviation Aircraft), the departure flight path generally follows Upper Newport Bay, which minimizes the time that aircraft are flying over heavily populated areas. The location of the Airport in an urban environment precludes the ability to avoid all heavily populated areas.

Response 11: This comment is an introduction to comments that follow. No further response is required

Response 12: The comment addresses a general subject area, which received extensive analysis in the Draft EIR in Section 4.1, Air Quality. In particular, the Proposed Project’s mitigation measures are presented in Section 4.1.7 of the Draft EIR and Section 5.7 of the *Air Quality Technical Report* (Appendix D), and health risk is addressed in Section 4.1.6 of the Draft EIR and Section 5.4 of the *Air Quality Technical Report* (Appendix D). In addition, Topical Response 1 addresses black carbon. It should be noted that the particulate matter emissions from aircraft are expected to

decrease during all three phases of the Proposed Project, as compared to existing conditions, due to decreasing general aviation aircraft operations (Draft EIR, Table 4.1-8, page 4.1-29) Future improvements in engine performance (which conservatively are not quantitatively incorporated in the Draft EIR because the International Civil Aviation Organization/Emissions Dispersion and Modeling System [“ICAO/EDMS”] database does not include them) also will likely further decrease aircraft emissions. The comment does not raise any specific issues regarding the analyses and does not clarify how the Draft EIR “fails to adequately discuss and mitigation these [air quality and health] impacts.” Therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

Response 13: Please see Topical Response 2, which addresses the LA Times/USC Study on ultrafine particles.

Response 14: The Draft EIR includes results reported in terms that are consistent with the South Coast Air Quality Management District’s (“SCAQMD”) significance thresholds and technically representative of the issues evaluated. The trigger for mitigation is based on the significance of a project’s maximum impacts. Since the analysis of the Proposed Project resulted in the identification of significant impacts, all feasible mitigation measures are included (see Section 4.1.7 of the Draft EIR). The additional maps requested in the comment would not trigger any additional mitigation requirements, and are not required by CEQA.

Response 15: Please see Topical Response 3 (Commercial Aircraft Flight Path Issues) for additional information about flight paths.

Response 16: The comment incorrectly states that testing is necessary to assess the impact of the Proposed Project on people under the flight path. Contrary to the comment, the air emission estimate and air dispersion modeling tools have been specifically created and designed to evaluate airport-related emissions, and assess potential impacts due to the dispersion of pollutants in the atmosphere. These models are discussed in Section 4.1.3 of the Draft EIR. The use of these modeling tools is a common and accepted approach for CEQA analyses, and the models used are those that are used by the SCAQMD for similar such evaluations. Furthermore, CEQA does not require air monitoring as part of the environmental review process

Response 17: The comment cites a study that addresses a general subject area, which received extensive analysis in the Draft EIR in Section 4.1, Air Quality. In particular, health risk is addressed in Section 4.1.6 of the Draft EIR and Section 5.4 of the *Air Quality Technical Report* (Appendix D).

The comment refers to the Santa Monica Airport Health Impact Assessment (“SMA HIA”), which is an evaluation of the health impact of the Santa Monica Airport on the surrounding Santa Monica and Los Angeles communities. It was conducted by members of UCLA Community Health and Advocacy Training program. The methods included “empirical and scientific literature reviews; review of public

standards, regulations and guidance relevant to airport planning and health; the use of expert consultants, review and analysis of public comment and testimony, and participation in community forums and meetings.”⁶⁶ The SMA HIA does not clearly identify the expert consultants that were involved with this effort.

The key findings in the SMA HIA include:

- Airport operations, particularly jet take-offs and landing, are contributing to elevated levels of black carbon in the area surrounding Santa Monica Airport.
- Elevated levels of ultrafine particles are associated with aircraft operations and jet takeoffs and are found in the area surrounding Santa Monica Airport.
- Elevated levels of polycyclic aromatic hydrocarbons are found in the area surrounding Santa Monica Airport.
- Levels of noise due to plane and jet take-offs from Santa Monica Airport are above Federal Aviation Airport thresholds.

Additional background is also provided on the health effects of black carbon, ultrafine particles, polycyclic aromatic hydrocarbons, and noise. The SMA HIA provides recommendations specific to their findings at the Santa Monica Airport and its surrounding vicinity.

Based on this review, no further quantification of potential health impacts under the flight path at John Wayne Airport is required, as the EIR already evaluates the same subject matter as discussed in the SMA HIA. The evaluations in the Draft EIR are based on the requirements of the SCAQMD, the regulating body for the region whose responsibility is to protect public health from air pollution.

In terms of its assessment of noise impacts in the SMA HIA, the key noise impact findings presented in the Executive Summary (item 4 on Page 3) illustrate the primary deficiency of the analysis of noise impacts in the SMA HIA is a lack of specificity and overgeneralizations. The key findings of the SMA HIA state that “excessive noise is associated with: hearing loss, higher levels of physiological distress and impacted reading comprehension and memory among children.” These statements are correct, but the study fails to specifically state what levels of noise are considered “excessive” in these cases or that persons are exposed to these “excessive” noise levels. Similar issues are present in the discussion regarding health effects of noise pollution on Pages 13 and 14.

The study states correctly that “long or repeated exposure to sounds at or above 85 decibels can cause hearing loss,” but does not discuss what is meant by “long or repeated.” As discussed in Section 4.6.2 of the Draft EIR, Occupational Safety

⁶⁶ Castro, A., L. Chen, B. Edison, J. Huang, K. Mitha, M. Orkin, Z. Tejani, D. Tu, L. Wells, J. Yeh. 2010 (February). *Santa Monica Health Impact Assessment (HIA): A Health-Directed Summary of the Issues Facing the Community near the Santa Monica Airport*. Los Angeles, CA: UCLA Department of Pediatrics <http://www.healthimpactproject.org/resources/document/Santa-Monica-Airport.pdf>.

and Health Administration (“OSHA”) standards to prevent hearing loss allow exposures to a 90 dBA noise level for up to 8 hours a day. Neighborhood noise levels, even in very noisy neighborhoods, are not sufficiently loud to cause hearing loss even at Santa Monica Municipal Airport (“SMO”).

The next line of the study states that “jet plane takeoff is up to 120 decibels, far above 85 decibels.” However, this does not specify what type of jet plane and at what distance this noise level is experienced. Exhibit 4.6-1 of the Draft EIR shows that this is the noise level 50 feet from a military jet aircraft with after-burner taking off from an aircraft carrier. This is hardly representative of the aircraft that utilize SMO or John Wayne Airport (“JWA”), as military aircraft with after-burners are many times louder than commercial aircraft or private jets. Exhibit 4.6-1 shows that a 757 takeoff generates a noise level of approximately 76 dBA for an observer under the flight path 6,500 meters (approximately 4 miles) from the beginning of the takeoff roll.

Table 4.6-7 (page 4.6-40) presents the number of minutes aircraft noise levels exceed 85 dBA at the JWA NMS. This shows that, under current conditions, 85 dBA is only exceeded at the closest departure noise monitoring locations (i.e., NMS 1S, NMS 2S and NMS 3S). However, this level of noise is exceeded for only 2.1 minutes per day at NMS 1S and 36 seconds per day at NMS 2S and 3S. Table 4.6-25 (page 4.6-84) shows the anticipated increase in time above 85 dBA at the NMS with the Proposed Project. Under the Proposed Project, the time above 85 dBA at NMS 1S is projected to increase by 30 seconds per day. No increase in the time above 85 dBA is anticipated at NMS 2S and 3S.

The study’s discussion of the results of several research papers regarding how noise effects children and learning suffers from the same level of generality and non-specificity that makes the discussion nearly useless in describing or understanding noise impacts on children at SMO or any other airport. As discussed in Section 4.6.1, current research indicates that adverse school room noise impacts occur when the interior noise level exceeds 65 dB CNEL or 85 dBA SENEL. This is equivalent to outdoor noise levels of approximately 77 dB CNEL or 97 dBA SENEL with open windows or 85 dB CNEL or 105 dBA SENEL with closed windows. There are no schools in the vicinity of JWA exposed to these levels of noise.

The final paragraph of the Health Effects of Noise Pollution section of the SMA HIA discusses the *Hypertension and Exposure to Noise Near Airports* (“HYENA”) study, but at the time the SMA HIA was prepared, the results of the HYENA study had not been fully published. The discussion of physiological responses to noise in Section 4.6.1 of the Draft EIR discusses the results of two more recent studies that build on the HYENA study. However, as with the HYENA study, these studies fall short of providing a definitive noise dose; the response relationship that defines what noise levels these effects start; and what the rate of increase of the response is as noise levels increase. The uncertainty in the science of the relationship between noise exposure and physiological effects prevents the establishment of meaningful noise exposure standards to prevent and minimize these effects.

Response 18: As indicated in Response 10, the departure flight path generally follows Upper Newport Bay, which minimizes the time that aircraft are flying over heavily populated areas. The location of the Airport in an urban environment precludes the ability to avoid all heavily populated areas. Please see Topical Response 3 (Commercial Aircraft Flight Path Issues) for additional information about flight paths.

Response 19: As discussed in Topical Response 3 (Commercial Aircraft Flight Path Issues), STREL ONE is the current Area Navigation (“RNAV”) procedure utilized by aircraft for departures headed east. The FAA is currently reviewing air traffic procedures in the region as part of the Southern California Optimization of Airspace and Procedures in the Metroplex effort (“SoCal OAPM”). However, the County is not aware of any plans by the FAA to change the STREL procedure.

Response 20: This comment, which expresses support for the Proposed Project, is an introduction to comments that follow. No further response is required

Response 21: The comment requests that the Draft EIR be “expanded to include and identify population and areas that are impacted by takeoff overhead flights (outside the 60 CNEL contour and not near the Costa Mesa air quality monitoring station)”. However, this request is not clear as there is no criteria presented that identifies which areas the commenter considers impacted by takeoff overhead flights outside of the 60 CNEL contour. None of the noise/land use guidelines adopted by Newport Beach or the County of Orange identify noise impacts outside the 60 CNEL contour.

Tables 4.6-18, 4.6-19, 4.6-20, 4.6-21, and 4.6-22 (pages 4.6-69, 4.6-71, 4.6-72, 4.6-74, and 4.6-77) in Section 4.6 (Noise) present the number of residences and other sensitive uses exposed to noise levels between 65 and 70 CNEL and exceeding 70 CNEL for the Proposed Project. Table 22 of the *Noise Analysis Technical Report* (Appendix C of the Draft EIR) presents this data and includes the number of residences and other sensitive uses exposed to noise levels between 60 and 65 CNEL. Table 22 further presents the area of land (square miles) exposed to noise levels between 60 and 65 CNEL, 65 and 70 CNEL, and greater than 70 CNEL.

Response 22: The comment addresses a general subject area, which received extensive analysis in the Draft EIR in Section 4.1, Air Quality. In particular, health risk is addressed in Section 4.1.6 of the Draft EIR and Section 5.4 of the *Air Quality Technical Report* (Appendix D). The comment does not raise any specific issues regarding the analyses and does not clarify how the “discussion of health impacts...should be expanded in the EIR.” Therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

Response 23: The term “nuisance noise” is not used in the Draft EIR or the *Noise Analysis Technical Report*. We assume that the commenter is referring to single event aircraft overflight noise levels. The Proposed Project does not propose altering any flight paths, nor is it anticipated to result in any changes to the flight paths.

Therefore, the Proposed Project will not have any effect on single event noise levels except by increasing the number of events. The noise significance threshold used in the Draft EIR is based on the CNEL noise metric. This metric accounts for single event noise levels from aircraft overflights along with the number of overflights each day and the time of day the overflights occur.

Noise Monitoring Station (“NMS”) 7S is the closest NMS to Balboa Peninsula and Peninsula Point. Because NMS 7S is located approximately 1.3 miles closer to the Airport, noise levels recorded at NMS 7S are somewhat higher than those experienced at Balboa Peninsula and Peninsula Point. Tables 4.6-4 (page 4.6-34) and 4.6-5 (page 4.6-39) show that aircraft noise levels at NMS 7S have decreased from 58.0 dB CNEL in 2001 and 2002 to 55.8 dB CNEL in 2013 and were as low as 52.1 dB CNEL in 2009 (economic recession). The City of Newport Beach’s outdoor noise criteria for residential uses is 65 dB CNEL. Noise levels at NMS 7S and at uses located further from the Airport than NMS 7S are well below this criteria level.

Table 4.6-9 (page 4.6-46) shows that, with Phase 3 of the Proposed Project, the noise level at NMS 7S is projected to increase 0.6 dB to 56.4 dB CNEL. The significance of noise impacts resulting from the implementation of the Proposed Project is based on the noise level increases and the resulting noise levels. At these resulting noise levels, an increase of 5 dB would be required for the impact to be considered significant.

Table 4.6-6 (page 4.6-40) shows that there are currently 13 daily air carrier events with a SENEL greater than 85 dBA recorded at NMS 7S on an average day. In the future, the number of these events would be expected to increase proportionally with the increase in Class A ADDs. An 85 dBA SENEL measurement is equivalent to a maximum noise level of approximately 75 dBA (SENEL represents the total energy of an overflight, which is approximately 10 dB greater than the maximum noise level). At this level of noise, the primary effect, beyond annoyance, is speech communication. Figure 5 of the *Noise Analysis Technical Report* (Appendix C of the Draft EIR) shows how noise affects speech communication. At an ambient noise level of 75 dBA, communication at expected voice levels are limited to approximately two feet and communication beyond approximately seven feet becomes difficult. Voice communication within approximately 35 feet is possible but difficult.

However, this maximum noise level is only experienced for a few seconds. Table 4.6-7 (page 4.6-40) shows that, under existing conditions, noise levels exceed 77 dBA for only 6 seconds per day. Table 4.6-24 (page 4.6-83) shows that the Proposed Project is projected to increase this amount of time.

Considerable speech interference is considered to begin when background ambient noise levels reach between 60 and 65 dBA. Figure 5 of the *Noise Analysis Technical Report* shows that communication at the expected voice level is limited to approximately 6 feet with an ambient noise level of 65 dBA. At this noise level, communication becomes difficult at distances greater than approximately 24 feet. Table 4.6-7 (page 4.6-40) shows that a noise level of 65 dBA is exceeded for

37.7 minutes each day at NMS 7S. Table 4.6-23 (page 4.6-82) shows that this is projected to increase by 7.7 minutes each day under Phase 3 of the Proposed Project. As discussed in the Draft EIR, there have been no significance thresholds adopted for the Time Above metric and this analysis is presented for informational purposes only.

Response 24: As discussed above in Response 10, the consistency of the Proposed Project with goals and policies in the City of Newport Beach General Plan is evaluated in Table 4.5-10 in Section 4.5 (Land Use and Planning) of the Draft EIR. The City of Newport Beach General Plan is discussed on pages 4.5-52 through 4.5-62, with the Noise Element discussed on pages 4.5-58 through 4.5-62.

Response 25: Health risk is addressed in Section 4.1.6 of the Draft EIR and Section 5.4 of the *Air Quality Technical Report* (Appendix D). The Health Risk Assessment (“HRA”) was conducted in accordance with the California Air Resources Board’s (“CARB’s”) Air Toxics Hot Spots Program Risk Assessment Guidelines and is consistent with risk assessment guidance documents issued by U.S. Environmental Protection Agency (“USEPA”) and the California Environmental Protection Agency (“CalEPA”) Department of Toxic Substances Control. Simplifying assumptions were also obtained from the SCAQMD risk assessment guidelines. The finding of the analysis is that the Proposed Project would have less than significant impacts for cancer risk, cancer burden, and chronic non-cancer risk for all receptors and for acute non-cancer risk for residents and other sensitive receptors. The Draft EIR did identify that the Proposed Project would have a significant acute non-cancer health risk impact for workers.

The Draft EIR’s analysis specifically evaluated the Airport’s departure flight path. The 2010 Santa Monica Airport study referenced in the comment is assumed to be referencing the February 2010 Santa Monica Airport Health Impact Assessment mentioned previously in this comment letter. Thus, please see Response 17 above. In addition, Topical Response 1 addresses black carbon, and Topical Response 2 addresses the LA Times/USC Study on ultrafine particles.

Response 26: Topical Response 1 on black carbon provides additional information on the black material referenced by the commenter. Additionally, monitoring underneath the flight path is not required by CEQA; rather, the analysis presented in Section 4.1 of the Draft EIR relies on modeling programs accepted by federal, state and regional agencies with expertise in air quality.

Response 27: The Draft EIR, including its health risk assessment, was made publicly available through various mediums and provided to the SCAQMD for review. The Final EIR similarly will be made available. Also of note, information regarding criteria pollutant concentrations is available through SCAQMD. SCAQMD monitors ambient air quality levels through its network of monitoring stations and air quality index; see <http://www3.aqmd.gov/webappl/gisaqi2/VEMap3D.aspx>.

Response 28 The Draft EIR addresses the impacts associated with the Proposed Project. Issues such as flight path are outside the scope of this Draft EIR and outside the jurisdiction of the County and the other parties to the Settlement Agreement.

Departure and arrival procedures are solely under the jurisdiction of the FAA and the pilot-in-command of the aircraft. This is not a component of the Proposed Project. (See Topical Response 3, for a discussion of Commercial Aircraft Flight Path Issues). However, Section 1.9 (Other Airport-Related Issues Not Associated with the Settlement Agreement Amendment) of the Draft EIR does identify that the City of Newport Beach has requested that the FAA authorize a new departure procedure for use at JWA. The FAA has indicated that the City of Newport Beach's request will be considered at a later date.

Response 29: Please see Topical Response 3 pertaining to Commercial Aircraft Flight Path Issues. It should also be noted, the Draft EIR is required to analyze the environmental effects of the Proposed Project as measured against the baseline existing conditions. CEQA does not require the EIR to address historic operations.

Response 30: Please see Response 19.



P.O. BOX 826, BALBOA, CALIFORNIA 92661

July 5, 2014

Public Comments JWA EIR
John Wayne Airport
Administrative Office
3160 Airway Avenue
Costa Mesa, CA 92626

To whom it may Concern:

I am the President of the Balboa Peninsula Point Association representing over 800 homes that are adversely impacted by excessive airplane noise and air pollution that is concentrated over our homes due to the STREL departure pattern. This pattern subjects those under its path to a constant barrage of noise from planes flying at maximum permissible thrust and speed once 3,000 feet altitude has been achieved. STREL is a single narrow path from takeoff to meeting the ocean that concentrates departures into a single lane. The previous departure pattern before STREL had a wide spread of paths so that no one area of homes was unnecessarily burdened by noise. Also excessive departure patterns are at 1 plane per minute during busy flight times.

STREL goes directly over the center of Balboa Island so the entire Island from west to east is pounded by noise and pollution. Similarly, the STREL path crosses near the widest part of the Peninsula with most densely packed homes and affecting the most people.

} 1

We request that the STREL be abandoned because of noise and pollution impact on residents. We request that the previous wide path be returned so the noise and pollution can be spread out.

We request that the planes be restricted to fly over residential areas at no more than 210 knots even when above 3,000 feet so as to lessen the noise impact on the ground. Once over the ocean (only about 7 nautical miles from take off) and regardless of altitude, the planes can use full power. This means replacing the 3,000-foot threshold at which to increase power and speed with an "over the ocean" threshold.

}
1
cont.

Sincerely,

Alison Ryffel
President, BPPA



**Response to Comment Received from the
Balboa Peninsula Point Association
Dated: July 5, 2014**

Response 1: The Draft Environmental Impact Report (“EIR”) addresses the impacts associated with the Proposed Project. Issues such as flight path are outside the scope of the Proposed Project; and, the County of Orange, as proprietor of the Airport, and the other parties to the Settlement Agreement have no authority or control over aircraft in flight. Departure and arrival procedures are solely under the jurisdiction of the Federal Aviation Administration (“FAA”) and the pilot-in-command of the aircraft. Accordingly, only the FAA has enforcement capability over these issues. For additional information, please see Topical Response 3 pertaining to Commercial Aircraft Flight Path Issues.



P.O. BOX 826, BALBOA, CALIFORNIA 92661

Ms. Lea Choum
JWA Project Manager
Costa Mesa, CA 92626
3160 Airway Avenue

July 7, 2014

Reference: JWA Settlement Agreement Amendment
DEIR Report No. 617 SCH No. 2001111135

Balboa Peninsula Point Association (BPPA) represents the interests of over 2000 residents of the Balboa Peninsula Point (BPP) from A Street to Channel Rd. (the Wedge area). We live under the flight path of JWA and are seriously affected by the noise, air and surface pollution associated with JWA departures. We again request that BPP be included, by name, in the Air Quality and Noise sections of the EIR, and any other analyses affecting our quality-of-life. This is the same request that was made in our October 2013 letter in response to the JWA Settlement Agreement NOP.

} 1

Noise

DEIR Section 4.6 Noise does not include consideration of BPP by name as requested in our NOP response. This is important because, in recent years, departure flight paths have been modified so that all departures exit over a narrow corridor over BPP. This means that this limited residential area experiences all 80 Class A ADD (average daily departures) and that could increase to 95 in the Proposed Project (see Table 3-1, page 3-7). These are only the noisiest (Class A) departures, but there are currently 36 additional less noisy ADD (Class E) and this number could rise to 70 in the Proposed Project. The total daily noise incidents would increase from the current 116 to 165 in the Proposed Project. The impact of these noise events on residents on BPP under the flight path is masked by the traditional use of CNEL as the EIR measure of noise pollution under the flight path. However, CNEL is a 24 hour time weighted parameter and its use completely misleads in understanding the environment that exists for residents under the flight path. They experience essentially every overflight event and the current methodology of long term averaging does not adequately describe the discomfort associated with multiple, concentrated, noisy overflights.

} 2

On a typical day, it has been reported (Tom Edwards, All Things Aviation, February 2014) that 31 flights (27% of the ADD) occurred between 7:00 and 9:00 a.m. This heavy concentration of morning flights is very disruptive to normal daily activities. For

BPPA 1 of 3

residents under the departure flight path, this heavy concentration has a significant, negative health and quality of life impact.

There is insufficient data in the DEIR to make comparisons for all overflights, but it is possible to make some estimates. Noise Measuring Stations (NMS) are not located on BPP. However, conservative extrapolation of data from NMS7S near PCH reveals that BPP currently experiences least 10 events per day with noise levels equal to or greater than 85db with durations of approximately 30 seconds each (Exhibit 4.6-2). These events are characterized in Exhibit 4.6-1 as "loud to very loud". In addition, there are currently 96 other daily noise events of lesser intensity and these will all increase as the number of daily departures increases from the current 116 to 165 in the Proposed Project.

In summary, individual event noise levels on BPP are significant and disruptive to residential life. With the proposed increase of flights from the current 116 (80 Class A plus 36 Class E) to the proposed 165 (95 Class A plus 70 Class E), it is obvious that major residential disruption will result from implementation of the Proposed Project.

2
cont.

Air/Water Quality

DEIR Sections 4.1 Air Quality and 4.10 Water Quality do not even discuss the issue of the accumulation of oily carbonaceous residue that contaminates the area beneath departure flight paths. This is a pernicious issue that demands attention. It might be true that the usual EIR methodology does not include inclusion of this specific kind of pollution, but it was highlighted in our previous response to the NOP and it deserves adequate consideration. This residue causes residential property damage, to be sure, but it could also be a long term health hazard that is not even being evaluated.

3

Suggested Noise Mitigations/Actions

Without changing the framework of the existing Settlement Agreement, there are actions that should be considered to mitigate the noise issues discussed above.

MAINTAIN ENGINE CUTBACK LONGER AND POWER UP OVER OCEAN

1. We strongly urge that departing planes remain in engine cutback position over the densely populated residential areas past Monitor 7 south towards the ocean and maintain cutback level until reaching three miles out over the ocean. Departing planes would then resume full power at this distance from shoreline residences.

4

STOP EARLY SHORLINE EAST-WEST TURNS

2. We request that departing planes stop the existing procedure of initiating early shoreline East-West turns while still in close sound range of residential communities. We request that East-West turns begin three miles out over the ocean.

B.P.P.A. 2 of 3

MAINTAIN EXISTING LEVELS FOR FLIGHTS AND PASSENGERS

3. We strongly urge that the currently approved ADD (85 Class A, 36 Class E, 2 Cargo Class A) and MAP (10.8) levels be maintained. There is room for modest growth without increasing limits as proposed.

The 100% increase in ultra loud (deafening) Cargo Class A is of major concern. Our residents are being asked to increase an already unsustainable burden of air traffic noise before there is any plan in place to mitigate our existing problems.

Because of the seriousness of the existing excessive noise levels under departure flights and our increasing air pollution issues the position of the BPPA is not to increase the number of daily flights and MAP offered as alternatives in the DEIR until such time as we have plans in place for mitigation of the now existing noise and air problems.

} 5

Air/Water Quality

Large particle black debris falls from aircraft departures on the homes and grounds of BPP where rain and runoff carry it directly into Newport Bay. This is a visible source of property damage and could, potentially, be a significant long term health hazard. The sponsors of the Proposed Project should proceed immediately to commission a scientific study to evaluate this situation. Experts at USC and University of Washington recently completed such a study related to LAX pollution and discovered major areas of previously undocumented aircraft fallout contamination with serious health implications (see LA Times, May 29, 2014, Section AA). Alternatively, expansion of a 2010 JWA air pollution study by Dr. Karleen Boyle-Sudol should be considered.

} 6

Thank you for your consideration of these important issues to the residents of Newport Beach. We will be monitoring the progress of the Proposed Project and will be pleased to facilitate additional citizen testimony on these issues.

Sincerely,


Alison Ryffel
President, BPPA


Kenneth S. Drellishak, Ph.D.
BPPA Board of Directors


Kay Mortenson
BPPA Board of Directors

B.P.P.A. 3 of 3

**Responses to Comments Received from the
Balboa Peninsula Point Association
Dated: July 7, 2014**

Response 1: The Draft Environmental Impact Report (“EIR”) addresses the impacts associated with the Proposed Project, including air quality (Section 4.1) and noise (Section 4.6). The text and exhibits reflect the data from the technical analyses in a manner that is clear enough that various associations and neighborhood community groups within the study area can ascertain the level of impact on their specific area of interest. For example, the exhibits in Section 4.6 (Noise) identify that the area represented by the Balboa Peninsula Point Association is located outside the 60 Community Noise Equivalent Level (“CNEL”) for the Proposed Project (see Exhibits 4.6-14 through 4.6-16) and is outside the typical 85 decibel (“dB”) Single Event Departure Contour (“SENEL”) for each of the Class A aircraft that regularly operates out of John Wayne Airport (“JWA”) (see Exhibit 4.6-12 on page 4.6-41 of the Draft EIR).

Response 2: As discussed in Section 4.6.1 (Background Information, for the Noise Section of the Draft EIR), research has found that the CNEL noise metric is well correlated with noise annoyance and that SENEL noise levels have not been found to correlate as well with annoyance. Annoyance is one of the most researched effects of noise. There does not appear to be any adverse effects that are predicted at noise levels below where annoyance becomes considerable. Further, despite the commenter’s assertion, CNEL accounts for single event noise levels. It also accounts for the number of noise events at each level and the time of day that the noise events occur.

Exhibit 4.6-2 is a schematic illustration that shows how single event noise levels are accounted for in the CNEL noise metric and does not represent any actual noise data for the Proposed Project. Therefore, no conclusions regarding impacts can be reached from interpreting the numerical values on the exhibit.

As discussed in the comment, Noise Monitoring Station (“NMS”) 7S is the closest NMS to Balboa Peninsula Point. Because NMS 7S is located approximately 1.3 miles closer to the Airport, noise levels recorded at NMS 7S are somewhat higher than those experienced at Balboa Peninsula Point. Tables 4.6-4 and 4.6-5 show that aircraft noise levels at NMS 7S have decreased from 58.0 dB CNEL to 55.8 dB CNEL in 2013 and were as low as 52.1 dB CNEL in 2009 (economic recession). The City of Newport Beach’s outdoor noise criteria for residential uses is 65 dB CNEL. Noise levels at NMS 7S and at uses located further from the Airport than NMS 7S are well below this criteria level.

Table 4.6-9 (page 4.6-46) shows that, with Phase 3 of the Proposed Project, the noise level at NMS 7S is projected to increase 0.6 dB to 56.4 dB CNEL. The significance of the noise impact resulting from the implementation of the Proposed Project is based on the noise level increases. An increase of 5 dB would be required for the impact to be considered significant.

Table 4.6-6 (page 4.6-40) shows that there are 13 daily air carrier events with a SENEL greater than 85 A-weighted decibels (“dBA”) recorded at NMS 7S on average each day. In the future, the number of these events would be expected to increase proportionally with the increase in Class A Average Daily Departures (“ADDs”). An 85 dBA SENEL measurement is equivalent to a maximum noise level of approximately 75 dBA (SENEL represents the total energy of an overflight, which is approximately 10 dB greater than the maximum noise level). At this level of noise, the primary effect, beyond annoyance, is speech communication. Figure 5 of the *Noise Analysis Technical Report* (Appendix C of the Draft EIR) shows how noise affects speech communication. At an ambient noise level of 75 dBA, communication at expected voice levels is limited to approximately 2 feet and communication beyond approximately 7 feet becomes difficult. Voice communication within approximately 35 feet is possible but difficult.

However, this maximum noise level is only experienced for a few seconds. Table 4.6-7 (page 4.6-40) shows that, under existing conditions, noise levels exceed 77 dBA for only 6 seconds per day. Table 4.6-24 (page 4.6-83) shows that the Proposed Project is not projected to increase this amount of time.

Considerable speech interference is considered to begin when background ambient noise levels reach between 60 and 65 dBA. Figure 5 of the *Noise Analysis Technical Report* shows that communication at the expected voice level is limited to approximately 6 feet with an ambient noise level of 65 dBA. At this noise level, communication becomes difficult at distances greater than approximately 24 feet. Table 4.6-7 (page 4.6-40) shows that a noise level of 65 dBA is currently exceeded for 37.7 minutes each day. Table 4.6-23 (page 4.6-82) shows that this is projected to increase by 7.7 minutes each day under Phase 3 of the Proposed Project. As discussed in the Draft EIR, there have been no significance thresholds adopted for the Time Above metric and this analysis is presented for informational purposes only.

Response 3: Please see Topical Response 1, which addresses black carbon.

Response 4: The specific Noise Abatement procedures used at John Wayne Airport (“JWA”) are developed by the airlines. The only noise abatement requirement is that the SENEL noise limits prescribed in the Settlement Agreement not be exceeded.

The point at which the departing aircraft begin making their east-west turn is under the sole control of the FAA and Air Traffic Control. The use of early east-west turns is sometimes required to avoid conflicting air traffic.

Issues such as flight path are outside the scope of the Proposed Project; and, the County of Orange, as the proprietor of the Airport, and the other parties to the Settlement Agreement have no authority or control over aircraft in flight. Departure and arrival procedures are solely under the jurisdiction of the Federal Aviation Administration (“FAA”) and the pilot-in-command of the aircraft.

In any event, several of the actions recommended in the comment were considered in EIR Section 4.6.7 (Mitigation Program), but were found to be

outside the control of the County/JWA, and not directly related to the Proposed Project. Flight procedures are dictated by considerations of operational safety and air traffic control procedures, and only the FAA has the authority to develop plans and policies for the use of the navigable airspace. Pages 4.6-95 through 4.6-96 of the Draft EIR address the ability to modify the departure thrust cutback. As discussed in the Draft EIR, this measure cannot be implemented without the FAA's direct concurrence and compliance with AC 91-53. However, many of the airlines already use departure procedures at JWA that include a power cutback. This provides a noise benefit to residences near the Airport in Santa Ana Heights. Page 4.6-96 of the Draft EIR addresses the ability to alter the flight paths. Again, however, these procedures cannot be implemented without the FAA's concurrence, taking into account both operational, safety, and airspace considerations. For additional information, please see Topical Response 3 pertaining to Commercial Aircraft Flight Path Issues.

As no specific comment is provided regarding the referenced analysis, no further response can be provided.

Response 5: The comment's support for maintaining the currently authorized operational levels at JWA is noted. For purposes of clarification, please note that the Settlement Agreement allows for four average daily departures ("ADD") for cargo (not two, as referenced in the comment).

Practically speaking, the environmental ramifications of an alternative maintaining the existing operational restrictions, subject to an extended term, were considered fully in the Draft EIR. More specifically, the No Project Alternative analysis assumed the continued implementation of the existing operational restrictions (see Draft EIR Table 1-1, page 1-3), as established by the Settlement Agreement's 2003 amendments, even though the Agreement would expire in 2015 under the No Project Alternative and the County of Orange would have full discretion to modify the existing operational restrictions, subject to compliance with all applicable laws (such as the California Environmental Quality Act ["CEQA"]). As summarized in Draft EIR Table 1-3 (pages 1-22-1-38), the No Project Alternative would result in unavoidably significant impacts to air quality, greenhouse gas emissions, land use and planning, and noise. The alternative supported by this comment would result in the same unavoidably significant impacts.

Additionally, the alternative identified by the comment may jeopardize the Settlement Agreement's "grandfathered" status under the Airport Noise and Capacity Act of 1990 ("ANCA;" 49 U.S.C. §§47521-47533). (For more information on ANCA, see Draft EIR pages 4.6-17 to 4.6-18.) As previously explained in the Draft EIR, ANCA circumscribes the ability of the County of Orange to impose operational restrictions at JWA without federal approval. The Settlement Agreement's operational restrictions currently, however, are exempt from ANCA because the Agreement is an "intergovernmental agreement" that pre-dated ANCA's enactment in 1990. (49 U.S.C. §47524(d)(3).)

A “subsequent amendment to an airport noise or access agreement or restriction in effect on November 5, 1990,” such as that contemplated by the Proposed Project, only is exempt from ANCA if it “does not reduce or limit aircraft operations or affect aircraft safety.” (49 U.S.C. §47524(d)(4).) Extending the term of the Settlement Agreement’s 2003 amendments without decreasing the rigor of those amendments’ operational restrictions, as proposed in the comment, arguably could “reduce or limit aircraft operations” in violation of ANCA by extending the term and duration of those restrictions. (*Ibid.*) As such, this alternative could threaten the Settlement Agreement’s “grandfathered” ANCA status, exposing the County of Orange to potential adverse action from the FAA, commercial air carriers, and other interested parties that seek to have JWA operate without its current limitations (e.g., MAP and Class A ADD caps).

An airport that endeavors to impose operational restrictions in violation of ANCA would be: (i) in violation of federal law (i.e., ANCA); (ii) in breach of its federal grant assurances (if a federally-obligated airport due its receipt of federal grant funding); (iii) precluded from receiving federal funding in furtherance of its aviation mission; and, (iv) prohibited from imposing passenger facility charges (49 U.S.C. §47526) absent the speculative success of a Part 161 application to the FAA (See generally 14 C.F.R. §§161.1-161.505; see also 14 C.F.R. §161.3(b)⁶⁷). (For additional information on the Part 161 requirements, please see Topical Response 7.)

The alternative identified in this comment also would fail to meet the basic project objectives as explained below:

1. To modify some existing restrictions on aircraft operations at JWA in order to provide increased air transportation opportunities to the air-traveling public using the Airport without adversely affecting aircraft safety, recognizing that aviation noise management is crucial to continued increases in JWA’s capacity.

This type of alternative would not provide “increased air transportation opportunities” at JWA, but would instead maintain the existing operational restrictions for an extended period of time. Additionally, this type of alternative could threaten the implementation status of JWA’s “aviation noise management” regulations if other interested parties successfully argue that the amendment does not adhere to ANCA’s limitations.

2. To reasonably protect the environmental interests and concerns of persons residing in the vicinity of the JWA, including their concerns regarding “quality of life” issues arising from the operation of JWA, including but not limited to noise and traffic.

⁶⁷ “ This part also applies to airports enacting amendments to airport noise and access restrictions in effect on October 1, 1990, but amended after that date, where the amendment reduces or limits aircraft operations or affects aircraft safety” (Draft EIR pages 4.6-93 to 4.6-95). Only two airports have successfully processed Stage 2 aircraft restrictions under Part 161; all other proposals have been abandoned based on FAA comments or voluntary agreement between the airports and airlines, or denied by the FAA.

This type of alternative could threaten the implementation of JWA's current efforts to "protect the environmental interests and concerns of persons residing in vicinity of JWA" due to the potential loss of the Settlement Agreement's "grandfathered" status under ANCA. Absent such status, the County's ability to protect the community and environment would be constrained by ANCA and subject to the County's ability to successfully process a Part 161 application with the FAA, for which there is a low demonstrated probability of achievement.

3. To preserve, protect, and continue to implement the important restrictions established by the 1985 Settlement Agreement, which were "grandfathered" under ANCA and reflect and accommodate historical policy decisions of the Orange County Board of Supervisors regarding the appropriate point of balance between the competing interests of the air transportation and aviation community and local residents living in the vicinity of the Airport.

This type of alternative could potentially result in JWA's Settlement Agreement and the related restrictions losing their "grandfathered" status under ANCA, depending on the ability of other interested parties to secure a judicial order or other regulatory directive to that effect.

4. To provide a reasonable level of certainty to the following regarding the level of permitted aviation activity at JWA for a defined future period of time: surrounding local communities; Airport users (particularly scheduled commercial users); and the air-traveling public.

This type of alternative may not provide a "reasonable level of certainty" regarding the level of permitted aviation activity for a defined period of time if other interested parties secure a judicial order or other regulatory directing finding the restrictions violate ANCA, absent the County's ability to successfully process a Part 161 application with the FAA.

5. To consider revisions to the regulatory operational restrictions at JWA in light of the current aviation environment; the current needs of the affected communities; and industry interests represented at JWA.

This type of alternative, which would maintain existing, permitted operations levels, would not be consistent with the currently anticipated demand for aviation services at JWA, as forecast by the FAA and air carriers operating at the Airport. (See Draft EIR Table 1-1, page 1-3, Alternative A [up to 12.8 MAP and 135 Class A ADDs] was delineated based on the FAA's Terminal Area Forecast Detail Report [January 2013] and Alternative B [up to 15.0 MAP and 115 Class A ADDs] was delineated based on input from JWA's commercial air service providers.)

In light of the information above, and in accordance with State CEQA Guidelines Section 15126.6(c), this EIR does not give further consideration to any alternative maintaining the operational restrictions of the Settlement Agreement's 2003 amendments while extending the term of those restrictions.

Response 6: Please see Topical Response 2, which addresses the LA Times/USC Study on ultrafine particles. No additional data collection to expand the Boyle Study is proposed at this time. It should be noted CEQA does not require air monitoring as part of the environmental review process.

From: Pat Nangle <patnangle@att.net>
Sent: Tuesday, July 08, 2014 1:24 PM
To: EIR, Draft
Subject: JWA Settlement Agreement Proposals

As a resident of Newport Beach and President of the Bayside Village Homeowners Association, we prefer no expansion at John Wayne Airport, Alternate "No Project". However Alternate A, a proposal to increase flights and passenger traffic is better than losing the protections currently in place.

The draft report notes significant potential impacts on emissions, air quality and exterior noise. As our community is directly under the flight path, we consider these impacts hazardous to the health and safety of the community.

There is much more which could be said, but these are the most significant reasons. Please let me know if you would like additional comments.

Sincerely,

Pat Nangle
President, Bayside Village Homeowners Association
patnangle@att.net
949 673 2281

} 1

**Response to Comment Received from the
Bayside Village Homeowners Association
Dated: July 7, 2014**

Response 1: The comment expresses support for no expansion of the capacity levels at John Wayne Airport and does not raise an environmental issue; therefore, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.



July 7, 2014

Ms. Lea Choum
John Wayne Airport
3160 Airway Avenue
Costa Mesa, CA, 92626

Submitted via email: Deir617@ocair.com

Subject: EIR Comments for JWA Settlement Agreement Amendment Project

Dear Ms. Choum,

This letter is on behalf of the Eastbluff Homeowners Community Association to provide comments on the Draft Environmental Impact Report for the JWA Settlement Agreement Amendment Project. The environmental impact report reviews impact of various options for modifications and extension of the Settlement Agreement with the County of Orange, The City of Newport Beach, the Airport Working Group (AWG) and Stop Polluting our Newport (SPON). This is an important concern for the Eastbluff Homeowners Community Association, which consists of 460 single family homes in Newport Beach, California, with sweeping views of the Back Bay and city lights from many of the homes. Our homes were built in the early 60's as a tract home community and have developed over the years with remodels and new construction. Our community is impacted by noise, air quality and pollution generated by airplane takeoffs from John Wayne Airport (JWA) due to our location along the takeoff flight path over the Newport Beach Back Bay. The Eastbluff residents' health, quality of life, and property values would be negatively impacted by any significant increase in the limitation of number of flights, types of aircraft, number of passengers, number of cargo flights and hours of operations for departures and landing. We believe the limitations agreed upon in the Settlement Agreement and subsequent 2003 extension have been a successful compromise that balances the need for air transportation and the quality of life for nearby residences.

1

Draft Environmental Impact Report #617 was issued on May 23, 2014. The Draft EIR has been prepared to address the potential environmental impacts associated with the modification and extension of the Settlement Agreement. We have reviewed the plan and alternatives and recommend to the Airport Commission and County of Orange Board of Supervisors:

- a. Extend the Settlement Agreement Term through December 31, 2030, and the curfew through December 31, 2035.
- b. Adopt the Annual Passenger limits (MAP) not to exceed 12.5 MAP through December 31, 2030.
- c. Select the alternative for flights in the proposed plan with limits of 85 Class A ADD's through December 31, 2020 and 95 Class A ADD's through December 31, 2030.
- d. Continue the requirement that air cargo flights be limited to 4 Class A ADD's.

2

phone 714.444.2602 fax 714.441.7005 e-mail scott@southcoastpm.com
www.southcoastpm.com • 2973 Harbor Blvd. #415, Costa Mesa, CA 92626

We oppose the changes proposed in Alternative A to increase passenger flights in a range of 107 to 135 and in Alternative B to a range of 100 to 115 flights. The increase in the number of flights would have a significant negative impact with additional noise and pollution impacting Eastbluff residents' quality of life.

We recommend the Settlement Agreement be extended through 2035 and continue to support the objective to preserve, protect, and continue to implement the important restrictions established by the 1985 Settlement Agreement, which were "grandfathered" under the Airport Noise and Capacity Act of 1990 ("ANCA") and reflect and accommodate historical policy decisions of the Orange County Board of Supervisors regarding the appropriate point of balance between the competing interests of the air transportation and aviation community and local residents living in the vicinity of the Airport.

} 2
cont.

Sincerely,



Jason Hobbs
President

Mailing Address
Eastbluff Homeowners Association
c/o South Coast Property Management, Inc.
2973 Harbor Blvd. #415
Costa Mesa, CA 92626

**Responses to Comments Received from
Eastbluff Homeowners Community Association
(Submitted by South Coast Property Management Inc.)
Dated: July 8, 2014**

- Response 1:** The comment is an introduction to comments that follow and does not raise issues specific to the Draft Environmental Impact Report (“EIR”). The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.
- Response 2:** The County of Orange acknowledges your support for the Proposed Project. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

COMMENTARY ON
DRAFT ENVIRONMENTAL IMPACT REPORT 617
JWA SETTLEMENTAL AGREEMENT AMENDMENT

Background:

This commentary is relevant to the geographical areas north of John Wayne Airport (JWA), commonly referred to as the Corridor Cities and unincorporated areas therein, including the cities of Tustin, Orange, Villa Park and unincorporated North Tustin and Orange Park Acres. These areas are impacted primarily by aircraft on arrivals onto Runway 19R at JWA.

} 1

Commentary

The primary environmental concern of residents north of JWA is aircraft noise and the negative effects of arriving aircraft. The contents of this DEIR are essentially silent with regard to specific noise levels and impact on this area.

The current/proposed Settlement Agreements have no limits on aircraft noise for areas north of the airport except for those on General Aviation operations during the night time curfew. This area is outside the 65 dB CNEL contour impact limits of the regulations, but a significant number of residents continue to experience peak noise levels that are very annoying. This deep concern was expressed very vocally during the public comment meeting in North Tustin on May 28, 2014.

ARRIVAL ANNOYANCE LEVELS

In Section 4.6 “Noise”, a general discussion of annoyance due to noise is presented and charts concerning high annoyance factors versus DNL levels(Exh 4.6-5) and Typical 85 dB SENEL Arrival Contours (Exh 4.6-13) are discussed. However, no data were presented to connect these factors to the arrival patterns and no conclusions drawn as to impact or mitigation aspects.

ACTION REQUEST #1: It is requested that measurements of actual arrival peak noise levels appropriate to the Tustin and North Tustin geography be determined and conclusions drawn.

} 2

(1)

IMPACT OF GPS BASED LANDING SYSTEMS

On Page 4.6-97 a discussion of landing systems based on GPS Satellites and the potential for noise mitigation was presented, but noted that this situation was not included in this study, due to unknown availability for service. However, we have been advised that the FAA has implemented a new “KEFFR” RNAV STAR arrival procedure for Runway 19R (currently temporarily suspended for use). When fully operational, it is expected that there will be less dispersion about the ILS path than currently exists, resulting in an increase in maximum noise for residents living near the ILS path. Given that the Proposed Project is planned to exist through 2030, it is highly probable that these GPS based procedures will be implemented within this time frame.

ACTION REQUEST #2: It is requested that, for the Proposed Project, the increase in aircraft noise due to the precision arrival paths be analyzed and conclusions provided.

ACTION REQUEST #3: In recognition of the severity of arrival noise annoyance levels, it is requested that an evaluation be made of the potential that the FAA, with sufficient community and governmental persuasion, could implement alternate arrival paths into Runway 19R that provide noise abatement specifically for the Tustin and North Tustin locales, within the applicable FAA regulations and standards relating to noise abatement for the national airspace.

} 3
}
} 4

SUBMITTED BY:

Hal Marshall

Member, Board of Directors & Chair, Airport Committee,

Foothill Communities Association, Inc

halowha@sbcglobal.net

714-544-7463

June 2, 2014

(2)

**Responses to Comments Received from
Foothill Communities Association—Aviation Committee
Dated: June 2, 2014**

Response 1: This comment is an introduction to comments that follow. No further response is required.

Response 2: Please refer to Topical Response 4 (Arrival Corridor Noise Impacts) for a detailed discussion of the noise impacts (both single event and cumulative) from Airport operations and from the Proposed Project along the arrival corridor that passes over the City of Tustin, the community of North Tustin, and the eastern edge of the City of Orange. This discussion focuses on the City of Tustin because it is subject to the highest aircraft arrival corridor noise levels over residential areas.

Noise Monitoring Station (“NMS”) 10N is located approximately five miles from the runway. Exhibit 4.6-8 in Section 4.6 (Noise) shows that, at this distance, arriving aircraft are at an elevation of approximately 1,500 feet above mean sea level, which is approximately 1,350 feet above the local ground elevation. Based on geometry and the conservative estimate that noise decreases at a rate of 6 decibels (“dB”) per doubling of distance, the maximum difference in the maximum overflight noise level recorded at NMS 10N and the level $\frac{1}{4}$ of a mile away is 3 dB. This is the noise level difference that would occur only when aircraft flies directly over the home and no closer to NMS 10N. Under all other conditions, the difference would be less. Conversely, when an aircraft flies directly over NMS 10N and no closer to the home, the noise level recorded at NMS 10N would be approximately 3 dB greater than at the home. Note that, under the Community Noise Equivalent Level (“CNEL”) metric, which measures the average daily noise exposure, specific individual flight paths are less influential on the noise exposure than when examining single event noise levels. Therefore, the CNEL noise level difference between these two locations would be considerably less than the 3 dB difference in maximum overflight noise levels.

Response 3: The Federal Aviation Administration’s (“FAA”) planned RNAV arrival procedure, known as KEFFR, is tentatively scheduled for implementation in November 2014. Only aircraft arriving from the east would use KEFFR. According to the FAA, KEFFR is a standard terminal arrival route (“STAR”), which incorporates an optimized profile descent (“OPD”). The primary benefits of an OPD occur when the aircraft begins its descent from cruising altitude and end when the aircraft either levels off for sequencing or is established on the ILS. Once on the ILS, aircraft will continue to operate the same as they do today. Communities that are farther away from the Airport and under the OPD portion of the KEFFR should benefit from a reduction in noise. Communities under or near the ILS are unlikely to experience any noticeable change in noise levels.

Over the 15-year term (2015-2030) of the Proposed Project, the FAA may utilize satellite guidance, which would modify the approach patterns. At this time, however, it would be speculative to surmise what procedures the FAA will implement. Similarly, the Draft EIR acknowledges that there are newer aircraft that may be incorporated into the fleet mix at JWA at some point in the future.

These newer aircraft may generate less noise and have fewer air emissions compared to the current fleet at John Wayne Airport (“JWA”).

The Draft EIR addresses the impacts associated with the Proposed Project. Issues such as potentially new or varied flight path or technology navigational aids are outside the scope of this Draft EIR and the jurisdiction of the County or the other parties to the Settlement Agreement. Departure and arrival procedures are solely under the jurisdiction of the FAA and the pilot-in-command of the aircraft. This is not a component of the Proposed Project.

Response 4: This issue is beyond the scope of the Proposed Project as the County does not maintain regulatory authority over noise abatement in the national airspace. The FAA and the pilot-in-command of each aircraft have sole jurisdiction and responsibility for flight paths. Accordingly, only the FAA has enforcement capability over these issues. The County of Orange, as the proprietor of JWA has no authority or control over aircraft in flight.



July 7, 2014

Re: Comments on Draft EIR

Ms. Lea Choum, John Wayne Airport, 3160 Airway Avenue, Costa Mesa, CA, 92626.

Delivery via DEIR617@ocair.com

The Foothill Communities Association Inc. (FCA) supports 100% the Committee report from Hal Marshall (Chair of FCA Airport Committee), dated 2 June 2014. *A portion is copied in italics below.* A recent FCA review meeting resulted in some additions, and (hopefully) a clarification of the concerns about noise that most likely would come with added flights of the proposed project (eg: from 85 ADDs to 95 ADDs, etc.)

Request #1 - The number of passenger loading bridges in Table 1-1 of the Executive Summary is at “no limit”. “No Limit” can be read as an increase with no bound. It is requested that a position be established to increase the number of passenger loading bridges to that number needed to accommodate the planned increase in passenger count. E.g., a 10% increase in passenger count might, or might not, require a 10% increase in passenger loading bridges.

Request #2 - It is requested that as part of the noise monitoring at Station 10N, a record of SENEL exceeding a specific level (the violation threshold) be collected, reviewed and conclusions drawn as part of the quarterly data analysis. It would seem that an acceptable value for the SENEL threshold could be specified by scaling, to a reduced value, the current SENEL thresholds from the monitors closer to the airport.

Violations of the specified SENEL threshold should be recorded and penalties imposed upon violators for both arriving and departing flights.

We understand the results of these violations have caused certain aircraft type to be banned from use at JWA provided. Further it is noted that General Aviation operations that exceed specified SENEL thresholds result in penalties.

The following is quoted from letter of June 2, 2014 of Hal Marshall.

“Background:

This commentary is relevant to the geographical areas north of John Wayne Airport (JWA), commonly referred to as the Corridor Cities and unincorporated areas therein, including the cities of Tustin, Orange, Villa Park and unincorporated North Tustin and Orange Park Acres. These areas are impacted primarily by aircraft on arrivals onto Runway 19R at JWA.

Commentary

The primary environmental concern of residents north of JWA is aircraft noise and the negative effects of arriving aircraft. The contents of this DEIR are essentially silent with regard to specific noise levels and impact on this area.

The current/proposed Settlement Agreements have no limits on aircraft noise for areas north of the airport except for those on General Aviation operations during the night time curfew. This area is outside the 65 dB CNEL contour impact limits of the regulations, but a significant number of residents continue to experience peak noise levels that are very annoying. This deep concern was expressed very vocally during the public comment meeting in North Tustin on May 28, 2014."

} 4
cont.

End of quote from letter of Hal Marshall.

Sincerely,

Richard Nelson, President
Foothill Communities Association

**Responses to Comments Received from the
Foothill Communities Association
(Richard Nelson, President)
Dated: July 7, 2014**

- Response 1:** The June 2, 2014, report from the Foothill Communities Association Aviation Committee has been included as part of the record and will be made available to the County's Board of Supervisors prior to a final decision on the Project.
- Response 2:** As discussed on page 3-6 of the Draft Environmental Impact Report ("EIR"), because the Proposed Project does not "propose to construct additional loading bridges, the impacts are not evaluated in this EIR. (Note the impacts would vary depending on the number of additional loading bridges proposed.) Subsequent CEQA documentation would be required prior to any physical improvements, such as additional loading bridges." No modification to the Project Description regarding loading bridges is proposed.
- Response 3:** Please refer to Topical Response 4 (Arrival Corridor Noise Impacts) for a detailed discussion of the noise impacts, both single event and cumulative, from Airport operations and the Project Alternatives along the arrival corridor that passes over the City of Tustin, the community of North Tustin, and the eastern edge of the City of Orange. This discussion focuses on the City of Tustin because it is subject to the highest aircraft arrival corridor noise levels over residential areas.

Due to the 1990 Airport Noise and Capacity Act ("ANCA") and Federal Aviation Regulations ("FAR") Part 161 requirements, which are discussed in Section 4.6.7 of the Draft EIR and in Topical Response 7, the Airport is restricted from establishing any new Single Event Noise Equivalent Level ("SENEL") thresholds. The existing SENEL limits in the Settlement Agreement and General Aviation Noise Ordinance were adopted prior to 1990 and were grandfathered. Therefore, it is not feasible to establish a new SENEL limit as requested.

Please note that the regulatory noise limits established in the General Aviation Noise Ordinance ("GANO") at Noise Monitoring Station ("NMS") 10N apply only during the Airport's curfew hours. Further, the locations of the NMS and their associated noise limits are specifically defined in the County's long-standing, grandfathered noise and access restrictions for JWA. Any attempt by the County to install a new regulatory NMS or to establish more restrictive noise limits could be interpreted as a violation of the Airport Noise and Capacity Act of 1990, which is discussed in Section 4.6.7 of the Draft EIR, and be challenged by the FAA and/or the air carriers. (See 49 U.S.C. §47524(d)(4) [allowing for a grandfathered restriction to be amended only to the extent that it "does not reduce or limit aircraft operations"].)

JWA monitors and reports noise measurements from all ten noise monitoring stations and posts the Quarterly Noise Abatement Reports and GANO Reports on the Airport's web site at the following link: <http://www.ocair.com/reportspublications/AccessNoise/default.aspx>.

Ensuring strict adherence to JWA's noise limits remains a priority for the County. And, the vast majority of general aviation operations fully comply with the regulatory noise limits. However, on those occasions when the noise limits are exceeded, the violation is managed in the following manner: For the first and second GANO noise limit violation by a general aviation aircraft, the aircraft's owner is sent a "Notice of Violation" or "Second Notice of Violation" letter. Each letter lists the measured noise levels, a comparison to the GANO noise limits, and the time and date of occurrence. The aircraft owner is asked to understand and comply with the noise limits during subsequent operations. The second violation letter also urges the owner to contact the Access and Noise Office. For the third GANO noise limit violation within a three-year time period, the owner is informed that he/she, the aircraft operator, and the aircraft itself are denied use of JWA for three years.

Response 4: The excerpt from the June 2, 2014, report from the Foothill Communities Association Aviation Committee has been addressed in Responses 1 and 2 to the original comment submittal.

From: Bruce Junor <bjunor@cox.net>
Sent: Tuesday, July 08, 2014 3:17 PM
To: EIR, Draft
Cc: Wiercioch, Courtney; Rick Nelson; Hal Marshall; 'Dessa Schroeder'; Freed, Eric; Supervisor Todd Spitzer
Subject: Comments to DEIR617

Ms. Lea Choum

John Wayne Airport

3160 Airway Ave

Costa Mesa, California

Subject: DEIR617 Response

The Foothill Communities Association Inc. (FCA) supports 100% the committee report from Hal Marshall, Dated 2 June 2014. (A portion is footnoted, below) A review meeting resulted in some additions, and (hopefully) a clarification of the concerns about noise that most likely would come with added flights of the Proposed Project (eg: from 85 ADDs to 95 ADDs, etc.)

} 1

Request #1 - The number of Passenger loading bridges of Table 1-1 of the Executive Summary loading bridges is at “no limit”. It is requested that a position be established to a specific limit of (+10 %) or 22 gates to become part of the Agreement.

} 2

Request #2 - It is requested that as part of the noise monitoring at Station 10N, a record of single event noise record (SENEL) exceeding a specific level be collected, reviewed and conclusions drawn as part of the quarterly data analysis. It would seem that an acceptable value could be scaled from the JWA area and recommendations provided. (for Ref see pg 2-13 & 14 of DEIR617)

} 3

It is noted that violations of specified Single Event Noise Exposure Level (SENEL) are recorded and penalties imposed upon violators. This is especially true for aircraft operating within close proximity to JWA, usually departures.

} 3

We understand the results of these violations have caused certain aircraft type to be banned from use at JWA provided. Further, it is noted that GAA operations that exceed single event noise result in penalties.

} 3

The following noted from 2 June 2014 letter of H. Marshall:

Background:

This commentary is relevant to the geographical areas north of John Wayne Airport (JWA), commonly referred to as the Corridor Cities and unincorporated areas therein, including the cities of Tustin, Orange, Villa Park and unincorporated North Tustin and Orange Park Acres. These areas are impacted primarily by aircraft on arrivals onto Runway 19R at JWA.

} 4

Commentary

The primary environmental concern of residents north of JWA is aircraft noise and the negative effects of arriving aircraft. The contents of this DEIR are essentially silent with regard to specific noise levels and impact on this area.

} 4

The current/proposed Settlement Agreements have no limits on aircraft noise for areas north of the airport except for those on General Aviation operations during the night time curfew. This area is outside the 65 dB CNEL contour impact limits of the

} 4

regulations, but a significant number of residents continue to experience peak noise levels that are very annoying. This deep concern was expressed very vocally during the public comment meeting in North Tustin on May 28, 2014.

} 4
cont.

ARRIVAL ANNOYANCE LEVELS, etc...

Submitted by :

Bruce Junor

VP Foothill Communities association, Inc

bjunor@cox.net

714-544-5958



This email is free from viruses and malware because [avast! Antivirus](#) protection is active.

**Responses to Comments Received from
Foothill Communities Association
(Bruce Junor, Vice President)
Dated: July 8, 2014**

Response 1: The June 2, 2014, report from the Foothill Communities Association Aviation Committee has been included as part of the record and will be made available to the County's Board of Supervisors prior to a final decision on the Project.

Response 2: Also, as discussed on page 3-6 of the Draft Environmental Impact Report ("EIR"), because the Proposed Project does not "propose to construct additional loading bridges, the impacts are not evaluated in this EIR. (Note the impacts would vary depending on the number of additional loading bridges proposed.) Subsequent CEQA documentation would be required prior to any physical improvements, such as additional loading bridges." No modification to the Project Description regarding loading bridges is proposed.

Response 3: Please refer to Topical Response 4 (Arrival Corridor Noise Impacts) for a detailed discussion of the noise impacts, both single event and cumulative, from Airport operations and the Project Alternatives along the arrival corridor that passes over the City of Tustin, the community of North Tustin, and the eastern edge of the City of Orange. This discussion focuses on the City of Tustin because it is subject to the highest aircraft arrival corridor noise levels over residential areas.

Due to the 1990 Airport Noise and Capacity Act ("ANCA") and Federal Aviation Regulations ("FAR") Part 161 requirements, which are discussed in Section 4.6.7 of the Draft EIR and in Topical Response 7, the Airport is restricted from establishing any new Single Event Noise Equivalent Level ("SENEL") thresholds. The existing SENEL limits in the Settlement Agreement and General Aviation Noise Ordinance were adopted prior to 1990 and were grandfathered. Therefore, it is not feasible to establish a new SENEL limit as requested.

Response 4: The excerpt from the June 2, 2014, report from the Foothill Communities Association Aviation Committee has been addressed in Responses 1 and 2 to the original comment submittal.



2 Park Plaza, Suite 100 | Irvine, CA 92614-5904 | P 949.476.2242 | F 949.476.9240 | www.ocbc.org

July 7, 2014

Mr. Alan Murphy
John Wayne Airport
3160 Airway Avenue
Costa Mesa, CA, 92626

Subject: 2014 JWA Draft EIR- Amended Settlement Agreement

Dear Mr. Murphy:

On behalf of Orange County Business Council (OCBC), I am writing to express our support in regards to an increase in the annual passenger cap and the number of average daily departures at John Wayne Airport (JWA) as part of the 2014 Draft Environmental Impact Report- Amended Settlement Agreement.

As Orange County's leading voice of business, OCBC serves a variety of needs for its investors, members and their 250,000 employees in Orange County and 2,500,000 employees worldwide. OCBC recognizes the unique and critical role that JWA plays in the Orange County economy. As part of its total economic impact, not only is JWA responsible for 43,000 full time, part time and seasonal jobs, but it also accounts for an annual economic output of \$6 billion, as well as a Gross Domestic Product of \$3.3 billion. In addition, as international trade is a major economic driver in the county, JWA's expanded international service has been extremely valuable to the Orange County business community.

As such, OCBC is supportive of an increase in the in the annual passenger cap as well as the number of average daily departures at JWA which may be implemented as part of the 2014 Draft EIR- Amended Settlement Agreement. We believe increases in these areas will help to further serve the needs of the Orange County business community.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lucy Dunn".

Lucy Dunn
President and CEO
Orange County Business Council

LD:MP:bb

THE LEADING VOICE OF BUSINESS IN ORANGE COUNTY

**Responses to Comments Received from the
Orange County Business Council
Dated: July 7, 2014**

Response 1: The comment expresses support for increasing operational capacity at the Airport and does not raise an environmental issue; therefore, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.



July 7, 2014,

Dear Ms. Lea Choum
John Wayne Airport, Orange County
3160 Airway Avenue
Costa Mesa, California 92626

Dear Ms. Choum,

The Tourism Industry plays an influential role in shaping Orange County's economy. With inviting beaches, unparalleled shopping and entertainment, trendy restaurants, cosmopolitan nightlife, championship golf, lively art districts, beautiful historic landmarks and ultimate family attractions, Orange County welcomes 42 million visitors each year who spend \$7.4 billion throughout the county. With 500 hotel properties and over 55,000 guest rooms, 160,000 jobs (directly and indirectly) are supported by the tourism industry in Orange County.

John Wayne Airport plays an integral part in supporting the Orange County tourism industry by bringing in visitors from across the United States, Mexico and Canada. Without these domestic and international visitors, the economic impact of the tourism industry mentioned above would drastically decline. The recent airport expansion was extremely successful and created a dynamic environment for an increase in visitors entering the County along with an increase in visitor spending.

It is imperative for John Wayne Airport to have the ability to increase capacity and accommodate the next generation aircraft so to serve additional markets providing greater access for business and leisure travelers desiring to make Orange County their vacation destination or to host events and meetings. John Wayne Airport has been and will always be the cornerstone of the Orange County tourism industry and must continue its role in delivering additional visitors to Orange County and support the economic growth here in the region.

The Orange County Visitors Association considers the John Wayne Airport relationship to be a critical factor in the future growth of the Orange County tourism industry and its economic impact.

Sincerely,

ORANGE COUNTY VISITORS ASSOCIATION

Edwin D. Fuller
President & CEO

EDF:bjs

} 1



Orange County Visitors Association
19200 Von Karman Avenue • Suite 880 • Irvine, CA 92612
T: 949.336.7210 • www.VisitTheOC.com

**Responses to Comments Received from the
Orange County Visitors Association
Dated: July 7, 2014**

Response 1: The comment expresses support for increasing operational capacity at the Airport and does not raise an environmental issue; therefore, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.



SOUTHWEST AIRLINES CO.

Barry S. Brown
Associate General Counsel
Operations & Environment

P. O. Box 36611
HDQ/4GC
Dallas, Texas 75235-1611
214/792-4263
214/792-4086 (Fax)

July 8, 2014

Ms. Lea Choum
John Wayne Airport
3160 Airway Avenue
Costa Mesa, CA 92626

Re: Southwest Airlines Comments regarding Draft EIR No. 617
("Draft EIR")

Ms. Choum:

Southwest Airlines appreciates the opportunity to comment on the John Wayne Airport Settlement Agreement Amendment Draft Environmental Impact Report No. 617. We continue to strongly support Alternative B and believe it balances the present and future demand for air service at SNA with the potential impacts on the surrounding areas.

The SNA Airline Airport Affairs Committee ("AAAC"), comprised of the airlines serving SNA, proposed Alternative B over a year ago after numerous discussions with the Airport and other County representatives. The AAAC's efforts in developing this alternative were to recognize the noise and environmental concerns of those communities surrounding the Airport, while also attempting to meet the projected air service demands of those same communities.

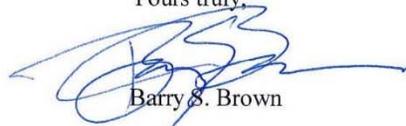
The Proposed Project in the Draft EIR appears to demonstrate few significant environmental or noise advantages compared to Alternative B, particularly in the first two phases of the proposed term. In regard to Phase 3, which does not begin for more than a decade, we urge the County to carefully weigh the economic benefits and convenience to the surrounding communities of additional SNA service against the *potential* environmental and noise impacts – which we feel are overstated. In particular, the Draft EIR notes that quieter, lower emitting aircraft technology will likely be developed over the next decade. We want to ensure that the County recognizes this technology development and does not unnecessarily restrict the airlines from meeting the air service demands of the communities surrounding SNA.

As history has shown over the last 20 years since Southwest Airlines commenced service at John Wayne Airport, airlines continue to enhance service to SNA, predominantly with larger, more fuel efficient, and quieter aircraft. The demand for increased service is shown by ever-increasing load factors. Over the proposed term of the extension, there's no doubt enhancements to fuel efficiency, which will decrease emissions, will be achieved, and engine noise performance will continue to improve, which will allow the airlines to increase service to SNA and mitigate environmental or noise effects all at the same time.

We encourage the County of Orange to reconsider and approve Alternative B. Southwest Airlines acknowledges that the Settlement Agreement is crucial to the operation of John Wayne Airport, and we are committed to continuing to work with you during this process. Thank you for your consideration.

} 1 cont.

Yours truly,



Barry S. Brown

- cc: Alan Murphy, Director John Wayne Airport
Courtney Wiercioch, Deputy Director Public Affairs, JWA
Eric Freed, Manager Access & Noise, JWA
Gary Kelly, SWA Chairman, President & CEO
Ron Ricks, SWA EVP, Chief Legal & Regulatory Officer
Mike Van de Ven, SWA EVP & COO
Bob Montgomery, SWA VP Airport Affairs
Andrew Watterson, SWA VP Network Planning & Performance
Larry Pitts, SWA SNA Station Manager
SNA AAAC

**Response to Comment Received from
Southwest Airlines Company
Dated: July 8, 2014**

Response 1: The County of Orange acknowledges your support for Alternative B. However, it should be noted that Alternative B does result in greater impacts than the Proposed Project. As discussed in the Draft Environmental Impact Report (“EIR”), impacts would be greater with Alternative B than with the Proposed Project in the following environmental resources areas:

- Both the Proposed Project and Alternative B would have significant unavoidable air quality impacts. However, the Proposed Project would result in less air pollutant emissions than Alternative B for all criteria pollutants. In addition, Alternative B would exceed the South Coast Air Quality Management District’s (“SCAQMD’s”) threshold for PM₁₀ in Phase 2 and PM_{2.5} in Phases 2 and 3, whereas in these phases, the Proposed Project would be below the SCAQMD thresholds for these pollutants (see Table 4.1-8 [page 4.1-29] and Table 4.1-10 [page 4.1-33] in the Draft EIR). Both the Proposed Project and Alternative B would result in less than significant impacts for cancer risk, cancer burden, and chronic non-cancer risk for all receptors and for acute non-cancer risk for residents and other sensitive receptors. Both the Proposed Project and Alternative B would have a significant acute non-cancer health risk impact for workers; however, the Alternative B would have a higher maximum estimated incremental risk for each of these categories compared to the Proposed Project (see Table 4.1-23 [Health Risk Assessment From Operations, page 4.1-62] of the Draft EIR).
- The Proposed Project would result in lesser impacts to the ecologically sensitive Upper Newport Bay than Alternative B. The Proposed Project, Phase 3 would result in 70 flights (Class A and Class E) prior to noon on the average day peak month, compared to 82 flights with Alternative B, Phase 3 (see Table 4.2-2 [Flight Frequency During Morning Hours for the Average Day Peak Month Under the Proposed Project], on page 4.2-20 and Table 4.2-6 [Flight Frequency During Morning Hours for the Average Day Peak Month Under Alternative B], on page 4.2-28 in the Draft EIR). The morning hours are the highest peak activity for sensitive bird species when noise can interrupt bird calls and song patterns. Additionally, the Proposed Project would result in fewer acres (274 acres with the Proposed Project, Phase 3) of the Upper Newport Bay being exposed to noise levels of 60 Community Noise Equivalent Level (“CNEL”) than would Alternative B (317 acres with Alternative B, Phase 3) (see Table 4.2-3 [Acreage of Upper Newport Bay Affected by Noise Levels Greater Than 60 CNEL], on page 4.2-22 in the Draft EIR).
- Both the Proposed Project and Alternative B would result in an increase in greenhouse gas (“GHG”) emissions as compared to the existing conditions. The GHG emissions for the Proposed Project would be 15 percent less than the corresponding “No Action Taken” GHG emissions, but would be less

than the 28.5 percent reduction identified by the California Air Resources Board (“CARB”) in the 2008 Scoping Plan to ensure consistency with AB 32’s requirement to achieve 1990 emission levels by 2020. However, the total annual emissions for the Proposed Project, Phase 3 would be 59,774 metric tonnes of carbon dioxide equivalent per year (“MTCO₂e/year”) compared to the 101,570 MTCO₂e/year for Alternative B, Phase 3 (see Table 4.3-2 [Proposed Project Greenhouse Gas Emissions], page 4.3-24 and Table 4.3-4 [Alternative B Greenhouse Gas Emissions], page 4.3-26 in the Draft EIR).

- With the Proposed Project, fuel deliveries would need to start earlier than the current conditions (i.e., 11:30 PM), but could still be accommodated in the evening hours. With Alternative B, given the number of additional tanker truckers that would be required, it is anticipated that fueling would need to commence during daytime hours. Though safety procedures would reduce the risk of upset, Alternative B would require establishment of refueling schedules during the day in order to avoid conflict with other refinery customers and delivery schedules (see pages 4.4-13 and 4.4-16 in the Draft EIR).
- With the Proposed Project, there would be no impacts associated with on-site land uses, whereas Alternative B would result in potentially significant impacts in Phases 2 and 3 because the projected operations would exceed the existing capacity of number of gates, international terminal capacity, fuel storage capacity, and automobile parking (see Table 4.5-3 [Gate Schedule Analysis Results for John Wayne Airport], on page 4.5-24; Table 4.5-4 [Projected Turns Per Gate John Wayne Airport], on page 4.5-25; Table 4.5-5 [John Wayne Airport Projected Enplanements per Gate with a Passenger Loading Bridge], on page 4.5-26; Table 4.5-6 [Projected International Daily Flights John Wayne Airport], on page 4.5-27; Table 4.5-7 [Average Daily Fuel Capacity and Trucking Requirements], on pages 4.5-28 and 4.5-29; and Table 4.5-8 [Projected Parking Demand by Million Annual Passengers], on page 4.5-30 in the Draft EIR).
- The number of noise-sensitive uses exposed to noise levels in excess of 65 CNEL would be greater with Alternative B than with the Proposed Project. In addition to a noise impact, this is considered a land use compatibility impact. Alternative B, Phase 3 would expose an additional 134 residences to noise levels in of 65 CNEL or greater, compared to 77 residences with the Proposed Project, Phase 3. Land Use incompatibility due to interior noise levels in excess to the 45 CNEL standard would also be greater with Alternative B—an additional 61 residences for Alternative B compared to 44 as a result of the Proposed Project (see Table 4.5-9 [Land Uses Within Community Noise Equivalent Level Contours], on pages 4.5-33 and 4.5-34 in the Draft EIR).
- Alternative B is inconsistent with the City of Newport Beach General Plan Policy N 3.8 because of the substantial increase in the number of flights and Million Annual Passengers (“MAP”) that would be allowed. Since the

City of Newport Beach is a Responsible Agency for purposes of CEQA and required to approve the Settlement Agreement extension, this was found to be a significant impact and no mitigation is feasible. The Proposed Project was found to be consistent with the applicable plans and policies (see Table 4.5-10 [Goals and Policies Consistency Analysis], on page 4.5-61 of the Draft EIR).

- The Proposed Project would have a less than significant impact for all phases for noise increases when assessed using FAA and County of Orange thresholds, whereas Alternative B, Phase 3 would have significant noise impacts at NMS 1S and 2S when applying FAA, County of Orange, and Newport Beach thresholds. In accordance with Newport Beach thresholds, Phase 3 of the Proposed Project would result in a significant noise impact at NMS 2S in the City of Newport Beach, whereas Alternative B would have significant noise impacts at NMS 1S and 2S for Phase 2. In addition, Alternative B, Phase 3 would have a significant impact at NMS 3S when the Newport Beach threshold is applied (see Table 4.6-9 [Proposed Project Community Noise Equivalent Levels and Changes in Community Noise Equivalent Levels], page 4.6-46 and Table 4.6-13 [Alternative B Community Noise Equivalent Levels and Changes in Community Noise Equivalent Levels], page 4.6-56 in the Draft EIR.)
- With the Proposed Project, the overall level of service for security protection is not expected to substantially deteriorate. The Transportation Security Administration (“TSA”) and the U.S. Immigration and Customs Enforcement (“ICE”) levels of service would be comparable to existing service during peak periods because the number of flights and MAP would not exceed the design capacity of the existing terminal facilities. With Alternative B, though safety would not be compromised, during peak periods, there would be an inconvenience to travelers at JWA due to delays. The delays are anticipated because the projected number of international flights per day is above the Federal Inspection Service’s (“FIS”) facilities design capacity. With Alternative B, Phases 2 and 3, greater demand would be placed on TSA when gate capacity is exceeded because that is an indicator of the number of passengers needing to go through security screening (see pages 4.7-4 and 4.7-7 of the Draft EIR).
- Alternative B would result in greater traffic impacts when compared with the Proposed Project. Alternative B would impact additional freeway segments (the northbound State Route [SR] 73 onramp from SR-55 northbound) and an additional arterial intersection (Campus Drive and Airport Way). (See Tables 4.8-93 [Freeway Impact Summary], on page 4.8-153 in the Draft EIR and the revised Table 4.8-92 [Intersection Impact Summary], provided in Section 2, Errata of this Responses to Comments document.)
- The Proposed Project would not exceed the wastewater discharge volumes provided for in the 2005 “Will Serve” letter issued by the Orange County Sanitation District (“OCSD”). Alternative B, Phases 2 and 3 would

exceed the OCSD's current allocation for the Airport. Prior to mitigation, without assurances that Alternative B does not exceed capacity, it has been determined that exceeding the allocation already in place for JWA would be a significant impact (see pages 4.9-4 and 4.9-5 of the Draft EIR).

The County also acknowledges your input regarding the conservative underpinnings of the impact analysis presented in the Draft EIR arising from the technology-based assumptions utilized.

Though the Draft EIR conservatively assumes the continuation of the existing fleet mix, the EIR does identify that, given the length of the 15-year planning timeframe for the Proposed Project (2015-2030), it is reasonable to assume that there will be interest in introducing newer and next generation aircraft. These newer aircraft, such as the 737-900ERW, 787, 737-MAX, or comparable aircraft by other manufacturers may be incorporated into the fleet mix at JWA at some point in the future. These newer aircraft may generate less noise and have fewer air emissions compared to the current fleet at JWA. In addition, since these aircraft accommodate more passengers than aircraft in the current fleet, it may be possible to serve more passengers (within the million annual passengers ["MAP"] cap) with fewer operations. The issue of the introduction of newer and next generation aircraft is discussed on pages 1-17, 3-26, 4.1-13, 4.3-16, 4.6-44, and 4.6-80 of the Draft EIR, as well as in the *Capacity Analysis Technical Report* (provided in Appendix F) in the section entitled: "Aircraft in Development that Will Replace Aircraft Currently Operating at John Wayne Airport."

As indicated in the Draft EIR, the timing of changes to the fleet mix at JWA cannot be known at this time and the California Environmental Quality Act ("CEQA") does not allow speculation. In order to be conservative, the environmental analysis presented in this Draft EIR assumes that the Project would maintain the Airport's existing fleet mix, thereby likely presenting a maximum environmental impact assessment of air quality (Section 4.1), greenhouse gases (Section 4.3), and noise (Section 4.6).

3.5 COMMENT LETTERS RECEIVED FROM INDIVIDUALS

Comments were received from 91 individuals. The comments include comment cards, emails, and letters. The comments are listed in alphabetical order by last name. The following is a listing of individuals that provided comments on the Draft EIR.

Chuck Adams	Laurie Kelly
Aaron Adkinson	Belinda Kiesecker
Mike Alai	Peter Kiesecker
Gretchen Anderson and David Helleck	Mark Knaeps
Kathy Arblaster	Betty Koines
Mark Arblaster	Leonard Kranser (two comments)
Tom Baker	Frances LaCasse
Sara Banta	Mildred LaCroix
Marianne and Frank Beaz	Denise and David Lalor
Diana Black	Violet Larsen
Dania Boucher	Sondra Laurent-Michel
Darrell Boucher	Lois Levine
Linda Boucher	Millard MacAdam
Lyle and Margaret Brakob	Ronald Madaras
Bill and Lynn Brashears	David Martin
David M. Browne	Doug Mason
Seychelle Cannes	Debbie Maxwell
C.R. Carlson	Keith McCullough
Valerie Carson	Derrick Mercurio
Camille and Felix Collado	Lauren Miklinski
D.C. Daniels	Rick and Patricia Morse
Lou Anna Denison	Jim Mosher (three comments)
Toni Dieb	Terese Oliver
James Dimitri	Jeff and Sharon Pence
Dick and Cathy Dowell	Jordan Prell
Mary Ann Ehret	Sharon Ray
George and Janet Fague	Bob Raya
Adam Fanello	Rex Ricks
Barbara Ferreira	Chris and Carol Rogers
David Ferreira	Ramona Schneider
William and Florence Feuerborn	Dessa M. Schroeder
Tim Gancy (two comments)	Joanne Schulte
Charles E. Griffin, II (two comments)	Sharon Seal
Margaret Haburjak	Sally Shipley
June Hammerle	Wayne and Mary Silzel
Don Harvey	Linda E. Smith
Randy Hause	Donna Sutton (two comments)
Donald Hecht	Kathleen Thodes-Ferris
Scott Heffley	Casey Weaver
ilaemail	Portia Weiss
Amy Jahn	Ron and Anna Winship
Cheryl Johnston	Gary Wright

3.5.1 RESPONSES TO INDIVIDUALS

From: Chuck Adams <chuckadams322@gmail.com>
Sent: Monday, July 07, 2014 6:09 AM
To: EIR, Draft
Subject: E.I.R. Resident Questions

Dear Ms. Lea Choum,

As a resident of Newport Beach living in the Back Bay corridor, I have a few questions concerning the latest EIR that was released on 5/23 and the summary of alternative proposals presented to the public on 5/29. I understand my questions will be answered in writing and will become part of the final EIR.

1. **What is the environmental impact of today's JWA's actual operations considering the 10.8 MAP has not been reached under the current settlement?**
2. **What is the environmental impact of the proposed and preferred project starting at 10.8 MAP and gradually increasing to a 12.2 or 12.5 MAP?**
3. **What is the environmental impact for increasing the number of Class A flights from the current ADD level of 75 and moving upward to 85 and 95 flights per day?**
4. **Where is the point when Air, Noise, Water, and all other pollutions emitting from JWA become greater than the convenience and economic benefit of having a highly serviceable airport close by in Orange County?**

} 1
} 2
} 3
} 4
} 5

I look forward to your response.

Thank You,

Chuck Adams
2104 Vista Entrada
Newport Beach, CA 92660
949-682-9729
chuckadams322@gmail.com

**Responses to Comments Received from the
Chuck Adams
Dated: July 7, 2014**

- Response 1:** The comment provides an introduction to the comments that follow. No further response is required given that the comment does not address or question the content of the Draft Environmental Impact Report (“EIR”).
- Response 2:** The request to evaluate the environmental impacts of today’s actual operational levels is beyond the scope of the California Environmental Quality Act’s (“CEQA”) requirements for this EIR. CEQA requires the EIR to evaluate whether the Proposed Project’s incremental increase in operational capacity adversely impacts the environment. However, the baseline data provided in the Existing Conditions portion of the Draft EIR does provide the reader with an understanding of the current operations at the Airport. For example, Section 4.6.4 provides baseline information on the noise associated with current Airport operations. Exhibit 4.6-10 provides the Community Noise Equivalent Level (“CNEL”) for existing conditions. Similarly, Section 4.1.4 provides information on the existing air quality conditions. Table 4.1-5 (page 4.1-21) in the Draft EIR provides baseline information on the criteria air pollutants associated with the Airport. The table presents the data by the source (i.e., aircraft, traffic, parking lots) and by the type of emission (i.e., carbon monoxide, nitrogen dioxide, volatile organic compounds)..
- Response 3:** The environmental impacts associated with the Proposed Project are assessed through Section 4 of the Draft EIR. Also, as identified on page 3-13 of the Draft EIR, to ensure the EIR evaluates the full range of impacts, an impact analysis has been conducted for each of the interim phases when flight or passenger levels are proposed to change (i.e., 2016 through 2020; 2021 through 2025; and 2026 through 2030), unless otherwise noted in the Section 4 topical sections. As noted in the Table of Contents, the topical areas evaluated in Section 4 are Air Quality (Section 4.1); Biological Resources (Section 4.2); Greenhouse Gas Emissions (Section 4.3); Hazards and Hazardous Materials (Section 4.4); Land Use and Planning (Section 4.5); Noise (Section 4.6); Public Services (Section 4.7); Transportation/Traffic (Section 4.8); Utilities and Service Systems (Section 4.9); and Water Quality (Section 4.10). Table 1-3 (page 1-22–1-38) in Section 1 of the Draft EIR provides a useful summary overview of the Proposed Project’s impacts. The table lists each threshold evaluated in the EIR; an impact statement for the Proposed Project; a brief synopsis of the mitigation measures; and a determination of the significance after mitigation.
- Response 4:** See Response 3 above.
- Response 5:** Whether the unavoidably significant environmental impacts of the Proposed Project outweigh other Project benefits is a discretionary determination to be made by the County’s Board of Supervisors. Such a determination must be supported by substantial evidence in order for a lead agency to conclude that the benefits of a project outweigh the environmental impacts, and thereby make those impacts “acceptable,” under Section 15093 of the State CEQA Guidelines.

From: Aaron Adkinson <aadkinson@gmail.com>
Sent: Wednesday, July 02, 2014 10:18 AM
To: EIR, Draft
Subject: Jwa

I oppose the extension of the access restrictions at John Wayne Airport. Currently airlines are forced to wait up to 15 minutes in the morning to takeoff after the curfew. These aircraft are running their engines, polluting our air and wasting oil. In addition late arrivals after [11:20 pm](#) are forced to land at LAX. This is a great inconvenience to the passengers and to commerce. Frankly, I believe forcing John Wayne passengers (our residents and tourists), through no fault of their own, to land at LAX is just plain crazy. In addition the limits on air carrier flights and passengers should be lifted. As the population and demand increase this can only lead to higher prices. I believe we should take the hand cuffs off one of our major economic engines and let the free market work.

} 1

Aaron Adkinson

**Response to Comment Received from
Aaron Adkinson
Dated: July 2, 2014**

Response 1: The comment expresses support for the elimination of access restrictions at the Airport and does not raise an environmental issue; therefore, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

From: Mike Alai <mike.alai@gmail.com>
Sent: Tuesday, July 08, 2014 10:39 AM
To: EIR, Draft
Subject: Tustin Resident since 2003

Hello,
My name is Mike Alai and I live in Tustin and the path of the airline traffic @ 620 West 3rd Street, Tustin, CA 92780 since 2003!!

An increase in traffic is going to make this worse than ever!!

Currently we already deal with many flights landing and taking off at SWA.
The flights increase over the weekend for people who are coming into OC for work on Monday and vice versa for people leaving.
We already deal with the fact that the airlines line up before 55/5 freeway over our the City of Tustin.
Instead of flying over the 55 freeway and using this path as guidance to help reduce noise and air smog.
This would be a great help if the planes would simply fly over the 55 freeway on approach would greatly reduce the noise and smog by these flights - by the 22/55 and start the approach over this intersection and then make the adjustment by 5/55, this would greatly help reduce noise in Tustin as it mostly be drowned out by the freeway.

} 1

This simple adjustment would help with 98% of the problem - noise!

Please consider my suggestion and I look forward to hearing back from you.
Best regards,
Mike Alai
714-425-9111

**Response to Comment Received from
Mike Alai
Dated: July 8, 2014**

Response 1: The Draft Environmental Impact Report (“EIR”) addresses the impacts associated with the Proposed Project. Issues such as flight path are outside the scope of the Proposed Project; and, the County of Orange, as proprietor of the Airport, and the other parties to the Settlement Agreement have no authority or control over aircraft in flight. Departure and arrival procedures are solely under the jurisdiction of the Federal Aviation Administration (“FAA”) and the pilot-in-command of the aircraft. For additional information, please see Topical Response 3 pertaining to Commercial Aircraft Flight Path Issues. To view the ultimate noise contours for the Proposed Project, please see Exhibit 4.6-16. The 65 Community Noise Equivalent Level (“CNEL”) contour does extend into the City of Tustin; however, the land uses are predominately commercial uses. As such, the Proposed Project would not have a significant impact on this community from a noise perspective based on the California Environmental Quality Act thresholds.

From: gretchen anderson <ganderson48@yahoo.com>
Sent: Tuesday, July 08, 2014 2:17 PM
To: EIR, Draft
Subject: airport expansion

I am adamantly opposed to any further expansion of John Wayne Airport. As I live directly under the flight path it negatively impacts both my health and well being. And whatever happened to redirecting the flight path to follow the Back Bay? 90% of the flights now fly directly over the Dover Shores/Harbor Highlands neighborhood where I live! This all has a negative effect on the health of my family and reduces the property values. NO MORE FLIGHTS!

} 1

Gretchen Anderson
David Helleck

**Response to Comment Received from
Gretchen Anderson and David Helleck
Dated: July 8, 2014**

Response 1: The County of Orange acknowledges your opposition to any further expansion of John Wayne Airport (“JWA”). The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

The Draft Environmental Impact Report (“EIR”) does address the environmental ramifications of an alternative maintaining the existing operational restrictions. Specifically, the No Project Alternative analysis assumed the continued implementation of the existing operational restrictions (see Draft EIR Table 1-1, page 1-3), as established by the Settlement Agreement’s 2003 amendments, even though the Agreement would expire in 2015 (please note that the Settlement Agreement allows more average daily departures [“ADDs”] and million annual passengers [“MAP”] than is currently being served at JWA).

With the expiration of the Settlement Agreement, JWA’s “grandfathered” status under the Airport Noise and Capacity Act of 1990 (“ANCA;” 49 U.S.C. §§47521-47533) may be in jeopardy. (For more information on ANCA, see Draft EIR pages 4.6-17 to 4.6-18.) As previously explained in the Draft EIR, ANCA circumscribes the ability of the County of Orange to impose operational restrictions at JWA without federal approval. The Settlement Agreement’s operational restrictions currently, however, are exempt from ANCA because the Agreement is an “intergovernmental agreement” that pre-dated ANCA’s enactment in 1990 (49 U.S.C. §47524(d)(3)).

With expiration of the 1985 Settlement Agreement (as amended), irrespective of whether the County exercises its discretion to modify JWA’s existing noise and access restrictions (e.g., Class A ADD and MAP limitations), other interested parties—such as the FAA and commercial air carriers—may argue that the restrictions violate the ANCA and take action against the County seeking to eliminate the restrictions.

The comment also addresses a general subject area (i.e., health effects), which is extensively analyzed in the Draft Environmental Impact Report (“EIR”) in Section 4.1 (Air Quality). The comment does not raise any specific issue regarding the analysis and, therefore, no more specific response can be provided or is required.

Changes to the flight path are outside the scope of the Proposed Project. The Federal Aviation Administration (“FAA”) and the pilot-in-command of each aircraft have sole jurisdiction and responsibility for flight paths. Section 1.9 (Other Airport-Related Issues Not Associated with the Settlement Agreement Amendment) of the Draft EIR does identify that the City of Newport Beach has requested that the FAA authorize a new departure procedure for use at JWA. The requested procedure would utilize satellite guidance to more accurately direct aircraft down the middle of Upper Newport Bay. The FAA has indicated that the City of Newport Beach’s request will be considered at a later date. For additional

information, please see Topical Response 3, pertaining to Commercial Aircraft Flight Path Issues and Topical Response 5, which discusses Effects on Property Values.

COMMENT

**John Wayne Airport
Settlement Agreement Amendment
Draft Environmental Impact Report 617**



Name Kathy Arblaster Phone (949)689-0911
Group/Organization/Jurisdiction Newport Beach
Address 1921 Teresita Lane, NSCA Email KathyKearsley@
Comments: 92660@yahoo.com

Yes! I am a NIMBY when it comes to the flight expansion of John Wayne Airport! I moved to my neighborhood knowing there were going to be planes flying over my head but that it was going to be limited. I am opposed to ANY expansion of flights whatsoever! Maybe you could fly these extra flights over Coronado Mar area instead of Dover Stres!

Please return comment card during this public meeting or mail to John Wayne Airport at the address on the reverse of this card.
Comment cards are due by July 8, 2014.

Responses to Comments Received from

**Kathy Arblaster
Dated: June 11, 2014**

Response 1: The comment expresses opposition to any increase in operational capacity levels at the Airport and does not raise an environmental issue; therefore, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Response 2: Changes to the flight path are outside the scope of the Proposed Project. The Federal Aviation Administration ("FAA") and the pilot-in-command of each aircraft have sole jurisdiction and responsibility for flight paths. Accordingly, only the FAA has enforcement capability over these issues. The County of Orange, as the proprietor of the Airport has no authority or control over aircraft in flight.

However, Section 1.9 (Other Airport-Related Issues Not Associated with the Settlement Agreement Amendment) of the Draft EIR does identify that the City of Newport Beach has requested that the FAA authorize a new departure procedure for use at JWA. The requested procedure would utilize satellite guidance to more accurately direct aircraft down the middle of Upper Newport Bay. The FAA has indicated that the City of Newport Beach's request will be considered at a later time. If approved, it is anticipated that implementation of Newport Beach's proposal could result in minor modifications to the noise contours provided in this Draft EIR.

COMMENT

**John Wayne Airport
Settlement Agreement Amendment
Draft Environmental Impact Report 617**



Name MARK ARBLASTER Phone 949-642-9680

Group/Organization/Jurisdiction RESIDENT IN FLIGHT PATH

Address 1921 TERESITA LN, NB Email MMSC@PRODIGY.NET

Comments: I'M WILLING TO PUT UP WITH THE EXISTING
CURFEW HOURS & NUMBER OF FLIGHTS. BUT, TO
EXPAND IN ANY WAY WOULD BE AN UNEVEN
BURDEN ON MY NEIGHBORHOOD - THE WEST-
CLIFF / DAVEN SHORES AREA. THE COST OF LOWER
PROPERTY VALUES IS NOT WORTH INCREASED REVENUE
OF THE FLIGHTS. WE ALREADY CARRY A HEAVY BURDEN,
PLEASE DON'T SHOVE THIS DOWN OUR THROAT. IT'S ENOUGH.

1

Please return comment card during this public meeting or mail to John Wayne Airport at the address on the reverse of this card.
Comment cards are due by July 8, 2014.

**Response to Comment Received from
Mark Arblaster
Dated: June 11, 2014**

Response 1: The comment expresses opposition to any increase in operational capacity levels at the Airport and does not raise an environmental issue; therefore, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project. For additional discussion on the issue of property values, please see Topical Response 5.

Subject: FW: SNA--Potentially harmful exhaust particles

From: TOMLU BAKER [mailto:tomlubaker@hotmail.com]
Sent: Sunday, June 01, 2014 1:44 PM
To: EIR, Draft; Tom & Lu Anne Baker
Subject: SNA--Potentially harmful exhaust particles

Ms. Lea Choum,

The SNA airport should be prohibited from any expansion and should address the concern of high levels of potentially harmful exhaust particles from jets using SNA. This problem/concern for LAX is addressed in the following (partial) article from LA Times.

1
2

Tom Baker

DAN WEIKEL,
Tony Barboza
May 29, 2014, 5:00 a.m.

High levels of potentially harmful exhaust particles from jets using Los Angeles International Airport have been detected in a broad swath of densely populated communities up to 10 miles east of the runways, a new air quality study reported Thursday.

The research, believed to be the most comprehensive of its type, found that takeoffs and landings at LAX are a major source of ultrafine particles. They are being emitted over a larger area than previously thought, the study states, and in amounts about equal in magnitude to those from a large portion of the county's freeways.

It further concludes that areas affected by aircraft exhaust at major airports in the U.S. and other parts of the world might have been seriously underestimated.

Building on earlier air quality studies, environmental and preventive medicine experts from USC and the University of Washington found concentrations of the wind-driven particles over a 23-square-mile area that includes cities and unincorporated areas along LAX's flight paths, including Lennox, El Segundo, Inglewood and parts of Los Angeles.

The findings raise health concerns, researchers say, because the minute particles, which result from the condensation of hot exhaust vapor from cars, diesel trucks and aircraft, have the potential to aggravate heart and lung conditions, including asthma and the development of blocked arteries.

Less than one-thousandth the width of a human hair, they can go deep in the lungs, make their way into the bloodstream and spread to the brain, heart and other critical organs. While emissions of slightly larger exhaust particles are regulated, ultrafines are not.

"This is a very novel and alarming set of results," said Ralph Delfino, a professor of epidemiology at UC Irvine who studies the health effects of air pollution and reviewed the study. "It's all very, very surprising."

**Responses to Comments Received from
Tom Baker
Dated: June 1, 2014**

- Response 1:** The comment expresses opposition to any increase in operational capacity levels at the Airport and does not raise an environmental issue; therefore, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.
- Response 2:** The comment addresses a general subject area (i.e., aircraft exhaust particles), which received extensive analysis in the Draft Environmental Impact Report ("EIR") in Section 4.1, Air Quality. In particular, the Proposed Project's particulate matter concentrations are presented in Tables 4.1-13 (page 4.1-38) and 4.1-14 (page 4.1-40), and the Proposed Project's exceedances of the ambient air quality thresholds utilized by the South Coast Air Quality Management District, as well as the California Ambient Air Quality Standards, are summarized on page 4.1-42 of the Draft EIR. In addition, Topical Response 2 addresses the LA Times article referenced in the comment. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

From: Sara Banta <sarabanta@gmail.com>
Sent: Monday, June 23, 2014 3:43 PM
To: EIR, Draft
Subject: JWA

Please limit any expansion whatsoever!!!! The noise from the planes is already unbearable!!!!

} 1

Sara Banta
www.acceleratedhealthproducts.com
949-244-0798

Sent from my iPad

**Response to Comment Received from
Sara Banta
Dated: June 23, 2014**

Response 1: The comment expresses opposition to any increase in operational capacity levels at the Airport. The issue generally raised (i.e., noise from the planes) is addressed in the Section 4.6 (Noise) of the Draft EIR; therefore, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

From: Marianne and Frank Beaz <mfbeaz@yahoo.com>
Sent: Monday, May 26, 2014 4:24 PM
To: EIR, Draft
Subject: Comments to Draft EIR

To Whom it May Concern

As the Settlement Agreement is under review for changes and extension, please take into account the following comments regarding **air quality** and **noise levels**.

} 1

First, we have a great concern for the air quality in Newport Beach. We have lived at 1720 E. Ocean Blvd since 1998. Since that time, we have needed to wipe down window sills and door steps 1-2 times a month to clean away the fine black spots that are deposited by the planes flying overhead. With residue that visible, we have sincere concerns for the air we are breathing. More flights would only add to this problem.

} 2

Second, please maintain the current curfew times to hold down the noise in the morning. When the flights are directly overhead in the morning, it is very loud and difficult to hear the TV or radio. More flights would only add to this problem.

} 3

Thank you.

Frank and Marianne Beaz
1720 East Ocean Blvd.
Newport Beach
949-675-4591

**Responses to Comments Received from
Marianne and Frank Beaz
Dated: May 26, 2014**

- Response 1:** This comment is an introduction to comments that follow. No further response is required.
- Response 2:** The analysis in the Draft Environmental Impact Report (“EIR”) addresses both departure and arrival flights for both air quality and noise. The comment addresses a general subject area (i.e., air quality), which received extensive analysis in the Draft Environmental Impact Report (“EIR”) in Section 4.1, Air Quality. In addition, Topical Response 1 addresses black carbon, which is otherwise described as “fine black spots” in the comment. It should be noted that particulate matter emissions from aircraft are expected to decrease under all three phases of the Proposed Project, as compared to existing conditions, due to decreasing general aviation aircraft operations (Draft EIR, Table 4.1-8, page 4.1-29) Future improvements in engine performance (which conservatively are not quantitatively incorporated in the Draft EIR because the International Civil Aviation Organization/Emissions Dispersion and Modeling System [“ICAO/EDMS”] database does not include them) also will likely further decrease aircraft emissions. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.
- Response 3:** The County of Orange acknowledges your input and comment to maintain the Airport’s current hours of operation/curfew. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

From: Diana Black <dianablack@roadrunner.com>
Sent: Tuesday, June 24, 2014 9:56 AM
To: EIR, Draft
Subject: JWA

I live under the 'take off' flight path of John Wayne Airport. Those of us in Newport Beach have been here since it was a small airport for private planes, and could not imagine the growth it would take.

} 1

The air quality has continued to worsen over the years. We replace our outdoor furniture because it becomes soiled with black oil from the airplanes. We close our windows and run our air conditioners (needlessly) because we are trying to shut out the bad air and noise.

} 2

We understand that we cannot go back to the "old days" of this small, local airport, but we plead for the extension of the 2013 JWA Settlement Agreement.

} 3

Thank you,
Diana Black
2110 Vista Entrada
Newport Beach, CA 92660

**Responses to Comments Received from
Diana Black
Dated: June 24, 2014**

- Response 1:** The County of Orange acknowledges your input and comment. Since this does not raise an environmental issue; no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.
- Response 2:** The comment addresses a general subject area, which received extensive analysis in the Draft Environmental Impact Report ("EIR") in Section 4.1, Air Quality. In particular, the Proposed Project's criteria pollutant concentrations are presented in Draft EIR Tables 4.1-13 (page 4.1-38) and 4.1-14 (page 4.1-40). In addition, Topical Response 1 addresses black carbon. It should be noted that the particulate matter emissions from aircraft are expected to decrease during all three phases of the Proposed Project, as compared to existing conditions, due to decreasing general aviation aircraft operations (Draft EIR, Table 4.1-8, page 4.1-29). Future improvements in engine performance (which conservatively are not quantitatively incorporated in the Draft EIR because the International Civil Aviation Organization/Emissions Dispersion and Modeling System ["ICAO/EDMS"] database does not include them) also will likely further decrease aircraft emissions. If the reduction in general aviation activity and engine performance improvements were modeled, the Proposed Project's particulate matter concentrations would be lower than those identified in the tables referenced above. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.
- Response 3:** The County of Orange acknowledges your input and comment. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

COMMENT

**John Wayne Airport
Settlement Agreement Amendment
Draft Environmental Impact Report 617**



Name DANIA BOUCHER Phone 949-548-1617

Group/Organization/Jurisdiction _____

Address 405 SANTA ANA AVE Email downbow1@yahoo.com

Comments: NEWPORT BEACH, CA 92663

Do not change our existing land use
growth management policy.
No cover is broad based resident
committee such as the General Plan Advisory
committee to review all pending land use
issues and projects.
Let's work together to find balanced solutions
which protect residential quality of life & create a
Whovent City economy.

Please return comment card during this public meeting or mail to John Wayne Airport at the address on the reverse of this card.
Comment cards are due by July 8, 2014.

1



RECEIVED
JUL 08 2014
JWA

Ms. Lea Choum
John Wayne Airport
3160 Airway Avenue
Costa Mesa, CA 92626

1



**Response to Comment Received from
Dania Boucher
Dated: July 8, 2014**

Response 1: The Proposed Project would not change any land use designations or require amendments to the Orange County General Plan's Growth Management Element. The Project proposes to amend the John Wayne Airport ("JWA") Settlement Agreement, which has been in place since 1985. The Settlement Agreement establishes the operational parameters at the Airport that have safeguarded community concerns while allowing needed improvements and capacity increases to be implemented. The Settlement Agreement is set to expire on December 31, 2015. The Project would extend the Settlement Agreement through 2030 and modify several of the access restrictions to allow an increase in the number of Class A average daily departures ("ADDs") and to increase the number of million annual passengers ("MAP") served at the Airport.

The comment does not raise issues specific to the Draft Environmental Impact Report ("EIR"). The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

COMMENT



**John Wayne Airport
Settlement Agreement Amèndment
Draft Environmental Impact Report 617**



Name DARRELL BOUCHER Phone 949-548-1617

Group/Organization/Jurisdiction _____

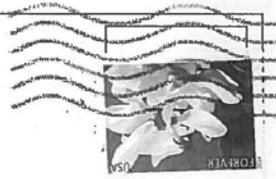
Address 405 SANTA ANA AVE Email downbow1@yahoo.com
NEWPORT BEACH, CA 92663

Comments:

*do not change our existing land use
growth management policy.
Develop a broad-based resident committee
such as the general plan advisory committee to
review all pending land use issues/projects.
Let's work together to find a balanced solution
which protect residential quality of life & create
a vibrant city economy*

Please return comment card during this public meeting or mail to John Wayne Airport at the address on the reverse of this card.
Comment cards are due by July 8, 2014.

SANTA ANA CA 926
07 JUL 2014 PM 1 L



RECEIVED
JUL 08 2014
JWA

Ms. Lea Choum
John Wayne Airport
3160 Airway Avenue
Costa Mesa, CA 92626

316031608 0042

**Response to Comment Received from
Darrell Boucher
Dated: July 8, 2014**

Response 1: The Proposed Project would not change any land use designations or require amendments to the Orange County General Plan's Growth Management Element. The Project proposes to amend the John Wayne Airport ("JWA") Settlement Agreement, which has been in place since 1985. The Settlement Agreement establishes the operational parameters at the Airport that have safeguarded community concerns while allowing needed improvements and capacity increases to be implemented. The Settlement Agreement is set to expire on December 31, 2015. The Project would extend the Settlement Agreement through 2030 and modify several of the access restrictions to allow an increase in the number of Class A average daily departures ("ADDs") and to increase the number of million annual passengers served at the Airport.

The comment does not raise issues specific to the Draft Environmental Impact Report ("EIR"). The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.



COMMENT

John Wayne Airport
Settlement Agreement Amendment
Draft Environmental Impact Report 617



Name LINDA BOUCHER Phone 949-548-1617

Group/Organization/Jurisdiction _____

Address 405 SANTA ANA AVE Email downbow1@yahoo.com
NEWPORT BEACH, CA 92665

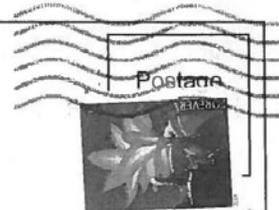
Comments: Do not change our existing land use growth
management policy.
Do convene a broad-based resident
committee such as the General Plan Advisory
Committee to review all pending land use
issues & projects.
Let's work together to find balanced solutions which
protect residential quality of life and create a
vibrant city economy.

Please return comment card during this public meeting or mail to John Wayne Airport at the address on the reverse of this card.
Comment cards are due by July 8, 2014.

1

SANTA ANA CA 926

07 JUL 2014 PM 1 L



Ms. Lea Choum
John Wayne Airport
3160 Airway Avenue
Costa Mesa, CA 92626

RECEIVED

JUL 08 2014

JWA

**Response to Comment Received from
Linda Boucher
Dated: July 8, 2014**

Response 1: The Proposed Project would not change any land use designations or require amendments to the Orange County General Plan's Growth Management Element. The Project proposes to amend the John Wayne Airport ("JWA") Settlement Agreement, which has been in place since 1985. The Settlement Agreement establishes the operational parameters at the Airport that have safeguarded community concerns while allowing needed improvements and capacity increases to be implemented. The Settlement Agreement is set to expire on December 31, 2015. The Project would extend the Settlement Agreement through 2030 and modify several of the access restrictions to allow an increase in the number of Class A average daily departures ("ADDs") and to increase the number of million annual passengers served at the Airport.

The comment does not raise issues specific to the Draft Environmental Impact Report ("EIR"). The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Subject: FW: John Wayne Airport Future

From: Lyle Brakob [mailto:Imbrakob@hotmail.com]

Sent: Saturday, May 31, 2014 7:24 PM

To: EIR, Draft

Subject: John Wayne Airport Future

I have 5 things to say

- 1---LAX just had a new study on "pollution" around the area report completed---it was not a good report regards the health of people up to 10 miles or so away from the airport---this needs to be done at JW also--- we do not need more soot etc in our neighborhoods } 1
- 2---The departure concerns are as important---in fact more concerning in my opinion---than the inbound traffic---please ensure that is addressed } 2
- 3---The light private planes routinely fly over residential areas---safety, noise and pollution are concerning } 3
- 4---There is no mention of military flights in and out of JW in the draft---why not? } 4
- 5---We are not in favor of increased passenger quotas or flight numbers or any further expansion of JW airport for obvious reasons---we look forward to better a better way of life as far as JW is concerned. } 5

Lyle and Margaret Brakob
6 Baycrest Court
Newport Beach
949 856 4445

Sent from Windows Mail

**Responses to Comments Received from
Lyle and Margaret Brakob
Dated: May 31, 2014**

- Response 1:** Please see Topical Response 2 which discusses the Los Angeles Times/USC Study.
- Response 2:** The comment identifies “departure concerns” as “important,” though is not specific on which topics are included in the category of “departure concerns.” However, the analysis in the Draft Environmental Impact Report (“EIR”) addresses both departure and arrival flights. Section 4.5 (Land Use) and Section 4.6 (Noise) clearly delineate the noise contours and the affected communities for the Proposed Project for both the approach and departure paths. This information is graphically depicted for each phase of the Proposed Project in Exhibits 4.5-2 through 4.5-4. Each of these exhibits consist of a series of four graphics. The first graphic (designated with the letter “a,” such as Exhibit 4.5-2a) provides a comparison of the existing 60, 65, 70, and 75 Community Noise Equivalent Level (“CNEL”) contours and the projected contours with the Proposed Project, Phase 1. Exhibits 4.5-2b through 4.5-2d provide larger scale exhibits with the noise-sensitive land uses depicted.
- Response 3:** The “light private planes” referenced by the comment presumably consist of general aviation aircraft, which are not subject to regulation via the Proposed Project, with the exception of the curfew. Additionally, the Federal Aviation Administration (“FAA”) has jurisdiction over all flight activity once the aircraft leaves the terminal. Pilots are required to abide by the applicable safety regulations.
- Response 4:** Section 3.7.2 (Operation Assumptions) of the Draft EIR identifies military operations as being included in the operational assumptions for the Airport. The Draft EIR specifically identifies that military operations have increased in recent years, but represent less than 0.3 percent of all operations (see page 3-24 of the Draft EIR). The Draft EIR references Table 4-1 of the *Aviation Forecasts Technical Report* (provided in Appendix B of the Draft EIR), which provides information on the number of military flights that occur. Additionally, it should be noted that the Proposed Project would not affect military operations.
- Response 5:** Since this comment does not address a specific environmental issue as it pertains to this Draft EIR, no response is necessary; however, the commenter’s opposition to any increase in operational capacity levels at the Airport will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

From: Margaret and Lyle Brakob <Imbrakob@att.net>
Sent: Tuesday, June 24, 2014 5:42 PM
To: EIR, Draft
Cc: Moorlach, John [HOA]; Supervisor Spitzer; Supervisor Nelson; Supervisor Bates; Janet Nguyen; Mimi Walters
Subject: JWA EIR Comments

On Saturday, May 31, 2014 8:39 PM, Margaret & Lyle Brakob <Imbrakob@att.net> wrote:

My input regards JW draft EIR---my input via the link would not send for some reason

Please forward this to the proper address

We have 5 things to say about it

1---A environmental study using the latest technology was recently completed at LAX regards pollution. It was not favorable and heath concerning pollution was reported as far as 10 miles away--- JW is no different---simply smaller---recommend that there be conditions placed to ensure these type studies are done frequently and actions are mandated to improve peoples health---other than---"move if you don't like it" } 1

2---Departure particles, soot and noise are just as important as the concerns for arriving aircraft--- more so in fact---both need to be addressed equally---not sure which is worse } 2

3---There is no mention of the number or impact of military flights in the draft---why not } 3

4---Please address private plane rules and impacts specifically---safety, noise and pollution have adverse impacts to our residential areas as well---especially on take-off and high rpm turns over homes } 4

5---We are opposed to any further increase in passenger quotas or aircraft traffic at JW and feel certain that we speak for the vast majority of residents of Baycrest Court, Bayview, Santa Ana Heights and the Bluff areas---lets also include Costa Mesa---matter-of-fact everything within a 20 mile radius of the airport including the water. Moreover must add that the operations at our OC JWA should not be increased or promoted as the place to use without FIRST fixing the unhealthy pollution and noise problems---revenue generating is not our concern---Sacramento does not deserve more } 5

OC dollars!

This was also sent to Supervisor Spitzer on May 29 via email requesting it be forwarded to correct person/location--no response to that request so sending this!

Looking forward to seeing the response to our items and healthier living around JWI!

Thanks for the opportunity

Lyle and Margaret Brakob
6 Baycrest Court
Newport Beach 92660
949 856 4445

On Friday, May 30, 2014 4:01 PM, Supervisor Todd Spitzer <todd.spitzer@ocgov.info> wrote:

 **Orange County Board of Supervisors** [Subscribe](#) | [Unsubscribe](#)

Todd SPITZER
SUPERVISOR 3RD DISTRICT

333 W. Santa Ana Blvd., Santa Ana, CA 92701 Phone: 714.834.3330

May 30, 2014 **Volume 2 Issue 21** **TABLE OF CONTENTS**

Supervisor Spitzer Holds Community Meeting on Proposed JWA Flight Expansion, Urges Citizens to Submit Official Comments Now

Supervisor Spitzer Holds Community Meeting on Proposed JWA Flight Expansion, Urges Citizens to Submit Official Comments Now

On Wednesday, Supervisor Todd Spitzer and John Wayne Airport (JWA) held a community meeting on the draft environmental impact report (EIR) that examines proposed changes in the latest proposed revision of the Settlement Agreement on JWA. The Settlement Agreement governs the facility and operational improvements at JWA after a lawsuit between the County and Newport Beach-based citizen groups.



"John Wayne Airport is one of the County's most high-profile agencies and is a vital part of our economic engine, but we must find a way to mitigate its impact on the quality of life of Orange County residents," Supervisor Spitzer said. "While much discussion centers on Newport Beach residents under the departure flight path, there needs to be more discussion about the Third District communities that are impacted by the arrival corridor."

Held from 6 PM to 8 PM at Hewes Middle School in North Tustin, the community meeting allowed members of the public to provide written and oral comments on the draft EIR. These comments are now part of the official record of the EIR, and responses to the comments must be included in the final EIR.

Comments can also be submitted by [email](mailto:comment@ocair.com) or by mail until 5 PM on Tuesday, July 8. The draft EIR for the Settlement Agreement is available for public review and comment at www.ocair.com/communityrelations/settlementagreement/.

In addition to the online copies of the draft EIR, paper copies are available for review at six public libraries in the Third District:

- Orange County Public Library – Irvine Heritage Park Branch
14361 Yale Avenue
Irvine, CA 92604
- Orange County Public Library – Irvine University Park Branch
4512 Sandburg Way
Irvine, CA 92612
- Orange Public Library and History Center
407 East Chapman Avenue
Orange, CA 92866
- Orange Public Library – El Modena Branch
380 South Hewes Street
Orange, CA 92869
- Orange County Public Library – Tustin Branch
345 East Main Street
Tustin, CA 92780

Copies are available at five other public libraries outside the Third District:

- Supervisor Spitzer Provides County Update at Villa Park City Council Meeting
- Orange County Honors Fallen Peace Officers
- Tustin Street Fair and Chili Cook-Off on Sunday – Please Stop by Supervisor Spitzer's Booth!
- Election Day on Tuesday
- Santa Ana Dedicates Paul M. Walters Police Administration Building
- Pet of the Week
- Events Around the District

DISTRICT STAFF

Martha Ochoa
Chief of Staff

Chris Nguyen
Senior Policy Advisor

Carrie O'Malley
Senior Policy Advisor

Martin Gardner
Policy Advisor

Christine Richters
Executive Aide

District Map



- Orange County Public Library – Costa Mesa Donald Dugan Branch
1855 Park Avenue
Costa Mesa, CA 92627
- Orange County Public Library – Costa Mesa Mesa Verde Branch
2969 Mesa Verde Drive
Costa Mesa, CA 92626
- Orange County Public Library – Laguna Beach Branch
363 Glenneyre Street
Laguna Beach, CA 92651
- Newport Beach Public Library
1000 Avocado Avenue
Newport Beach, CA 92660
- Santa Ana Public Library
26 Civic Center Plaza
Santa Ana, CA 92701

Created in 1985 by the County of Orange, the Airport Working Group, the City of Newport Beach, and Stop Polluting Our Newport, the Settlement Agreement was set to expire at the end of 2005. In 2003, the four entities that signed the agreement approved a renewal through 2015 that included amendments permitting additional facilities and operational growth while maintaining environmental protections. With the first renewal set to expire at the end of next year, this is an opportunity for the public to weigh in on the terms and conditions for the renewal of the Settlement Agreement, which will govern JWA for years to come.

Supervisor Spitzer Provides County Update at Villa Park City Council Meeting



On Tuesday, Supervisor Todd Spitzer provided a County update to the Villa Park City Council. Spitzer spoke for approximately 20 minutes, followed by a question-and-answer session of about 40 minutes.

"It is always a privilege to provide an update to my fellow elected officials, the members of the public attending the meeting, and residents watching at home on television or online," Supervisor Spitzer said. "I thank the City Council for giving me time out of their meeting for this update and to the City staff for ensuring my PowerPoint presentation was visible in the Council chambers and in the television and online broadcasts."

Anaheim, Irvine, Orange, Tustin, Villa Park, Yorba Linda, El Modena, North Tustin, Orange Park Acres, the Canyon Communities

Stay Updated!

<http://ocgov.com/gov/bos/3/>

Todd.Spitzer@ocgov.com

714.834.3330

View Online Version



Before beginning his presentation, Spitzer spoke in memory of former Villa Park Mayor Bill MacAloney who passed away from cancer last week at the age of 78.

Spitzer covered a broad array of issues in his update, including the Orange County Visionary Leaders' Conference, violence and mass murders, the Safe Communities Meeting series, the DUI epidemic in Orange County, the social host ordinance, GPS tracking of probationers, freeway improvements, the County budget, the County credit rating, pension reform, County labor negotiations, assessment appeals process improvements, and reforms in the Clerk-Recorder's office.

During the question-and-answer session, Spitzer and the Council discussed a number of topics, including Villa Park's contract for police services with the Orange County Sheriff's Department, labor negotiations, pension reform, and the status of OC Animal Care fees and services.

Spitzer's PowerPoint can be accessed [here](#).

Orange County Honors Fallen Peace Officers



On Wednesday, the Orange County Sheriff's Advisory Council and the Orange County Chiefs of Police and Sheriff's Association held the annual Peace Officers' Memorial Ceremony at the Orange County Sheriff's Regional Training Academy in Tustin.

"We can never adequately thank the fallen heroes who have paid the ultimate price to protect and serve the residents of our County," said Supervisor Todd Spitzer. "I am always grateful for their courage and sacrifice."

At this year's ceremony, a fifty-third name was added to the memorial wall: Laguna Beach Police Officer Jon Coutchie, who was killed in the line of duty in September at the age of 41 while pursuing a reckless driver. Coutchie was an Army Ranger veteran of the wars in Iraq and Afghanistan. He is only the second Laguna Beach Police Officer to die in the line of duty, after Gordon French in 1953.

Supervisors Todd Spitzer, Shawn Nelson, and Janet Nguyen joined Sheriff-Coroner Sandra Hutchens and members of 40 Orange County law enforcement agencies at the ceremony to pay tribute to Coutchie and the other 52 Orange County law enforcement personnel who died in the line of duty.



Irvine Police Chief Dave Maggard and Supervisor Todd Spitzer with Sheriff-Coroner Sandra Hutchens and Placentia Police Chief Rick Hicks at the OC Peace Officers' Memorial Ceremony

**Tustin Street Fair and Chili Cook-Off on Sunday
– Please Stop by Supervisor Spitzer's Booth!**



Click on the image above to view a PDF version.

On Sunday, the City of Tustin is hosting the 30th Annual Tustin Street Fair and Chili Cook-Off.

"The Street Fair and Chili Cook-Off are a time-honored tradition in Tustin," Supervisor Todd Spitzer said. "The City expects 40,000 people to take part in this wonderful community event."

Known as the nation's largest one-day chili competition, this year's projected attendance of 40,000 will far surpass last year's 37,000-person attendance. There are 51 chili teams entered in the International Chili Society and People's Choice contests while the street fair will have 128 booths.

Event attendance is free. The Street Fair and Chili Cook-Off is centered at El Camino Real and Main Street and stretches to neighboring blocks. Parking is available at City Hall at 300 Centennial Way and other streets adjacent to the event.

More information is available at www.tustinchilicookoff.com.

Election Day on Tuesday

This coming Tuesday, June 3, is Election Day. Voters will cast their ballots throughout the state for numerous state and local offices.



"The American form of government works best when citizens participate in the process," Supervisor Todd Spitzer said. "I encourage all registered voters to cast their ballots in Tuesday's election."

The Registrar of Voters has set up a [web site](#) for voter election information, including where their polling places are, copies of their sample ballots, and how to obtain an emergency absentee ballot.

Polling places are open from 7:00 AM-8:00 PM on Tuesday. Vote-by-mail ballots (formerly known as absentee ballots) must arrive at the office of the Registrar of Voters or at a County polling place by 8:00 PM on Tuesday (postmarks do NOT count). With only four days until the election, residents are discouraged from sending these ballots by mail, as postal delays may result in them failing to arrive in a timely fashion. These vote-by-mail ballots can be dropped off at any polling place on Tuesday or at the Registrar's office today, Monday, or Tuesday.

Voters throughout Orange County will cast their ballots on eight statewide offices, the State Board of Equalization, United States Representative, State Assembly, seven Countywide offices, four judicial seats, two State ballot measures, and one County ballot measure.

Residents will also vote for State Senate in three of Orange County's five Senate districts, Supervisor in three of the five supervisorial districts, and members of the County Board of Education in two of the five education trustee areas.

Voters of the Irvine Unified School District have a special election for a six-month term on their school board. Residents of the City of Anaheim will vote on three City ballot measures while residents of the Buena Park School District will have one measure before them.

Santa Ana Dedicates Paul M. Walters Police Administration Building



Former Santa Ana Police Chief Paul M. Walters and his wife, Mary, unveil the plaque dedicating the Paul M. Walters Police Administration Building, as Mayor Miguel Pulido and current Chief Carlos Rojas applaud.

Yesterday, Supervisor Todd Spitzer joined former Santa Ana Police Chief Paul Walters and the Walters family at the City of Santa Ana's dedication of the Paul M. Walters Police Administration Building.

"Paul Walters is one of the longest-serving police chiefs of a major city in modern American history," Supervisor Spitzer said. "I congratulate Chief Walters on this well-deserved honor."

Walters served as Santa Ana's Chief of Police from 1988 to 2013 and was also concurrently City Manager from 2011 to 2013. During his tenure as Chief, Santa Ana grew from 298,000 people to 335,000 people, yet the crime rate fell to its lowest level in nearly 40 years despite budget cuts decreasing the number of police officers from 359 down to 320.

A veteran of the United States Air Force, Walters earned his Bachelor of Arts in Criminal Science from California State University, Fullerton, Master of Public Administration from the University of Southern California, and Juris Doctor from the American College of Law. His son Gary is a Captain with the Los Angeles Police Department, son Michael is a Deputy with the Orange County Sheriff's Department, and daughter Dani is a junior high school teacher in Hawaii.



Deputy Michael Walters (Paul Walters' son), Supervisor Todd Spitzer, Mrs. Mary Walters, and Mayor Miguel Pulido.

Walters, former Chief Walters, and Mayor Miguel Pulido at the dedication of the Paul M. Walters Police Administration Building.

Pet of the Week



Meet Oscar!

OC Animal Care
Providing Care & Finding Adoption



Meet Oscar!
ID# A1312846
X-Large Domestic SH
5 years

Our Oscar is no grouch! After being abandoned with no food and water for over a week, this adorable kitty is hoping to find a family that will take good care of him. He has recovered medically, but still needs an owner that will work on weight management and keep him healthy.

Oscar has a great personality. He's a little shy but there's nothing he loves more than being groomed and pet. Help him find the Purrfect family!



For more information, please visit our website at www.ocpetinfo.com or call (714) 935-6848

Click on the image above to view a PDF version.



Click on the image above to view a PDF version.

Events Around the District

Anaheim

Canyon Retro Café for Teens at Canyon Hills
Tuesday, June 3, 3:00 PM – 5:00 PM
Anaheim Public Library – Canyon Hills Branch, 400 Scout Trail

Irvine

David Sills Lower Peters Canyon Park Dedication Ceremony
Saturday, May 31, 3:00 PM – 4:30 PM
David Sills Lower Peters Canyon Park Tennis Court, 3901 Farwell Ave.

Orange

Paws to Read – Children Reading to Certified Therapy Dogs
Wednesday, June 4, 3:30 PM – 4:00 PM
Orange Public Library – El Modena Branch, 380 S. Hewes St.

Silverado

Canyon Clean Sweep

Saturday, May 31, 9:00 AM – 4:00 PM
Sunday, June 1, 9:00 AM – 4:00 PM
Silverado Community Center, 27641 Silverado Canyon Rd.

Tustin

Coffee with a Cop
Wednesday, June 4, 8:00 AM – 9:00 AM
Kean Coffee, 13681 Newport Ave., #14

Yorba Linda

Pajama-Rama Storytime
Wednesday, June 4, 7:00 PM – 7:45 PM
Yorba Linda Public Library, 18181 Imperial Hwy.

Copyright 2013 County of Orange, California
You are currently signed up to the 3rd District newsletter. To unsubscribe, click [here](#).



Questions? [Contact Us](#)



SUBSCRIBER SERVICES:
[Manage Preferences](#) | [Unsubscribe](#) | [Help](#)

This email was sent to Imbrakob@att.net using GovDelivery, on behalf of: County of Orange, California - 333 West Santa Ana Blvd - Santa Ana, CA 92701 - 855-886-5400



**Responses to Comments Received from
Lyle and Margaret Brakob
Dated: June 24, 2014**

Response 1: Please see Topical Response 2, which discusses the Los Angeles Times/USC Study.

Response 2: The analysis in the Draft Environmental Impact Report (“EIR”) addresses both departure and arrival flights for both air quality and noise. The air dispersion modeling analysis presented in Section 4.1. Air Quality, of the Draft EIR accounts for the specific approach and departure procedures utilized at John Wayne Airport (“JWA”) in terms of the flight path modeled. (See Draft EIR Appendix D, page 22.) The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project. Additional detail on black carbon is also provided in Topical Response 1.

Section 4.5 (Land Use) and Section 4.6 (Noise) delineate the noise contours and the affected communities for the Proposed Project for both the approach and departure paths. This information is graphically depicted for each phase of the Proposed Project in Exhibits 4.5-2 through 4.5-4. Each of these exhibits consist of a series of four graphics. The first graphic (designated with the letter “a,” such as Exhibit 4.5-2a) provides a comparison of the existing 60, 65, 70, and 75 Community Noise Equivalent Level (“CNEL”) contours and the projected contours with the Proposed Project, Phase 1. Exhibits 4.5-2b through 4.5-2d provide larger scale exhibits with the noise-sensitive land uses depicted.

Response 3: Section 3.7.2 (Operation Assumptions) of the Draft EIR identifies military operations as being included in the operational assumptions for the Airport. The Draft EIR specifically identifies that military operations have increased in recent years, but represent less than 0.3 percent of all operations (see page 3-24 of the Draft EIR). The Draft EIR references Table 4-1 of the *Aviation Forecasts Technical Report* (provided in Appendix B), which provides information on the number of military flights. Additionally, it should be noted that the Proposed Project would not affect military operations.

Response 4: The “private planes” referenced by the comment presumably consist of general aviation aircraft, which are not subject to regulation via the Proposed Project, with the exception of the curfew. The Federal Aviation Administration (“FAA”) has jurisdiction over all flight activity once the aircraft leaves the terminal. General aviation pilots are required to abide by the applicable safety regulations. As indicated in the Draft EIR (page 2-11) there has been a steady decline in the number of general aviation aircraft based at the Airport. Historic trends, as well as the forecasts for general aviation activity at the Airport is discussed in Appendix B, *Aviation Forecasts Technical Report* (Section 6).

Also of note, the FAA and U.S. Environmental Protection Agency are partnering on an effort to remove lead from the aviation gasoline (“avgas”) used by the

operators of piston-engine aircraft by 2018. Transitioning general aviation aircraft from leaded to unleaded avgas is a complex initiative that requires extensive testing and evaluation to ensure that the phased-in fuels do not compromise safety.⁶⁸

Response 5: Since this comment does not address a specific environmental issue as it pertains to this Draft EIR, no response is necessary; however, the comment's opposition to any increase in operational capacity levels at the Airport will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

⁶⁸ For more information on this technology and regulatory initiative, please see <http://www.faa.gov/about/initiatives/avgas/>.

Subject: FW: John Wayne Airport

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

From: bill & lynne brashears [mailto:bilnlynb@earthlink.net]

Sent: Thursday, June 05, 2014 6:01 PM

To: EIR, Draft

Subject: John Wayne Airport

Dear Sirs:

Please do not let John Wayne become a 24 hour airport . We live under the flight path . If we are outside and an airplane flies over , we simply stop talking until it is past . It is too loud to hear the other people . At least we can sleep at night because of the curfew . Please be sure that the curfew will continue to be in effect.

} 1

Sincerely,

Mr. & Mrs. J. W. Brashears, Jr.

bilnlynb@earthlink.net

**Response to Comment Received from
Bill and Lynne Brashears
Dated: May 31, 2014**

Response 1: The County of Orange acknowledges your input and comment to maintain the Airport's current hours of operation/curfew. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

DAVID M. BROWNE
3334 EAST COAST HIGHWAY #251
CORONA DEL MAR, CA 92625

JULY 7, 2014

Ms. Lea Choum
JWA Project Manager
3160 Airway Avenue
Costa Mesa, CA 92626
DEIR617@ocair.com

Via Email

Re: Comments on Draft Environmental Impact Report No. 617 ("Draft EIR")

Dear Ms. Choum:

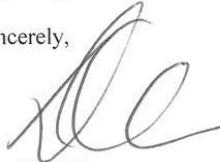
Please reference the Public Comment that I provided in response to the October 1, 2013 Notice of Preparation of Environmental Impact Report, which itself reiterated comments I provided during the October 17, 2013 scoping meeting. The Draft EIR fails to address my comments.

Specifically, the Draft EIR generally ignores the fundamental noise impact shifts caused by RNAV implementation and, therefore, fails to provide an accurate assessment of the noise generated by JWA's current operations. Moreover, no effort is made to assess the CNEL contours or make SNEL observations with respect to the affected coastal communities referenced in my comment. The Draft EIR therefore fails to provide an accurate noise baseline, which renders the Draft EIR's assessment of the Project's noise impact useless to thousands of coastal Newport Beach residents.

It is only in the subsection of the Noise section of the Draft EIR which discusses noise in Laguna Beach that a half-hearted attempt is made to mention changing departure paths. Astonishingly, the authors delegitimize the concerns of Laguna Beach residents by deeming "not exceptional" the noise caused by the new, concentrated flight path now located above several Laguna Beach neighborhoods. This concentrated flight path did not exist prior to 2009, and none of the affected residents had any say in its implementation. Numerous coastal, southeastern Newport Beach neighborhoods are similarly affected. The report makes no mention at all of the impact on these communities.

I respectfully request that revisions be made to the Draft EIR to address these deficiencies. Please contact me at dbrowne7@yahoo.com or at the address above should you have any questions regarding these comments.

Sincerely,



David M. Browne

Cc: Cameo Community Association Board of Directors
Dave Kiff, City of Newport Beach
Christa Johnson, City of Laguna Beach

}
1
2
3

**Responses to Comments Received from the
David M. Browne
Dated: July 7, 2014**

Response 1: The Community Noise Equivalent Level (“CNEL”) measured at the Noise Monitoring Station (“NMS”) operated by the Airport does not show a considerable shift of noise levels over the past four years as asserted in Mr. Browne’s Notice of Preparation (“NOP”) comment letter. Table 4.6-5 (page 4.6-39) in Section 4.6 (Noise) presents the annual CNEL noise levels recorded at all ten NMS operated by the Airport between 2001 and 2012. These are the actual noise levels measured at the NMS. Table 4.6-4 (page 4.6-34) presents the 2013 CNEL noise levels that were modeled. This data shows that the difference between the maximum and minimum CNEL levels at each site between 2009 and 2013 are less than 1 decibel (“dB”) at NMS 1S through 6S. NMS 7S shows the largest change of 3.2 dB with the minimum occurring in 2009 and the maximum in 2013. However, the CNEL noise level at NMS 7S, which measured at 55.8 dB in 2013, is well below the County and City 65 CNEL residential outdoor noise standards.

The purpose of the Draft EIR is to assess the potential environmental impacts of the proposed changes to the Settlement Agreement and does not propose to change any flight paths or result in any flight path operations. Flight paths are under the sole purview of the Federal Aviation Administration (“FAA”) and the Airport has no control over them.

The departure procedures defined in the noise model developed for the noise analysis are based on radar traces of actual departures and adjusted so that the modeled Single Event Noise Equivalent Level (“SENEL”) noise levels match the average SENEL levels for the specific aircraft at the NMS along the departure path. The radar data used and the noise measurement data reported by the Airport’s NMS all reflect the Area Navigation (“RNAV”) procedures that are in place. Therefore, the noise model provides proper estimates of the aircraft noise levels, including existing RNAV procedures, used to determine Proposed Project impacts.

Exhibits 4.6-14 through 4.6-16 present aircraft CNEL noise contours for all phases of the Proposed Project. These figures show that the 60 CNEL noise contour does not extend beyond NMS 6S, which is located more than 2.5 miles from the Newport Beach Coast. Noise impacts were assessed for NMS 7S, which is located closest to the coast. Noise levels and impacts at the coast are less than at NMS 7S. Based on the County’s Significance Thresholds described in Section 4.6.5 of the Draft EIR, the noise impacts at NMS 7S were determined not to be significant.

Response 2: As discussed in Appendix B of the *Noise Assessment Technical Report*, the analysis of changes to flight paths over Laguna Beach was performed due to comments from the City and several residents. The analysis presented in Appendix B is provided for informational purposes only. As discussed in Section B.2 of the Appendix, and elsewhere, flight paths are the sole responsibility of the FAA and John Wayne Airport has no control over flight paths or altitudes. Further, the

Proposed Project does not propose changes to the flight paths and is not anticipated to cause changes the flight paths.

Exhibit 4.6-6 of the Draft EIR and Figure 35 of the *Noise Analysis Technical Report* (Appendix C of the Draft EIR) shows that some aircraft cross the coastline as far north as the southern portion of the Crystal Cove community located at the southern extent of the City of Newport Beach. Aircraft noise levels in these coastal areas would be expected to be lower than at the locations in Laguna Beach analyzed in the Appendix due to the considerable elevation difference. The impact due to the Proposed Project would result from the increased number of overflights, as shown in Table 35 of Appendix B of the *Noise Analysis Technical Report*. However, the overall noise levels and changes in noise levels due to the Proposed Project in these coastal areas do not approach the Significance Thresholds presented in Section 4.6.5 of the Draft EIR.

Response 3: Please see the responses to the first two comments.

From: seychelle cannes <seychellecannes@att.net>
Sent: Tuesday, July 08, 2014 10:02 AM
To: EIR, Draft
Subject: opposition to JWA

To all concerned:

My name is Seychelle Cannes. I have been coming to Newport Beach (from Tustin) since 1955. My family bought a home on Balboa Island in 1967 and I went to CDM high school. Presently I have been living at Bayside Village for the last 14 years and am very aware of the negative impacts that JWA have on our community. The sticky black film from the over-head airplane flights needs constant cleaning. The constant noise can not be ignored. When the Santanas blow from off shore, the planes fly so low up the back bay I can literally see the passengers through the windows. The noise causes me stress, irritation and disrupts conversations throughout the day and into the night. The 7:00 am departures wakes me up in the mornings. I hate the airport. The convenience does not out-weigh all the negative impact JWA brings to me, my family and our beautiful community.

My mother, along with others in Newport Beach, tried unsuccessfully to stop the expansion of JWA in the early 1970s. I wish they had succeeded. We have the BEST Mediterranean climate in the WHOLE world and to make me and others live indoors just because of an airport is just so sad. You need to consider the long term BAD impact ANY further expansion JWA will have on all of Orange County. As far as I am concerned, the concerns of the "airport company" and their business have had enough consideration. Let the Disneyland visitors use Ontario Airport. They are the ones crying for the business.

} 1

Hope this does not fall on deaf ears,

Seychelle Cannes
85 Yorktown
NB, CA 92660

**Response to Comment Received from
Seychelle Cannes
Dated: July 8, 2014**

Response 1: The County of Orange acknowledges your opposition to any further expansion of John Wayne Airport. Also, under the California Environmental Quality Act, as requested by the comment, the County's Board of Supervisors is required to consider the long-term environmental impacts of the Proposed Project, as studied in the Draft Environmental Impact Report, and adopt all feasible mitigation measures and/or alternatives before approving the Proposed Project. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project. In addition, please see Topical Response 1, which provides a discussion of black carbon.

18 June 2014

C. R. CARLSON
420 VISTA FLORA
Newport Beach, CA
92660
douglasret@aol.com

Dear Seis:

I have a few questions related to the latest EIR for John Wayne Airport Expansion.

1. What is the detailed environmental impact on the Bluffs area of Newport Beach relative to unburned fuel and noise under the present flight cap of 10.8 Million Annual Passengers that has not been reached?

2. What will be the specific increases in these areas under each of the possible expansion scenarios?

3. When will the air and noise pollution reach a point when the people and the health of the population can no longer put up with this airport?

CR Carlson

**Responses to Comment Received from
C.R. Carlson
Dated: June 18, 2014**

Response 1: The comment addresses a concern relative to unburnt fuel and noise associated with the Airport achieving the 10.8 million annual passengers (“MAP”). The Draft Environmental Impact Report (“EIR”) in Section 4.1, Air Quality, evaluates the potential emissions from aircraft under the present flight cap of 10.8 MAP for purposes of the No Project Alternative analysis. The analysis relies upon the latest Federal Aviation Administration’s (“FAA”) Emissions Dispersion and Modeling System (“EDMS”) model to estimate potential emissions from aircraft, and the FAA model does not anticipate that unburnt fuel will be emitted from aircraft in flight. Furthermore, not all aircraft are equipped with a fuel jettison system; which consists of small sprayers attached to the aircraft wings. Narrow-body aircraft, such as those that operate at John Wayne Airport are not equipped with fuel jettison systems. Therefore, in order to reduce fuel weight, the pilot will fly the aircraft with flaps extended and the landing gear down, increasing drag and fuel consumption.

Jettisoning of fuel from aircraft in flight is only done during emergency situations to reduce the weight of the aircraft to enable landing earlier than anticipated (e.g. shortly after takeoff). If executed, air traffic control will assign an altitude at least 2,000 feet above the highest obstacle within 5 miles of the route or pattern being flown (FAA Order JO 7110.65V, Air Traffic Control). Jet fuel evaporates quickly when dispersed in flight. When jet fuel is released at an altitude above 5,000 feet the fuel is expected to evaporate completely before it reaches the ground. As described in the 1999 report issued by the Intergovernmental Panel on Climate Change, entitled, “Aviation and the Global Atmosphere” “in the event of an emergency that requires fuel to be jettisoned, airline instructions, as specified in aircraft operating manuals, and local procedures call for aircraft to climb to a specified altitude or to fly to designated fuel areas away from the population.” Fuel dumping is rare, not only because it is an emergency action, but also because of the high cost of fuel making it economically imprudent to take such an action unless it is an emergency. Airlines carefully manage the amount of fuel loaded onto an aircraft, as additional fuel adds weight and decreases the efficiency of the aircraft during all stages of flight.

With regards to the noise impacts, the noise levels at the Noise Monitoring Station (“NMS”) under the No Project scenario, which represents conditions when the Airport reaches the present flight cap of 10.8 MAP are presented in Table 4.6-17 (page 4.6-66) of Section 4.6 (Noise), and the Community Noise Equivalent Level (“CNEL”) noise contours under these conditions are shown in Exhibit 4.6-26. The locations of the NMS are shown in Exhibit 4.6-9. NMS 4S and 6S are located on the west bluffs and NMS 5S is located on the east bluffs.

Response 2: The impacts resulting from the incremental increase in air pollutants by the Proposed Project is studied throughout Section 4.1, Air Quality. And, the points of maximum impact detailed in Section 4.1 are at locations closer to the Airport; thus, the bluffs area of Newport Beach will have lower impacts than those shown

in the Draft EIR tables. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Table 4.6-18 (page 4.6-69) show the number of sensitive uses exposed to noise levels greater than 65 CNEL in 5 decibel ("dB") bands for the Proposed Project. Table 22 of the *Noise Assessment Technical Report* (Appendix C of the Draft EIR) shows the number of sensitive uses exposed to noise levels greater than 60 dB CNEL (in 5 dB bands) and also shows the area within the noise contours. This data is also summarized in Table 4.5-9 (page 4.5-33) in the Land Use and Planning section (Section 4.5) of the Draft Environmental Impact Report ("EIR").

Response 3: The comment addresses a general subject area, which received extensive analysis in Sections 4.1(Air Quality) and 4.6 (Noise) of the Draft EIR. With regards to air quality, John Wayne Airport and the Southern California Air Basin air quality are regulated by the South Coast Air Quality Management District ("SCAQMD"), the air pollution control agency for all of Orange County and the urban portions of Los Angeles, Riverside and San Bernardino counties. "SCAQMD is committed to undertaking all necessary steps to protect public health from air pollution, with sensitivity to the impacts of its actions on the community and businesses. This is accomplished through a comprehensive program of planning, regulation, compliance assistance, enforcement, monitoring, technology advancement, and public education."⁶⁹ Thus, the air emissions from John Wayne Airport are not expected to reach a point when the population "can no longer put up with it." The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Annoyance and physiological effects of noise are discussed in Section 4.6.2 of Section 4.6 (Noise). Exhibit 4.6-5 shows how noise levels are related to rates of high annoyance. We are not aware of any research into what levels of noise must be reached before annoyance levels exceed a person's ability to put up with it. The Draft EIR discusses that, while research indicates a correlation between community noise exposure, hypertension, and ischemic heart disease, this association has not been quantified nor has a causal relationship been determined.

⁶⁹ SCAQMD. 2014 (access date). About South Coast AQMD. Diamond Bar, CA: SCAQMD. <http://www.aqmd.gov/home/about#mission>.

From: Valerie Carson <valcarson@yahoo.com>
Sent: Thursday, May 29, 2014 4:50 PM
To: EIR, Draft
Subject: Fw: What can you do with this information? Fwd: Planes' exhaust could be harming communities up to 10 miles from LAX

Dear Ms. Lea Choum:

I am concerned about all the fall out over our homes. John Wayne airport is in a populated area. It was not meant to be such a busy airport. Many of the friends who live near the bay are have cancer. This should be a concern. the airport should not have so many flights.

} 1

Maybe you can help?...
Val Carson

On Thursday, May 29, 2014 4:02 PM, Portia <portaweiss@gmail.com> wrote:

And this is without the proposed increase in John Wayne International Airport flights!
Please send your important comments today. No one will benefit from more pollution and traffic.

Address email correspondence to:

Ms. Lea Choum
DEIR617@ocair.com

Or by regular mail:

Ms. Lea Choum
3160 Airway Avenue
Costa Mesa, CA. 92626

Planes' exhaust could be harming communities up to 10 miles from LAX



A plane flies overhead as Joe Mejia, 21, left; Derick Montes, 6; and Leonardo Armenia, 14, play in Lennox. A new study has found high levels of potentially harmful particles in communities up to 10 miles east of LAX.

(Francine Orr / Los Angeles Times)

DAN WEIKEL,
Tony Barboza
May 29, 2014, 5:00 a.m.

High levels of potentially harmful exhaust particles from jets using Los Angeles International Airport have been detected in a broad swath of densely populated communities up to 10 miles east of the runways, a new air quality study reported Thursday.

The research, believed to be the most comprehensive of its type, found that takeoffs and landings at LAX are a major source of ultrafine particles. They are being emitted over a larger area than previously thought, the study states, and in amounts about equal in magnitude to those from a large portion of the county's freeways.

It further concludes that areas affected by aircraft exhaust at major airports in the U.S. and other parts of the world might have been seriously underestimated.

Building on earlier air quality studies, environmental and preventive medicine experts from USC and the University of Washington found concentrations of the wind-driven particles over a 23-square-mile area that includes cities and unincorporated areas along LAX's flight paths, including Lennox, El Segundo, Inglewood and parts of Los Angeles.

The findings raise health concerns, researchers say, because the minute particles, which result from the condensation of hot exhaust vapor from cars, diesel trucks and aircraft, have the potential to aggravate heart and lung conditions, including asthma and the development of blocked arteries.

Less than one-thousandth the width of a human hair, they can go deep in the lungs, make their way into the bloodstream and spread to the brain, heart and other critical organs. While emissions of slightly larger exhaust particles are regulated, ultrafines are not.

"This is a very novel and alarming set of results," said Ralph Delfino, a professor of epidemiology at UC Irvine who studies the health effects of air pollution and reviewed the study. "It's all very, very surprising."

Officials at the region's air quality agency, the South Coast Air Quality Management District, said there is little they can do to reduce pollution from airports because they do not have the power to regulate aircraft emissions. They have suggested to other agencies, including the U.S. Environmental Protection Agency, that the nation should have a standard for ultrafine particles, as exists in Europe.

Researchers found some of the highest particle levels — 6 to 8 times above normal — within a few miles of the nation's third-busiest airport. Some readings almost 10 times above normal were encountered in pockets closest to LAX. Levels up to twice the norm were detected at 10

miles out.

The affected area starts at the ends of the airport's four runways and fans out across an urban-scape that contains low-income neighborhoods and sections also affected by noisy overflights.

The extent of the pollution is so large that it challenges previous assumptions that roadways are the most significant pollution threat to urban residents. In some communities, the study states, many people may be exposed to a greater amount of particle pollution living downwind from LAX than from residing near highways.

Researchers calculated that it would take between 174 and 491 miles of freeway traffic — or about 20% to 50% of the highways in Los Angeles County — to generate levels of pollution equivalent to those detected east of LAX.

"We rightly spend a lot of time worrying about schools and homes that are close to freeways, but here's a huge source of ultrafine particles that we've apparently missed," said Scott Fruin, a professor of preventive medicine at USC's Keck School of Medicine who led the research.

The bulk of the study was conducted last year, when scientists spent weeks taking measurements from two vehicles filled with air quality monitoring devices. They drove north-south routes through residential streets and major thoroughfares, measuring pollution concentrations at increasing distances from the airport.

"We kept looking for the end of the impact and never really found it," Fruin said. "We never reached a point far enough downwind that we didn't measure" particles from LAX.

Residents of cities along the heavily traveled flight paths said the new study validates their long-standing complaints that LAX is a significant source of air pollution in their neighborhoods, where jet exhaust has covered their homes, cars and outdoor furniture with soot.

"This confirms what we have been saying all along," said Diane Sambrano, a community activist who lives in Inglewood. "We've been called every name in the book for complaining. Yet we know what we are talking about."

The study's conclusions are consistent with earlier work that found elevated levels of ultrafine particles near LAX and Santa Monica Airport, a general aviation facility. The latest research, however, recorded significant concentrations of the pollutant at much greater distances from LAX.

In addition to ultrafine particles, researchers detected similarly high levels of other emissions, including smog-forming gases called nitrogen oxides and black carbon, a major component of soot found in engine exhaust.

"My biggest concern is for people in and near the airport," said Denny Schneider of Westchester, president of the Alliance for a Regional Solution to Airport Congestion. "We have identified something that is not just a boogeyman, but a real issue. Now we have to find out how to stop it."

Philip Fine, the air district's assistant deputy executive officer, called the study's findings "novel and compelling" and said they make a strong case for addressing the emissions.

"It will perhaps push toward further controls, hopefully, and further regulation," he said.

dan.weikel@latimes.com

tony.barboza@latimes.com

**Response to Comment Received from
Valerie Carson
Dated: May 29, 2014**

Response 1: The comment addresses a general subject area (i.e., air quality), which received extensive analysis in the Draft Environmental Impact Report (“EIR”) in Section 4.1, Air Quality. In particular, health risk is addressed in Section 4.1.6 of the Draft EIR and Section 5.4 of the *Air Quality Technical Report* (Appendix D). The existing rate of cancer incidence is a complex issue and evaluation of it was outside the scope of the Draft EIR. However, the Draft EIR provides information on the South Coast Air Quality Management District’s (“SCAQMD”) Multiple Air Toxics Exposure Study (“MATES”), which discusses the existing cancer risk for the region (Draft EIR, page 4.1-22). Additionally, the Draft EIR relies upon SCAQMD’s established thresholds to assess potential changes in cancer risk due to Project emissions. As shown in Table 4.1-23 (page 4.1-62) of the Draft EIR, the Proposed Project would not exceed the SCAQMD’s cancer risk or cancer burden thresholds. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project. In addition, please see Topical Response 2, which addresses the Los Angeles Times/USC Study.

COMMENT



**John Wayne Airport
Settlement Agreement Amendment
Draft Environmental Impact Report 617**



Name CAMILLE + FELIX COLLADO Phone 714-639-3392

Group/Organization/Jurisdiction _____

Address 5744 E. CREEKSIDE AVE #44, ORANGE Email CColl30765@AOL.COM

Comments: The noise forces us to shut our windows
which, in turn, forces us to turn on our air conditioning -
is costly.
We've noticed the carrier had a decent conversation
without raising our voices in order to be heard
over the noise of the air traffic.

} 1

Please return comment card during this public meeting or mail to John Wayne Airport at the address on the reverse of this card.
Comment cards are due by July 8, 2014.



**Response to Comment Received from
Camille and Felix Collado
Dated: May 30, 2014**

Response 1: The comment addresses a general subject area (i.e., noise), which is extensively analyzed in the Draft Environmental Impact Report (“EIR”) in Section 4.6 (Noise). Section 4.6 of the Draft EIR summarizes the applicable regulatory setting; provides qualitative and quantitative information regarding the existing noise environment; quantifies and identifies the incremental increase in noise attributable to the Proposed Project; and discloses the significance of that incremental increase by reference to noise thresholds established by the Federal Aviation Administration, the County of Orange, and the City of Newport Beach. Where significant impacts are identified, Section 4.6 also proposes feasible mitigation to address such impacts. Ultimately, Section 4.6 concludes that the Proposed Project would result in unavoidably significant noise impacts due to the incremental increase in noise from increased aircraft operation levels. The comment does not raise any specific issue regarding the analysis provided in Section 4.6 and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

From: Cali Daniels <calidaniels@yahoo.com>
Sent: Monday, July 07, 2014 5:51 PM
To: EIR, Draft
Cc: William Hammerle
Subject: JWA Flight Hours & Flight Patterns

Gentlemen:

As a 25+ year Tustin resident who lives on Chatham Drive (off Prospect between 17th St and Irvine Blvd), I am writing to tell you that both my husband and I

#1 ~ OPPOSE YOUR VOTING TO EXTEND THE HOURS FOR FLIGHTS TO ARRIVE / TAKE-OFF FROM JOHN WAYNE AIRPORT because the noise from flights now landing after 9 pm disturbs the sleep of people in our household.

} 1

#2 ~ URGE YOUR SUPPORT FOR LANDING PATTERNS FOR ALL FLIGHTS ARRIVING AT JWA TO BE REVISED TO FOLLOW SR91-SOUTH / SR55-SOUTH. Doing so would eliminate planes flying over many homes - and less noise and instrumentation flak from landing flights - which now stops conversations and disrupts TV transmissions - would be reduced; thereby improving the Quality of Life for Tustin residents living in the northwest sector of the City.

} 2

Respectfully,
D.C. Daniels
17562 Chatham Drive
Tustin CA 92780

**Responses to Comments Received from the
D. C. Daniels
Dated: July 7, 2014**

Response 1: As the comment expresses opposition to extension of the Airport's hours of operation, it should be noted that the Proposed Project would maintain the existing curfew at the Airport through December 31, 2035 (see Table 3-1 on page 3-7 of the Draft Environmental Impact Report ["EIR"]). The curfew is similarly protected under Alternatives A and B. The No Project Alternative, which assumes expiration of the Settlement Agreement, would protect the curfew until December 31, 2020, as would Alternative C.

Response 2: This issue of the flight path is beyond the scope of the Proposed Project, as well as the County of Orange's regulatory jurisdiction as proprietor of the Airport. The Federal Aviation Administration ("FAA") and the pilot-in-command of each aircraft have sole jurisdiction and responsibility for flight paths. Accordingly, only the FAA has enforcement capability over these issues. Please see Topical Response 3, which addresses Commercial Aircraft Flight Path Issues.

From: Lou Anna Denison <lannd4animals@gmail.com>
Sent: Tuesday, July 08, 2014 8:53 AM
To: EIR, Draft
Subject: John Wayne Airport EIR

NO to LGB Expansion. Say Yes to a Master Plan!

} 1

Lou Anna Denison
6931 E 11 Th St
Long Beach, CA 90815

**Response to Comment Received from
Lou Anna Denison
Dated: July 8, 2014**

Response 1: The comment expresses the opinions of the commenter and does not raise an environmental issue; therefore, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Subject: FW: Airport flights

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

From: diebtd1@ca.rr.com [mailto:diebtd1@ca.rr.com]
Sent: Thursday, June 05, 2014 2:06 PM
To: EIR, Draft
Subject: Airport flights

June 5, 2014

To Whom It May Concern,

I am asking you to please read this and not disregard or discard my letter. I know I am just a small citizen here who has no clout or big money behind it. I am therefore sure I carry very little weight but I wish to express to you my concern of increased flights over our neighborhood. We have lived in our home for over 36 years and during that time we have seen many changes. One of which is the number of flights and second the flight paths. Many times the flights go directly over our homes. For the most part there is not much turnover in our neighborhood. Now I don't have the statistics on this but I can tell you we have had a number of cancer deaths and lung related illness, COPD in particular. Most have occurred with the long time residents. Whether this is related to the planes flying overhead I don't know but it does seem possible. The thought of more flights just seems unreasonable or even unlimited 24 hours seems unconscionable. Not only putting every ones health at risk young and old alike but with out any thought to those lives. It always seems to boil down to money, greed, and power. The other issue is home value. We just had a home come up for sale in our neighborhood and the realtor's client would not even view the home because of a plane flying over head at that time. Have you ever toured the neighborhoods where there are major flights overhead? They are not pretty and not of much value. Like many my home is my major asset. Do I have to loose all to satisfy some ones pocketbook. I've worked hard my whole life and whether it's my home or my health I don't think any one has the right to take it away to line their own pockets. Please put yourself or some one you love in my position. I don't think I nor should my neighbors be sacrificed.

Thanking you in advance for your consideration,

Toni Dieb
13871 Laurinda Way
Santa Ana, Ca. 92705

**Responses to Comments Received from
Toni Dieb
Dated: June 2, 2014**

- Response 1:** This comment is an introduction to comments that follow. No further response is required.
- Response 2:** This issue of the flight path is beyond the scope of the Proposed Project, as well as the County of Orange's regulatory jurisdiction as proprietor of the Airport. The Federal Aviation Administration ("FAA") and the pilot-in-command of each aircraft have sole jurisdiction and responsibility for flight paths. Accordingly, only the FAA has enforcement capability over these issues. Please see Topical Response 3, which addresses Commercial Aircraft Flight Path Issues.
- Response 3:** The comment addresses a general subject area (i.e., air quality), which received extensive analysis in the Draft Environmental Impact Report ("EIR") in Section 4.1, Air Quality. In particular, health risk is addressed in Section 4.1.6 of the Draft EIR and Section 5.4 of the *Air Quality Technical Report* (Appendix D to the Draft EIR). The existing rate of cancer incidence is a complex issue and evaluation of it was outside the scope of the Draft EIR. However, the Draft EIR provides information on the South Coast Air Quality Management District's ("SCAQMD") Multiple Air Toxics Exposure Study ("MATES"), which discusses the existing cancer risk for the region (Draft EIR, page 4.1-22). Additionally, the Draft EIR relies upon SCAQMD's established thresholds to assess potential changes in cancer risk due to Project emissions. As shown in Table 4.1-23 (page 4.1-62) of the Draft EIR, the Proposed Project would not exceed the SCAQMD's cancer risk or cancer burden thresholds. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project. In addition, please see Please see Topical Response 2 (Los Angeles Times/USC Study).
- Response 4:** As the comment expresses opposition to extension of the Airport's hours of operation, it should be noted that the Proposed Project would maintain the existing curfew at the Airport through December 31, 2035 (see Table 3-1 on page 3-7 of the Draft EIR). The curfew is similarly protected under Alternatives A and B. The No Project Alternative, which assumes expiration of the Settlement Agreement, would protect the curfew until December 31, 2020, as would Alternative C.
- Response 5:** Please see Topical Response 5, which addresses Effects on Property Values.

Subject: FW: Respect and Decency

From: James Dimitri [mailto:jjbdimitri@yahoo.com]
Sent: Monday, June 02, 2014 3:00 PM
To: EIR, Draft
Subject: Respect and Decency

Dear Sir/Madam,

I have been residents of Newport Beach for the better part of my life since 1969.

Broken promises and possibly intentional misinformation by the airport authority with the greedy profiteering special interests as their puppetmasters have placed the quality of my life and the lives of every person now living under the flight path of the now massive Orange County Airport at risk.

} 1

Why do we have to suffer the adverse effects of a seemingly ever expanding airport without any and every action possible to mitigate the impact that growth has imposed on me and my community. Enough is enough!

} 2

The level of pollution and noise generated by the airport should be illegal if it isn't already.

Where are the studies of harmful effects on residents, schools and the environmental impact on the flora and fauna of the Upper Newport Bay that are in the impact zone of landings and take-offs. The deafening noise and pollution falling from the sky into our neighborhoods is a health hazard. It is sad when you can't open your windows or converse outside with your neighbors or enjoy a quiet neighborhood because of the ever increasing number of jets flying overhead.

} 3

I know growth and progress are necessary, but it should only come with every possible action and effort to limit and restrict the noise of commercial and private jets. Please, don't allow noisy aircraft. The quiet technology is there, so we ask why can't these aircraft be prevented from using JWA?

} 4

Please do what's right! Stand-up against the forces who want to expand this airport without any regard or consideration for those of that have to live with the consequences of that growth. Please afford us the respect and decency we deserve.

} 5

Thank you,
James Dimitri

**Responses to Comments Received from
James Dimitri
Dated: June 2, 2014**

- Response 1:** This comment is an introduction to comments that follow. No further response is required.
- Response 2:** The commenter's opposition to the expansion of services at John Wayne Airport ("JWA") is noted and will be forwarded to the decision makers for consideration.
- Response 3:** The comment addresses general subject areas (i.e., noise and air emissions and potential effects on health, flora and fauna, and noise), which are extensively analyzed in the Draft Environmental Impact Report ("EIR"). Each of these issues is discussed below.

The comment addresses a general subject area (i.e., air quality), which received extensive analysis in the Draft Environmental Impact Report ("EIR") in Section 4.1, Air Quality. In particular, health risk is addressed in Section 4.1.6 of the Draft EIR and Section 5.4 of the *Air Quality Technical Report* (Draft EIR Appendix D). The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Section 4.2 (Biological Resources) of the Draft EIR provides an analysis of the potential impact on flora and fauna in the region. The general conclusion reached by investigators studying the impact of noise on sensitive species is that both subsonic flight noise and sonic booms have very little effect on wildlife behavior or survival, and that behavioral effects manifested are almost always short term in nature, followed by rapid and complete recovery and resumption of normal behavior. Species and taxonomic groups examined generally exhibit a high degree of habituation to non-threatening noise (see pages 4.2-13 through 4.2-15 in the Draft EIR for a summarization of the literature review). As summarized in Table 4.2-9 (page 4.2-40 of the Draft EIR), the Proposed Project would result in less than significant impacts to biological resources. Section 4.2 provides a brief discussion on water quality, as it pertains to the receiving waters and cross references Section 4.10 (Water Quality). Atmospheric deposition of pollution onto the surface of the water is discussed on pages 4.10-5 through 4.10-8 and 4.10-10 of the Draft EIR.

Section 4.6 (Noise) of the Draft EIR summarizes the applicable regulatory setting; provides qualitative and quantitative information regarding the existing noise environment; quantifies and identifies the incremental increase in noise attributable to the Proposed Project; and discloses the significance of that incremental increase by reference to noise thresholds established by the Federal Aviation Administration, the County of Orange, and the City of Newport Beach. Where significant impacts are identified, Section 4.6 also proposes feasible mitigation to address such impacts. Ultimately, Section 4.6 concludes that the Proposed Project would result in unavoidably significant noise impacts due to the incremental increase in noise from increased aircraft operation levels.

The comment does not raise any specific issue regarding the analysis provided in Sections 4.1 (Air Quality), 4.2 (Biological Resources), or 4.6 (Noise) and, therefore, no more specific response can be provided or is required. Additionally, the County of Orange operates the Airport in compliance with all applicable regulatory requirements and laws, including those of the South Coast Air Quality Management District and the Santa Ana Regional Water Quality Control Board. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Response 4: Though the Draft EIR assumes the continuation of the existing fleet mix, the EIR does identify that, given the length of the 15-year planning timeframe for the Proposed Project (2015–2030), it is reasonable to assume that there will be interest in introducing newer and next generation aircraft. These newer aircraft, such as the 737-900ERW, 787, 737-MAX, or comparable aircraft by other manufacturers may be incorporated into the fleet mix at JWA at some point in the future. These newer aircraft may generate less noise and have fewer air emissions compared to the current fleet at JWA. In addition, since these aircraft accommodate more passengers than aircraft in the current fleet, it may be possible to serve more passengers (within the million annual passengers [“MAP”] cap) with fewer operations. The issue of the introduction of newer and next generation aircraft is discussed on pages 1-17, 3-26, 4.1-13, 4.3-16, 4.6-44, and 4.6-80 of the Draft EIR; it is also discussed in the *Capacity Analysis Technical Report* (provided in Appendix F) in the section entitled “Aircraft in Development that Will Replace Aircraft Currently Operating at John Wayne Airport.” However, as indicated in the Draft EIR, the timing of changes to the fleet mix cannot be known at this time and the California Environmental Quality Act (“CEQA”) does not allow speculation. In order to be conservative, the environmental analysis presented in the Draft EIR assumes the Project would maintain the Airport’s existing fleet mix, thereby likely presenting a maximum environmental impact assessment of air quality (Section 4.1), greenhouse gases (Section 4.3), and noise (Section 4.6).

Additionally, as discussed in Section 4.6.7 (Mitigation Program) of the Draft EIR, the Airport Noise and Capacity Act of 1990 (“ANCA”) severely constrains the ability of airport proprietors, such as the County, to impose noise restrictions that are more onerous than the standards imposed by federal law. As such, the County is not legally authorized to hand select the type of aircraft that operate at the Airport beyond the current restrictions established by the Settlement Agreement and curfew, as grandfathered under ANCA. It should be noted that the Settlement Agreement includes single event noise limits that limit the aircraft that can operate at the Airport. This provides the manufacturers and airlines a strong incentive to build and buy aircraft that meet the JWA noise limits.

Response 5: The comment expresses the opinions of the commenter and does not raise an environmental issue; therefore, no further response is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.



COMMENT

John Wayne Airport
Settlement Agreement Amendment
Draft Environmental Impact Report 617



Name DICK + CATHY DOWELL Phone 949-642-2601

Group/Organization/Jurisdiction _____

Address 1118 ESTELLE LN, NB CA 92660 Email eddowells@extreme.com

Comments: Current airport operations negatively impact
residents. There should be minimal (or no)
increase in flight. Any increases should
be restricted to quieter airplanes.

KEEP + ENFORCE THE CURFEW!

1
2
3

Please return comment card during this public meeting or mail to John Wayne Airport at the address on the reverse of this card.
Comment cards are due by July 8, 2014.

**Responses to Comments Received from
Dick and Cathy Dowell
Dated: July 7, 2014**

- Response 1:** The comment expresses a preference for a minimal or no increase in flights and does not raise an environmental issue; therefore, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.
- Response 2:** The County of Orange does not have the authority to require that only certain aircraft access the Airport. As discussed in Section 4.6.7 (Mitigation Program) of the Draft Environmental Impact Report ("EIR"), the Airport Noise and Capacity Act of 1990 ("ANCA") severely constrains the ability of airport proprietors, such as the County, to impose noise restrictions that are more onerous than the standards imposed by federal law. As such, the County is not legally authorized to hand select the type of aircraft that operate at the Airport beyond the current restrictions established by the Settlement Agreement and curfew, as grandfathered under ANCA.
- Response 3:** As the comment expresses support for the maintenance and enforcement of the Airport's hours of operation/curfew, it should be noted that the Proposed Project would maintain the existing curfew at the Airport through December 31, 2035 (see Table 3-1 on page 3-7 of the Draft EIR). The curfew is similarly protected under Alternatives A and B. The No Project Alternative, which assumes expiration of the Settlement Agreement, would protect the curfew until December 31, 2020, as would Alternative C.

COMMENT

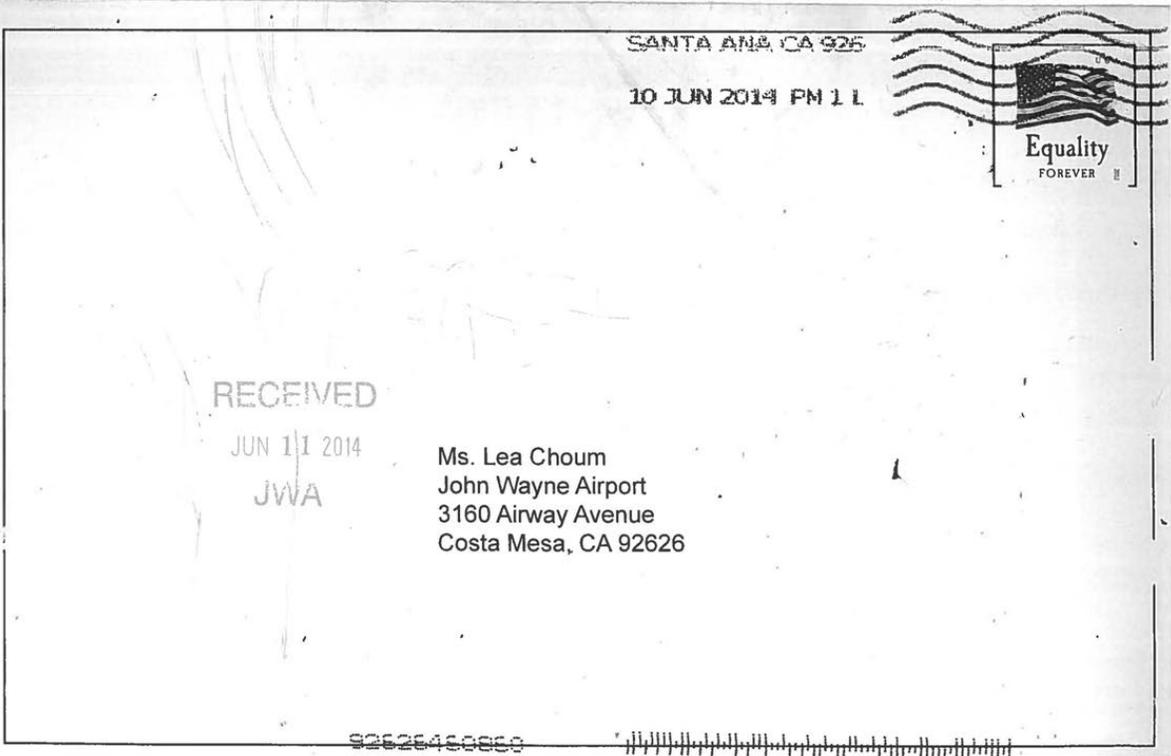
**John Wayne Airport
Settlement Agreement Amendment
Draft Environmental Impact Report 617**

Name Mahy Ann Ehret Phone (714) 838-9348
Group/Organization/Jurisdiction _____
Address 11002 Huntington Dr. Email divit5@aol.com
Comments Please start meeting on time - 6⁰⁰ p.m.
② Have a rep. from FAA at meeting.
③ Recommend using Power Point with
more visuals while speakers speaking.
③ Recommend that FCA be on panel
as equal to SPON.

Please return comment card during this public meeting or mail to John Wayne Airport at the address on the reverse of this card.
Comment cards are due by July 8, 2014.

} 1
} 2



**Responses to Comments Received from
Mary Ann Ehret
Dated: June 10, 2014**

- Response 1:** The comment is noted. No further response is required given that the comment provides recommendations on the format of public meetings and does not address or question the content of the Draft EIR.
- Response 2:** The involvement of the Airport Working Group (“AWG”) and Stop Polluting Our Newport (“SPON”) in the development of the Proposed Project and its alternatives stems from those organizations’ status as signatories to the Settlement Agreement (along with the City of Newport Beach and County of Orange). This background information is described further in the Draft Environmental Impact Report (“EIR”) in Section 2.3 (Project History). The input of the Foothill Communities Association will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

From: George Fague <gjfague@gmail.com>
Sent: Tuesday, July 08, 2014 1:20 PM
To: EIR, Draft; Spitzer, Todd [HOA]
Subject: JWA Flight Hours & Flight Patterns

PLEASE CONSIDER:

1. Not extending the hours for flights to arrive and take-off from John Wayne Airport.
2. Adjust landing patterns to follow freeways rather than following paths over homes and residential streets.

Our family has lived here for 38 years. Why? Because we love Tustin and our neighborhood. Our peace and quiet is a thing of the past. We experience flights over our house day and night. All 5 of our children live elsewhere. Phone conversations have to be interrupted while we wait for planes to pass over our house – the noise so loud that we cannot hear what is being said. We stayed here in California because of the climate and the many varied opportunities for family fun. We keep our doors and windows open all year long; however, the planes make that NOT SO ENJOYABLE anymore.

I know there must be a way to alter the flight patterns. I know there's a way to keep flights limited as they are now.

PLEASE CONSIDER your long term residents' requests. Why would any new residents want to move into an area that is so constantly disturbed?

Respectfully,
George and Janet Fague
17591 Chatham Drive
Tustin, CA 92780

} 1
} 2

**Responses to Comments Received from
George and Janet Fague
Dated: July 8, 2014**

- Response 1:** As the comment expresses support for the maintenance and enforcement of the Airport's hours of operation/curfew, it should be noted that the Proposed Project would maintain the existing curfew at the Airport through December 31, 2035 (see Table 3-1 on page 3-7 of the Draft Environmental Impact Report ["EIR"]). The curfew is similarly protected under Alternatives A and B. The No Project Alternative, which assumes expiration of the Settlement Agreement, would protect the curfew until December 31, 2020, as would Alternative C.
- Response 2:** The Draft Environmental Impact Report ("EIR") addresses the impacts associated with the Proposed Project. Issues such as flight path are outside the scope of the Proposed Project; and, the County of Orange, as the proprietor of the Airport, and the other parties to the Settlement Agreement have no authority or control over aircraft in flight. Departure and arrival procedures are solely under the jurisdiction of the Federal Aviation Administration ("FAA") and the pilot-in-command of the aircraft. In addition, please see Topical Response 3, which addresses Commercial Aircraft Flight Path Issues.

Subject: FW: JWA flight operations
Attachments: ALL071413.jpg

From: Adam Fanello [mailto:adam@fanello.net]
Sent: Sunday, June 01, 2014 5:28 PM
To: FIR, Draft; todd.spitzer@ocgov.info; Brooke Staggs
Cc: Gardner, Martin [HOA]; Info@SPON-NewportBeach.org; Mail@awgoc.com
Subject: JWA flight operations

Dear Supervisor Spitzer and others,

The usual opposition to flights at John Wayne Airport comes from it's immediate neighbors in the Newport Beach and Tustin areas. These good people are often dismissed as those who chose to live in the "flight path" of a major airport. I'm writing to provide a different perspective.

I'm a bit more sensitive to noise than your average person (hyperacusis); which causes anxiety. Understanding that suburbia isn't a place I could ever relax in, in November 2011 I took a risk buying one of the most remote homes in Orange County. The Silverado property had some legal and practical issues with it, but I worked through them to finally have a home that I could be at ease in, for the first time in twenty years. I named it Serenity Wildlife Preserve, where habitat for native plants and animals were preserved along with my sanity. The only sounds came from wildlife, wind, and a rare mysterious distant rumble.

In Summer 2013, Serenity fell. Suddenly there were commercial jets just over the ridge-line to the north. Over the following few months they grew closer and more frequent until many now fly directly over my house each day, about 5,500 feet up, as many as three in a row and dozens of times a day. The only respite comes from Santa Ana winds.

I contacted the FAA Noise Ombudsman and JWA noise abatement office. Both claim that nothing has changed. Their only conclusion is that I must have failed to notice the jets for my first two years. How *anyone* could miss aircraft flying so low that the writing on them can be read, and producing noise at *thirty* times louder than ambient noise, is not explained. (Measured ambient sound is 20 dB. Routine jet noise has been measured between 30 to 71 dB. A few rare flights are clearly louder still, but not caught on my handheld meter.)

The FAA believes that analysis is reality, despite conflicting observation. They demonstrated that they do not accurately track the location of flights over Orange County. If their data fails to show the change in flight paths from just last year, then any use of FAA data to predict the environmental impact of flights yet to come years from now is highly suspect. The **environmental impact report** is based on *observably faulty* data and analysis, *and thus is invalid*.

Operations at John Wayne Airport doesn't just impact those who choose to live under a flight path and one poor guy in Silverado. These flights diminish the quality of life for *all* the residents of Orange County. Attached is ALL071413.jpg. It comes courtesy of the JWA noise abatement office and shows all overflights, highlighting JWA arrivals and departures, for a perfectly normal day. These aircraft are everywhere. Like freeway air and noise pollution, they harm the well being of everyone around them. Unlike a freeway, people can't simply choose to live away from them.

When I started talking about the change of flight paths last year, I heard from friends who have also noticed a

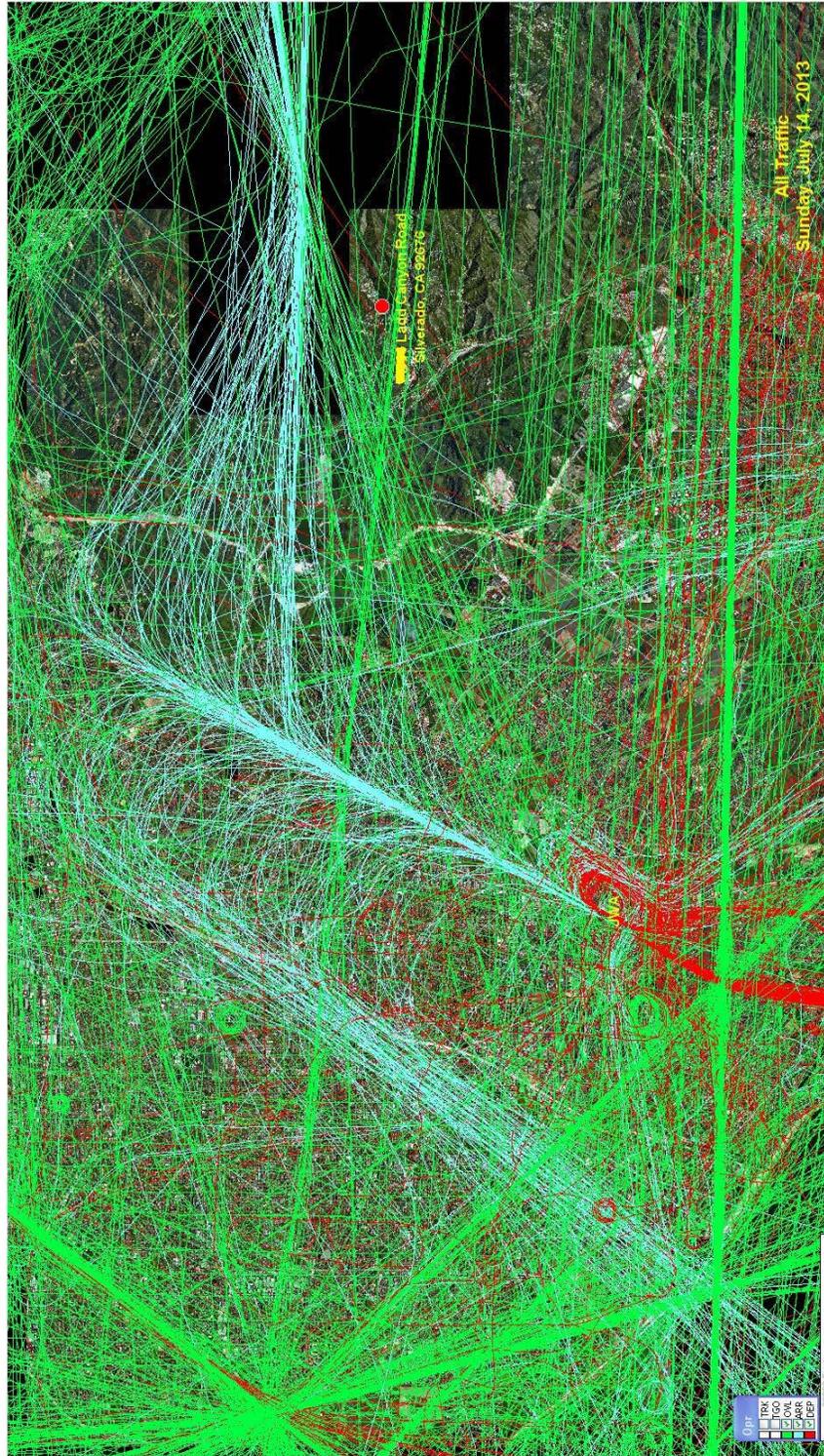
change in flight paths and noise in Mission Viejo. I am a nature and hiking fan, but can no longer enjoy outing from Maple Springs, Black Star canyon, or Peter's canyon, due to what birders disdainly refer to as the invasive "screaming silver-belly" species. Everywhere I go in the city of Orange has more jet noise than before last Summer. My fiance and I considered marrying in O.C. Park's beautiful Santiago Oaks Regional Park wedding facility, but that was taken out of consideration when two jets made it impossible to converse from just one foot apart.

} 4
cont.

Whatever the economic benefit of John Wayne Airport may be, don't lose sight of the high price extracted from the *people* of Orange County.

Thank you for your time,

Adam Fanello
P.O. Box 626
Silverado, CA 92676
(949) 855-6599



**Responses to Comments Received from
Adam Fanello
Dated: June 1, 2014**

Response 1: This comment is an introduction to comments that follow. No further response is required.

Response 2: Flight paths and altitudes are under the sole purview of the Federal Aviation Administration (“FAA”), and the County of Orange has no control over flight paths. At a distance of more than a few miles from the Airport, aircraft flights are controlled by FAA’s Regional Air Traffic Control before they are handed over to the local control tower for final approach. Flight paths are recorded by radar that must be reasonably accurate to prevent collisions. The radar trace graphic included with the comment letter shows that the flight path traces into and out of John Wayne Airport (“JWA”) line up with the Airport runway and that numerous flight paths converge over the VHF Omnidirectional Range Navigation System (“VOR”) located in Stanton. This demonstrates that the radar used to determine flight paths is reasonably accurate. The radar and radar data storage are not subject to recognized observation and perception distortions of which the human mind is capable. Therefore, it provides a much more reliable method in determining flight paths than anecdotal observations.

The Proposed Project does not propose any changes to flight paths, nor are any changes anticipated as a result of implementation of the Proposed Project. The Proposed Project only proposes to increase the number of daily operations. Therefore, the Proposed Project will not have any effect on single event noise levels experienced by the commenter. Cumulative noise level increases, which are based on the Community Noise Equivalent Level (“CNEL”) metric (which accounts for single event noise levels, the number of events, and the time of day along the approach corridor), are shown to be less than the County/FAA significance thresholds presented in Section 4.6.5 of the Draft Environmental Impact Report (“EIR”). Therefore, the Proposed Project will not result in significant noise impacts along the approach corridor.

For additional information regarding the flight path, please see Topical Response 3 (Commercial Aircraft Flight Path Issues).

Response 3: Radar flight paths represent much more reliable observations than a person on the ground. While there is some uncertainty regarding the specific location of the aircraft using radar, this is limited to a few hundred feet and would not explain the discrepancy the commenter indicates. As discussed above, based on the radar traces of aircraft arriving and departing JWA, aircraft are lining up with the runway and the numerous flight paths converging over the Stanton VOR, demonstrating that the radar used to determine flight paths is reasonably accurate. An exhibit showing the flight path is provided in Exhibit 4.6-6 and in the *Noise Analysis Technical Report* (Appendix C of the Draft EIR.)

Response 4: The Draft EIR addresses the potential impacts associated with the Proposed Project. As discussed in Section 3.7 (Aviation Analysis Assumptions), this Draft

EIR used an analysis of historical trends in aviation activity at the Airport when developing the assumptions regarding the fleet mix (types of aircraft) that would be used for the additional flights; the distribution of the increased flights throughout the day; and the load factors (the number of passengers compared to the number of seats on the aircraft). This information is discussed in more detail in the *Aviation Forecasts Technical Report* (see Appendix B of the Draft EIR).

The graphic attached to the comment letter does depict a distinct flight path for aircraft approaching JWA. What is also clear is that there are numerous other aviation activities in Orange County that are not directly associated with JWA. These would include general aviation aircraft, as well as commercial flights approaching Los Angeles International Airport and Long Beach Airport. Flight paths are not a component of the Settlement Agreement and are outside of the County of Orange's control. Aircraft in flight are under the Federal Aviation Administration ("FAA") jurisdiction. For additional information on the flight path, please see Topical Response 3 (Commercial Aircraft Flight Path Issues).

COMMENT

**John Wayne Airport
Settlement Agreement Amendment
Draft Environmental Impact Report 617**



Name Barbara Ferreira Phone 714 615-5818

Group/Organization/Jurisdiction North Tustin

Address 13182 Eton Pl Email ocharbf@yahoo.com

Comments: The planes should fly over
the Freeway. The noise is overwhelming
and environmentally impacting the same
homes. The PAA should work
harder to solve the existing problem
aforementioned instead of expanding problem.
It is John Wayne Airport with in compliance
with The Environmental Quality Act of 2012?

Please return comment card during this public meeting or mail to John Wayne Airport at the address on the reverse of this card.
Comment cards are due by July 8, 2014.

} 1

} 2

**Responses to Comments Received from
Barbara Ferreira
Dated: May 28, 2014**

Response 1: Changes to the flight path are outside the scope of the Proposed Project and the County of Orange, as the proprietor of the Airport, has no authority or control over aircraft in flight. The Federal Aviation Administration (“FAA”) and the pilot-in-command of each aircraft have sole jurisdiction and responsibility for flight paths. Accordingly, only the FAA has enforcement capability over these issues. For additional discussion regarding the issue of flight path, please see Topical Response 3 (Commercial Aircraft Flight Path Issues).

Response 2: The California Environmental Quality Act (“CEQA;” *California Public Resources Code*, Section 21000 et seq.) was passed in 1970 and requires State and local jurisdictions to analyze and publically disclose the environmental impacts associated with a project prior to its approval. CEQA does not regulate land uses or restrict the type of projects that can be approved. However, it does require the consideration of feasible mitigation measures and, when impacts cannot be reduced to a less than significant level, the consideration of alternatives. CEQA also recognizes that the projects can be approved even though they have significant environmental impacts. In these cases, the approving agency must make findings that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. These findings are supported by a document entitled “Statement of Overriding Considerations.”

The Draft Environmental Impact Report (“EIR”) was prepared as the public disclosure document for the Proposed Project pursuant to CEQA. The Draft EIR does identify that the Proposed Project would result in significant impacts to air quality, greenhouse gases, land use, noise and transportation/traffic that cannot be mitigated. As such, if the County’s Board of Supervisors approves the Project, Findings and a Statement of Overriding Considerations will be required.



COMMENT

**John Wayne Airport
Settlement Agreement Amendment
Draft Environmental Impact Report 617**



Name David Ferreira Phone 714-493-1732
 Group/Organization/Jurisdiction F.C.A.
 Address North Tustin Email dferreira61@yahoo.com

Comments: The airplanes fly over our residential area in the same flightline hour after hour. From an air dispersion standpoint, the pattern should be varied so the air can be diluted. A better solution might be to vary the flight line closer to the 55 Freeway. This seems to contradict the intent of the environmental regulators. Also, if there is an increase in passenger or freight, what additional infrastructure will be made? Alterations should be included. Some streets shall become more Parkways or like an expressway. I like the road which connects the airport

Please return comment card during this public meeting or mail to John Wayne Airport at the address on the reverse of this card.
 Comment cards are due by July 8, 2014.

1
2

Will there be an increase in airport security that would be needed to be commensurate w/ the increase in business

Postage Required
 49 Cents

How was the air dispersion model created? Did they model a single flight line or did they model a corridor? Regardless, the flight pattern is very similar. Have changes in the flightline been evaluated? Steeper approach or varied patterns?

Ms. Lea Choum
 John Wayne Airport
 3160 Airway Avenue
 Costa Mesa, CA 92626

3
4
5

**Responses to Comments Received from
David Ferreira
Dated: May 28, 2014**

- Response 1:** Changes to the flight path are outside the scope of the Proposed Project and the County of Orange, as the proprietor of the Airport, has no authority or control over aircraft in flight. The Federal Aviation Administration (“FAA”) and the pilot-in-command of each aircraft have sole jurisdiction and responsibility for flight paths. Accordingly, only the FAA has enforcement capability over these issues. For additional discussion regarding the issue of flight path, please see Topical Response 3, which pertains to Commercial Aircraft Flight Path Issues.
- Response 2:** The Draft Environmental Impact Report (“EIR”) addressed the additional automobile traffic that would be associated with the additional flights and passengers for the Project, and where impacts were identified mitigation measures were identified. The County would coordinate with the local agencies for implementation of the measures on the local roadways. Cumulative impacts on the freeway system were identified as significant and unavoidable impacts. However, it should be noted, lack of capacity at John Wayne Airport (“JWA”) will result in the diversion of passengers to other airports, which will cause additional regional traffic impacts. This issue is discussed in more detail in Response 1 to Leonard Kranser.
- Response 3:** The potential impact to security on-Airport was addressed in the Draft Environmental Impact Report (“EIR”) as part of the analysis of police services in Section 4.7 (Public Services). The analysis evaluates potential impacts on the services of the Transportation Security Administration (“TSA”), U.S. Immigration and Customs Enforcement (“ICE”), and Orange County Sheriffs’ Department. For TSA, the Draft EIR determines that the peak period at the Airport generally maximizes the use of the available gates and states that the flight activity during the peak period is not expected to substantially increase under the Proposed Project. Rather, the majority of the additional flights would occur at either non-peak hours or the peak period would be extended; therefore, it is anticipated that TSA levels of service would be comparable to existing service during peak periods.
- Response 4:** The air dispersion modeling source characterization details are presented in Section 4.1.3 of the Draft EIR, and Section 3.2.1.1 and Table 3.2-1 of the *Air Quality Technical Report* (Appendix D). The air quality modeling is based on an approximated flight path representing the typical flight path used at the Airport for arrivals and departures. The vertical location is based on an average of arrival and departure flight paths measured on September 6, 2013, which is used to represent the typical daily arrivals and departures that may occur on any given day. The horizontal location is assumed to be a straight-line approach to the runway. As indicated in Table 3.2-1 of the *Air Quality Technical Report*, the width of the modeled flight path was 20 meters. The modeled flight path includes 9 miles to the east (representing the typical arrival flight path) and 4.6 miles to the west (representing the typical departure flight path). These modeled flight path lengths

represent the distances for aircraft to get to the mixing height⁷⁰ at an altitude of 3,000 feet. Thus, the air dispersion modeling includes a single flight line that represents the corridor along which flights approach and depart.

Response 5: Please see Topical Response 3 pertaining to Commercial Aircraft Flight Path Issues.

⁷⁰ The mixing height is the “depth through which atmospheric pollutants are typically mixed by dispersive processes.”

Ms. Lea Choum
John Wayne Airport
3160 Airway Avenue
Costa Mesa, CA 92626

June 12, 2014

Draft Environmental Impact Report 617

Dear Ms. Choum,

My wife and I are pleased to have this opportunity to offer our comments for the record regarding the project for modifying and extending the Settlement Agreement governing restrictions on operations at John Wayne Airport.

We have owned our home at the address below since 1980. It is located about 50 yards west of Prospect Avenue and about 4 blocks north of Irvine Boulevard in the city of Tustin. Our home is close to, if not directly under the flight path used by nearly all of the arrivals to JWA. We, therefore, have an understandable interest in any increase in the daily traffic passing over our heads and the hours of the day during which that traffic occurs.

- The curfew is critical to us. We are presently awakened by 7:00 am by the first arrivals of the day and unable to sleep in peace until after 11:00 pm. Please do not relax nor eliminate the curfew.
- The intensity of the noise levels to which we are subjected seems to vary but it always makes normal conversation out-of-doors or indoors with a door or window open, impossible. The variations in noise intensity seem to result from the altitude in passing, the type of aircraft, the exact incoming path, and whether the pilot has lowered flaps or not when he is passing over.
Our property value is surely depressed by the present traffic levels and I fear a significant increase in traffic could make our home un-saleable to persons with normal hearing ability. We oppose further increases in traffic at JWA.
Perhaps the FAA would be receptive to varying the incoming flight paths, especially during busy periods. A few hundred yards or a block in either direction reduces the racket considerably. Or relocate the path entirely to be over non-residential ground such as the 55 Freeway. Or have the flights stay higher longer and/or lower their flaps closer to the airport. A break from the persistent use of one flight path would make current and future levels of traffic much less abrasive to affected residents.
- Air pollution from the incoming flights is another factor of concern to us. We know the black filth we find on our outdoor items is from the aircraft exhaust. It is surely in the air we breath and in our home as well. It is baffling that the South Coast Air Quality Management District is so very concerned over the smoke from a few fire pits on the beaches and not concerned over the more widespread exhaust emissions from incoming flights. Again, a variation in the paths of incoming flights would be welcome and an increase in traffic is all the less desirable.

The three issues above are our major concerns with our airport. We recognize the convenience and commercial importance JWA presents to the area and we are pleased that input from residents on the approach paths is being considered.

Sincerely,
William Feuerborn *Florence Feuerborn*
William and Florence Feuerborn
17641 Chatham Drive
Tustin, CA 92780

} 1
} 2
} 3
} 4
} 5
} 6
} 7

**Responses to Comments Received from
William and Florence Feuerborn
Dated: June 12, 2014**

- Response 1:** This comment is an introduction to comments that follow. No further response is required.
- Response 2:** As the comment expresses support for the maintenance and enforcement of the Airport's hours of operation/curfew, it should be noted that the Proposed Project would maintain the existing curfew at the Airport through December 31, 2035 (see Table 3-1 on page 3-7 of the Draft EIR). The curfew is similarly protected under Alternatives A and B. The No Project Alternative, which assumes expiration of the Settlement Agreement, would protect the curfew until December 31, 2020, as would Alternative C.
- Response 3:** Aircraft type, flight configuration (i.e., flaps and gear), altitude, and flight path, all affect the noise levels generated by aircraft overflights. Please refer to Topical Response 4 (Arrival Corridor Noise Impacts) for a detailed discussion of the noise impacts, both single event and cumulative, from Airport operations and the Proposed Project along the arrival corridor that passes over the City of Tustin, the community of North Tustin, and the eastern edge of the City of Orange. This discussion focuses on the City of Tustin because it is subject to the highest aircraft arrival corridor noise levels over residential areas.
- Response 4:** Please see Topical Response 5, which pertains to the effects on property values.
- Response 5:** Changes to the flight path are outside the scope of the Proposed Project and the County of Orange, as the proprietor of the Airport, has no authority or control over aircraft in flight. The Federal Aviation Administration ("FAA") and the pilot-in-command of each aircraft have sole jurisdiction and responsibility for flight paths. Accordingly, only the FAA has enforcement capability over these issues. In addition, please see Topical Response 3, which provides a discussion of commercial aircraft flight path issues.
- Response 6:** The comment addresses a general subject area, which received extensive analysis in the Draft EIR in Section 4.1, Air Quality. Additionally, Topical Response 1 addresses black carbon. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.
- Response 7:** The comment is noted. No further response is required given that the comment does not address or question the content of the Draft EIR. Your comments will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

From: Tim Gancy [<mailto:tgancy@yahoo.com>]
Sent: Thursday, May 29, 2014 12:27 AM
To: Supervisor Todd Spitzer; Murphy, Alan; Freed, Eric; Bruce Junor; Richard Nelson; Hal Marshall
Subject: JWA EIR public meeting at Hewes

Dear Supervisor Spitzer, (cc to Alan Murphy, Eric Freed, Bruce Junor, Rick Nelson, Hal Marshall)

It was a pleasure to get to meet you tonight at our local Hewes Middle School. Thanks for calling this meeting, and for your time speaking with me. It is disappointing to hear that the Proposed Project will increase our annual flight limit from 10.8M persons to 12.5M persons. However, the Proposed Project is the best option compared to the other alternatives, and I do expect that the EIR will be approved.

} 1

I hope you can appreciate that the specific persons in the North Tustin area who would be most harmed under a new settlement agreement would be those of us who live directly under the ILS approach path. As the attached exhibit from the EIR shows, there is a narrow band under the arrivals path, with the ILS path right in the middle of that band, which experiences the highest noise levels for arrivals. As you heard, many of us who live directly under the ILS path are very concerned about any increase in noise, and we were very vocal at the meeting tonight. Our concern is based not only on the fact that being under the ILS we currently experience the highest noise levels, but because we will also experience the largest absolute increase in noise under any new agreement, as the majority of any additional number of flights can also be expected directly over our homes.

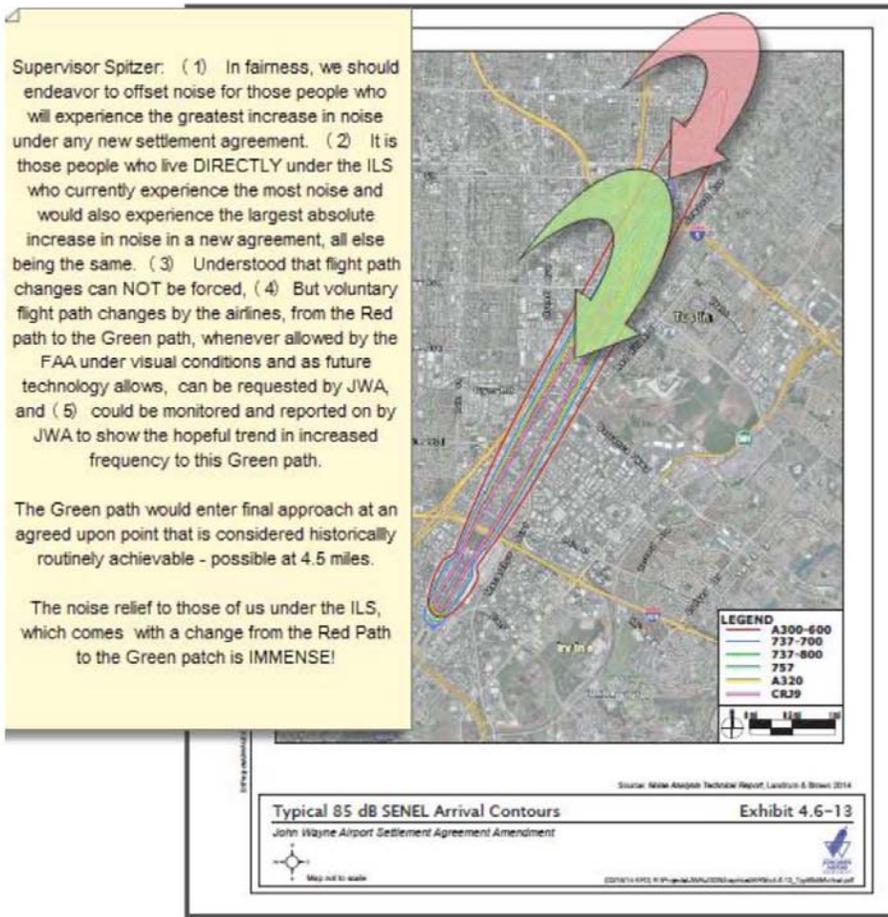
} 2

As I said in my public comment, my request of you then, is for your help in working with your fellow OC Supervisors, the JWA team, the airlines, and the FAA to offset this resulting noise increase for those of us who would be most harmed in North Tustin/Tustin. Probably the best possible solution is with flight path changes. We all know that changes to flight paths can not be forced. However, as I mentioned to you tonight, and also to Eric Freed of JWA, I believe that JWA can request of the airlines to voluntarily increase their frequency usage of certain paths, as allowed by the FAA under visual conditions, and as future technology may allow. As pointed out above, this request would have merit, based on overall fairness and the intent to help those who would be most harmed in North Tustin under the new settlement agreement. To help promote our request to the airlines, the usage of the desired noise reducing paths could also be monitored and reported on, by Eric Freed's team at JWA, with the hope that we would see a positive trend in the frequency of using the desired paths. In the picture in the attached document, which is built off the EIR exhibit of the arrival path, I have laid out a specific example of such a noise reducing path change.

} 3

Thanks for your concern and help in moving this forward. I look forward to hearing from you, and would be happy to work further on this, including with the FCA.

Tim Gancy
North Tustin, CA.



TIM GANCY
Director Accounting Shared Service
Boral Industries Inc.

Office: (949) 585-8261
Add to Email SignatureFax: (949) 341-8893
4 Digit Dial (Internal Use Only): 8261
Email: Tim.Gancy@boral.com



7575 Irvine Center Dr
Ste 100 Irvine California 92618

NOTICE: This email message and all attachments are for the sole use of the intended recipient(s) and may contain confidential and privileged information. If you are not the intended recipient, you may not read, disseminate, distribute, copy or otherwise use this message or its attachments. If you have received this message in error, please contact the sender by reply email and destroy all electronic and paper copies of the original message. Thank you.
Please consider the environment before printing this email

**Responses to Comments Received from
Tim Gancy
Dated: May 29, 2014**

- Response 1:** The County of Orange acknowledges your input and comment, which identifies the Proposed Project as the “best option” when compared to the alternatives evaluated in the Draft Environmental Impact Report (“EIR”). The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project. No further response is required.
- Response 2:** Please refer to Topical Response 4 (Arrival Corridor Noise Impacts) for a detailed discussion of the noise impacts, both single event and cumulative, from Airport operations and the Proposed Project along the arrival corridor that passes over the City of Tustin, the community of North Tustin, and the eastern edge of the City of Orange. This discussion focuses on the City of Tustin because it is subject to the highest aircraft arrival corridor noise levels over residential areas. Additional information on the flight path is also provided in Topical Response 3 (Commercial Aircraft Flight Path Issues).
- Response 3:** In July 2011, the Foothill Communities Association (“FCA”) requested that JWA re-engage with the FAA, and the air carriers operating at JWA, regarding a request to identify alternate approaches to the Airport and other measures that could reduce aircraft noise. The FAA responded that its staff has worked closely with JWA and FCA over several years to identify ways to mitigate the noise exposure to residents represented by the FCA. The FAA also emphasized that all parties involved are fully aware of the noise created by aircraft operations at JWA, that all options currently available have been explored, and that the air carriers are complying with all applicable regulations. (See July 28, 2011 letter from William Withycombe, Regional Administrator, FAA Western Pacific Region to Alan Murphy, JWA Airport Director at the end of Topical Response 3 [Commercial Aircraft Flight Path Issues].)

From: Tim Gancy <tgancy@yahoo.com>
Sent: Monday, July 07, 2014 10:48 AM
To: EIR, Draft
Subject: please record these public comments on John Wayne settlement agreement

This settlement agreement was originally established because we already had too much jet noise in Orange County under the John Wayne flight paths. Even if modern jets have gotten a little quieter, that does not help, because the bigger issue is the overall number of jets buzzing over our homes all day long, and that number of jets should NOT be allowed to increase. If we need more jet flights, we should be working towards building a new airport somewhere else, or create better public transportation to another existing airport.

} 1

thank you,

Tim Gancy
Orange County resident

**Response to Comment Received from
Tim Gancy
Dated: July 7, 2014**

Response 1: The comment expresses the opinions of the commenter and does not raise an environmental issue; therefore, no further response is required. That being said, for background purposes, the Settlement Agreement (as entered into in 1985) embodied the signatories compromise on the “appropriate or acceptable balance between demand for air travel services in Orange County and any adverse environmental effects associated with the operation of JWA” (Stipulation for Entry of Final Judgment by Certain Settling Parties (Case No. CV 85-1542 TJH (MCx)) (filed December 13, 1985) ¶2). The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.



COMMENT

John Wayne Airport
Settlement Agreement Amendment
Draft Environmental Impact Report 617



Name CHARLES E. GRIFFIN II Phone 949 759 3589

Group/Organization/Jurisdiction AIR-FAIR.

Address 732 BISON AVE NB 92660, 3207 Email c-e_griffin@msn.com

Comments: ~~XXXXXXXXXX~~ STOP DEPARTURES OVER NEWPORT BEACH
I.E. TURN AIRCRAFT AFTER TAKEOFF IMMEDIATELY TO THE
WEST & NORTH TO FOLLOW THE 73 & 55 FREEWAYS

} 1

Please return comment card during this public meeting or mail to John Wayne Airport at the address on the reverse of this card.
Comment cards are due by July 8, 2014.

**Response to Comment Received from
Charles E. Griffin, II
Dated: May 29, 2014**

Response 1: Changes to the flight path are outside the scope of the Proposed Project and the County of Orange, as the proprietor of the Airport, has no authority or control over aircraft in flight. The Federal Aviation Administration (“FAA”) and the pilot-in-command of each aircraft have sole jurisdiction and responsibility for flight paths. Accordingly, only the FAA has enforcement capability over these issues.

However, the Draft Environmental Impact Report (“EIR”), in Section 1.9 (Other Airport-Related Issues Not Associated with the Settlement Agreement Amendment), does identify that the City of Newport Beach has requested that the FAA authorize a new departure procedure for use at John Wayne Airport. The requested procedure would utilize satellite guidance to more accurately direct aircraft down the middle of Upper Newport Bay. The FAA has indicated that the City of Newport Beach’s request will be considered at a later time. If approved, it is anticipated that implementation of Newport Beach’s proposal could result in minor modifications to the noise contours provided in this Draft EIR. In addition, please see Topical Response 3 (Commercial Aircraft Flight Path Issues).

From: Charles Griffin <c_e_griffin@msn.com>
Sent: Tuesday, July 08, 2014 3:30 PM
To: EIR, Draft
Subject: Comments on DEIR 617

To whom it may concern,

I would like to submit the following comments regarding John Wayne Airport Draft Environmental Impact Report 617:

1. Regarding emissions, DEIR 617 does not anticipate, prepare or plan for the pending next source of energy from small local nuclear reactors fueled primarily by boron (ref: <http://focusfusion.org>). Facilities on the ground using this power source would have essentially no emissions. }
- This would, for example, be much more energy efficient, and less environmentally impactful, than the piston driven cogeneration plant described as "RE-13" in the table in Appendix A which burns large amounts of oil.
2. DEIR 617 does not prepare or plan for the pending next generation of aircraft engines, such as the Pratt & Whitney coaxial, geared compressor, that will be cleaner, quieter and more efficient. }
3. To lessen all impacts, DEIR 617 should encourage a major revision to the airspace above and around John Wayne Airport. This would require negotiation with the airlines and FAA, but would allow a much less environmentally impactful takeoff pattern. For destinations to the north, east and south, using satellite navigation and drone automatic control, departing aircraft can rotate vertically to lift off, take off, raise the landing gear and start a right turn into the prevailing westerly winds, on a path following the 73 freeway and then north along the 55 freeway. This would shorten the flight path, save fuel costs and avoid flights over the billion dollar tax base of noise sensitive residential beach areas and the nature preserve where bird strikes are likely. The FAA should be able to resolve the technical factors necessary to devise such a path above approaching aircraft and below the path of aircraft heading to other airports. }
4. Section AF-05 suggests the existing runways could not be made longer. Making the runway longer on the north IS feasible and rather than allowing heavier planes, could be used to allow earlier turns to avoid the sensitive areas to the south. At the south end of the runway, the localizer antenna area is no longer necessary and could be paved as a safety buffer for use in the event of an engine failure during takeoff or loss of braking on landing. }
5. The very thick "Transportation Impact Analysis Report" spanning Appendix Volumes 1, 2, 3, 4 and 5 struck me as a lot of paper with no solution. A real solution would require creative thinking, such as subways to the airport and local attractions powered by the pending boron electrical-power source. }

Yours sincerely,

Charles E. Griffin II
732 Bison Ave
Newport Beach, CA 92660

**Responses to Comments Received from
Charles E. Griffin, II
Dated: July 8, 2014**

Response 1: The Draft Environmental Impact Report (“EIR”) addresses the impacts associated with the Proposed Project. As provided on pages 1-14 and 1-15 of the Draft EIR, John Wayne Airport (“JWA”) completed its Central Utility Plant in 2010. The Central Utility Plant is a natural gas-fueled cogeneration plant that reduces the Airport’s energy footprint, conserves energy resources, and provides about 95 percent of the Airport’s electricity needs. (Draft EIR, pages 1-14 through 1-15, and 4.1-16.) Therefore, the relevant analyses in the EIR assume that the Central Utility Plant will provide Airport-related electricity.

The comment’s request that the EIR “anticipate ... for the pending next source of energy” (i.e., “small local nuclear reactors”) would result in impermissible speculation. Here, the EIR’s analysis is premised upon the Airport’s existing energy source, which is appropriate as: (i) the Central Utility Plant was just recently completed in 2010 and is not near the end of its useful life; (ii) there are no plans to provide the Airport with electricity from an alternative source; and, (iii) the permitting, approval and provision of nuclear energy is not readily ascertainable from a timing or regulatory perspective.

Response 2: Though the Draft EIR conservatively assumes the continuation of the existing fleet mix, the EIR does identify that, given the length of the 15-year planning timeframe for the Proposed Project (2015-2030), it is reasonable to assume that there will be interest in introducing newer and next generation aircraft. These newer aircraft, such as the 737-900ERW, 787, 737-MAX, or comparable aircraft by other manufacturers may be incorporated into the fleet mix at JWA at some point in the future. These newer aircraft may generate less noise and have fewer air emissions compared to the current fleet at JWA. In addition, since these aircraft accommodate more passengers than aircraft in the current fleet, it may be possible to serve more passengers (within the million annual passengers [“MAP”] cap) with fewer operations. The issue of the introduction of newer and next generation aircraft is discussed on pages 1-17, 3-26, 4.1-13, 4.3-16, 4.6-44, and 4.6-80 of the Draft EIR, as well as in the *Capacity Analysis Technical Report* (provided in Appendix F) in the section entitled: “Aircraft in Development that Will Replace Aircraft Currently Operating at John Wayne Airport.”

As indicated in the Draft EIR, the timing of changes to the fleet mix at JWA cannot be known at this time and the California Environmental Quality Act (“CEQA”) does not allow speculation. In order to be conservative, the environmental analysis presented in this Draft EIR assumes that the Project would maintain the Airport’s existing fleet mix, thereby likely presenting a maximum environmental impact assessment of air quality (Section 4.1), greenhouse gases (Section 4.3), and noise (Section 4.6).

Response 3: Issues such as flight path are outside the scope of this Proposed Project; and, the County of Orange, as proprietor of the Airport, and the other parties to the Settlement Agreement, have no authority or control over aircraft in flight.

Departure and arrival procedures are solely under the jurisdiction of the Federal Aviation Administration (“FAA”) and the pilot-in-command of the aircraft. This is not a component of the Settlement Agreement Amendment. For additional information, please see Topical Response 3 (Commercial Aircraft Flight Path Issues).

- Response 4:** Air emission reduction strategy AF-05 (longer runways to reduce the use of reverse thrust) was found not to be feasible or applicable at this time due to the physical constraints at the Airport. As indicated in the Appendices D and E to the Draft EIR (*Air Quality Technical Report* and *Greenhouse Gas Technical Report*, respectively, page A-5 of both studies) if in the future, JWA and FAA studies were to show that a runway extension could be designed and constructed, and if impacts associated with the proposal were addressed through adequate CEQA and the National Environmental Policy Act (“NEPA”) analysis, then a reduction in reverse thrust operations could be considered to lessen emissions.
- Response 5:** The recommendation to add subways to the Airport and local attractions that are powered by the pending boron electrical-power source is beyond the scope of the Proposed Project, the authority of the County of Orange, and any of the signatories to the Settlement Agreement. Such “solutions” would be speculative and could not be implemented within the timeframe of this Project given the extensive environmental review, processing and permitting requirements associated with significant transportation improvement projects.

From: Margaret Haburjak <mhaburjak@yahoo.com>
Sent: Monday, July 07, 2014 5:43 AM
To: EIR, Draft
Subject: SNA

1) I do not wish to have any more air traffic flying over my home.

} 1

2) If the planes need to "turn off" engines when flying over NEWPORT BEACH to meet the noise standards for those who live there, why not over my home? It's not fair to me nor the folks on the airplanes.

} 2

Please do not increase air traffic, air pollution, noise.

**Responses to Comments Received from
Margaret Haburjak
Dated: July 7, 2014**

- Response 1:** The comment expresses opposition to additional air traffic over the commenter's home and does not raise an environmental issue; therefore, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.
- Response 2:** Please see Topical Responses 3 (Commercial Aircraft Flight Path Issues) and 4 (Arrival Corridor Noise Impacts).

From: June Hammerle <hammhays@pacbell.net>
Sent: Monday, July 07, 2014 3:56 PM
To: EIR, Draft
Cc: Spitzer, Todd [HOA]
Subject: Draft EIR comments

Ms. Lea Choum -

As a home owner who suffers the incoming flights over our home every day, (at least ninety percent of the John Wayne flights), seven days a week, I would like to see the County of Orange adapt the proposed project plan, but with a few changes. Those being to continue the limit of passenger loading bridges, and to extend the curfew to 2050.

} 1

Also, since your impact report didn't really consider the sound issues in our area (see Exhibit 4.6-10) please monitor the noise from station 10N before a final decision is made. Although this station is 1/4 mile east from my home, and the flights don't really fly over where the station is located, I would like you to place the sound monitor station at my house! We receive the majority of day time flights, and just about every incoming flight from 5:00 PM on till the field closes. The days when the planes go down I-55 South are lovely days - till 5:00 PM when it seems every plane coming in is on instruments.

} 2

We as homeowners have put in double and triple paned windows and doors, insulation in our walls and attic - but because of our wonderful weather we enjoy year round opportunities of having our doors and windows open. I cannot be on the phone and carry on a conversation if the planes are coming in if my windows are open. Nighttime entertaining is difficult - you arrange for a outside dinner between a certain hour so your able to carry on a conversation without having to stop, wait for the barrage of planes to pass over before you can continue your conversation.

} 3

I realize that the FAA has certain requirements as to the flight pattern. However we are in the year 2014 and the technology on planes is very different from years prior. Better training of pilots and flight simulators has improved greatly - especially with the new capability of picking an airport out for practice arrivals and departures. Just last week we received an email that the FAA is making adjustments to the runway because of the Earth's magnetic pole changes. Look at ways to put more flights down the 55 - especially at night - or at least spread them out to more neighborhoods receive the burden of noise. At night - couldn't they follow the 5 N to the 55 S - as we have seen at times during the day.

} 4

We have lived in our home 18 years - were not told about the flight pattern when we purchased our home - and we have put up with the increased flight levels. I know we can't stop progress for our county - however I believe you have the power to make changes to the incoming flight pattern to where either more households to share the noise burden - or to put them over more commercial areas.

} 5

Thank you for your presentation at Hewes Middle school. I only wish more citizens were aware of what is being proposed. Please consider how the noise and air pollution diminishes our quality of life here in Orange County.

} 5

June Hammerle
17611 Chatham Drive
Tustin, CA 927820 (Tustin proper - not unincorporated area)
714-734-0198

**Responses to Comments Received from
June Hammerle
Dated: July 7, 2014**

Response 1: The comment expresses support for the Proposed Project, subject to two revisions (i.e., maintenance of the curfew until 2050 and limitation on the number of passenger loading bridges), and does not raise an environmental issue; therefore, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Response 2: Please refer to Topical Response 4 (Arrival Corridor Noise Impacts) for a detailed discussion of the noise impacts, both single event and cumulative, from Airport operations and the Proposed Project along the arrival corridor that passes over the City of Tustin, the community of North Tustin, and the eastern edge of the City of Orange. This discussion focuses on the City of Tustin because it is subject to the highest aircraft arrival corridor noise levels in residential areas.

As neither the Proposed Project nor any of the alternatives are expected to result in any changes to procedures or flight paths, no additional noise monitors are warranted at this time.

It also should be noted that, due to the Airport Noise and Capacity Act of 1990 and the implementing regulations set forth in Part 161 of the Federal Aviation Regulations, which are discussed in Section 4.6.7 of the Draft EIR and in Topical Response 7, any additional monitors could only be non-regulatory and for informational purposes only. In terms of informational use, the existing Noise Monitoring Station ("NMS") 10N, combined with noise modeling, can provide accurate information for any location in Tustin.

Response 3: Please see Topical Response 6, which addresses the relationship of the California Environmental Quality Act and the issue of quality of life.

Response 4: This issue of flight path is beyond the scope of the Proposed Project and the County of Orange, as the proprietor of the Airport, has no authority or control over aircraft in flight. The Federal Aviation Administration ("FAA") and the pilot-in-command of each aircraft have sole jurisdiction and responsibility for flight paths. Accordingly, only the FAA has enforcement capability over these issues. Please see Topical Response 3 (Commercial Aircraft Flight Path Issues).

Response 5: The comment is noted. No further response is required given that the comment does not address or question the content of the Draft EIR.

From: harveydonw@juno.com
Sent: Sunday, June 15, 2014 11:22 AM
To: EIR, Draft
Subject: DEIR Comments

Please don't diminish the curfew. The planned MAP increase seems unconscionable--Don Harvey, 2039 Port Weybridge Place, Newport Beach CA 92660, 949/759-9220

} 1

LensCrafters®
Glasses & Frames at LensCrafters. Visit Online or a Store Near You!
<http://thirdpartyoffers.juno.com/TGL3131/539de48bed2bb648b448fst02duc>

**Response to Comment Received from
Don Harvey
Dated: June 15, 2014**

Response 1: As the comment expresses support for the maintenance and enforcement of the Airport's hours of operation/curfew, it should be noted that the Proposed Project would maintain the existing curfew at the Airport through December 31, 2035 (see Table 3-1 on page 3-7 of the Draft EIR). The curfew is similarly protected under Alternatives A and B. The No Project Alternative, which assumes expiration of the Settlement Agreement, would protect the curfew until December 31, 2020, as would Alternative C.

The County of Orange also acknowledges the commenter's opposition to the proposed increases in the capacity levels at the Airport. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Subject: FW: Orange County Airport Draft Agreement Comments

From: Randy Hause [mailto:rhause@WGA.com]
Sent: Monday, June 02, 2014 1:35 PM
To: EIR, Draft
Subject: Orange County Airport Draft Agreement Comments

Dear Sir/Madam,

Our family has been residents of Newport Beach and Costa Mesa since 1963.

Our former and current places of residence include: 1331 Antigua Way, NB, CA 92660; 375 18th Street, Costa Mesa, CA; 365 E 18th Street Costa Mesa; 1215 Sussex Lane, NB, CA 92660; and 9 Rue Biarritz, NB, CA 92660.

In 1964 O C Supervisor Thomas Riley, while standing on the cliffs of Galaxy Park in Newport Beach, proclaimed that “jets will never fly out of Orange County.” I was there. I heard it.

Since then we have been subjected to countless misstatements including naming the airport terminal after him, while enduring and witnessing an incredible down turn in the quality of our life.

Why are the residents of Newport Beach subjected to the adverse impacts of an expanding airport? Why do we have to suffer the adverse effects of an airport that serves the entire county?

The level of pollution and noise generated by the airport has to be illegal.

Why hasn't a study been done on the harmful effects on residents, schools and libraries, to name a few, that are in the impact zone of landings and take-offs. The amount of pollution falling from the sky into our neighborhoods is a health hazard. The deafening noise is just as bad. It is sad when you can't close your windows or converse outside with your neighbors or enjoy a quiet neighborhood with jet flying constantly overhead

A compromise would be too limit and restrict the noise of commercial and private jets. Don't allow noisy aircraft. The quiet technology is there, so we ask why can't these aircraft be prevented from using JWA?

It is amazing that our elected leaders and citizens don't due more to restrict the expansion of this airport. Enough is enough. Let us have our neighborhoods back and allow us to leave in peace just like every other neighborhood in Orange County. Please do the right thing and stand-up against the forces who want to expand this airport. They are selfish and greedy and they have no place in our community.

Thank you,

Randy Hause

} 1
}
}
} 2
}
} 3
} 4

**Responses to Comments Received from
Randy Hause
Dated: June 2, 2014**

Response 1: This comment is an introduction to comments that follow. The Draft Environmental Impact Report (“EIR”) addresses the potential impacts associated with the Settlement Agreement Amendment not just on the City of Newport Beach but on all the surrounding communities. No further response is required.

Response 2: The comment addresses a general subject area (i.e., air quality), which received extensive analysis in the Draft Environmental Impact Report (“EIR”) in Section 4.1, Air Quality. In particular, health risk is addressed in Section 4.1.6 of the Draft EIR and Section 5.4 of the *Air Quality Technical Report* (Appendix D). The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

Section 4.6 (Noise) of the Draft EIR summarizes the applicable regulatory setting; provides qualitative and quantitative information regarding the existing noise environment; quantifies and identifies the incremental increase in noise attributable to the Proposed Project; and discloses the significance of that incremental increase by reference to noise thresholds established by the Federal Aviation Administration, the County of Orange, and the City of Newport Beach. Where significant impacts are identified, Section 4.6 also proposes feasible mitigation to address such impacts. Ultimately, Section 4.6 concludes that the Proposed Project would result in unavoidable significant noise impacts due to the incremental increase in noise from increased aircraft operation levels.

The comment does not raise any specific issue regarding the analysis provided in Sections 4.1 (Air Quality) and 4.6 (Noise); therefore, no more specific response can be provided or is required. Additionally, the County of Orange operates the Airport in compliance with all applicable regulatory requirements and laws, including those of the South Coast Air Quality Management District. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

Response 3: John Wayne Airport’s (“JWA”) noise and access policies have resulted in air carrier decisions to dedicate quieter and newer generation aircraft to JWA. Exhibit 4.6-11c in the Draft EIR provides a comparison of the noise contours from the 1985 Master Plan and the 2013 noise contours. There is a substantial reduction in the overall area within the 65 Community Noise Equivalent Level (“CNEL”) due to the continued introduction of quieter aircraft.

The Draft EIR also addresses why having restrictions on “noisy aircraft” would not be permitted under existing law (see pages 4.6-17 to 4.6-18, 4.6-94 and 4.6-98 of the EIR). However, this is not to say that newer, quieter aircraft will not be introduced at JWA. In order to be conservative and to avoid speculation, the

environmental analysis presented in this Draft EIR assumes the Project would maintain the Airport's existing fleet mix, thereby likely presenting a maximum environmental impact assessment of noise, air quality, and greenhouse gas impacts.

However, the Draft EIR also acknowledges that, given the length of the 15-year planning timeframe for the Proposed Project (2015–2030), it is reasonable to assume that there will be interest in introducing newer and next generation aircraft. These newer aircraft, such as the 737-900ERW, 787, 737-MAX, or comparable aircraft by other manufacturers may be incorporated into the fleet mix at JWA at some point in the future. These newer aircraft may generate less noise and have fewer air emissions compared to the current fleet at JWA. In addition, since these aircraft accommodate more passengers than aircraft in the current fleet, it may be possible to serve more passengers within the million annual passenger ("MAP") cap with fewer operations.

Response 4: The County of Orange acknowledges your comment opposing expansion of the Airport. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Dr. Donald Hecht
1601 East Bay Ave
Newport Beach, CA 92551
cell: 949 400 6346
email: dhecht@cableone.net

July 7, 2014

Public Comments JWA EIR
John Wayne Airport
Administrative Office
3160 Airway Ave
Costa Mesa, CA 92626

Subject: Public Comments on the Environmental Impact Report (EIR)

There are at least 2,200 residents on the Balboa Peninsula and an additional 2,500 residents on Balboa Island and Peninsula Point, Newport Beach, California. The EIR does not address the impact of noise and air pollution on these residents.

In March 2011 the FFA introduced a new departure pattern and route, called STREL, that groups an average of 118 departures a day (averaging one every eight minutes) into a narrow track that now goes directly over a densely populated area of more than 4,000 more expensive homes. In the past, planes took off straight from runway 19 flew directly over Upper Newport Bay, and roughly followed the bay out to the ocean. Yes, the old path did go over bay side and ocean side properties, but the planes' paths were wider so that fewer planes crossed over more homes and spread out the noise and pollution.

Under STREL the 118 flights are compressed into a single high traffic lane. And to make matters worse, the flight path with STREL has changed. Now, while over Upper Newport Bay, the STREL path takes a slight right turn, just several degrees, so that the planes now fly over densely populated areas of Promontory Point, over the center of Balboa Island, and then over the densely packed and expensive homes of Balboa Peninsula which includes our home.

We realize the noise level is considered by airport officials as a "nuisance" level, and that no studies have been made on long term health effects. That does not excuse the fact that in this five-star resort city of Newport Beach it is virtually impossible to enjoy the Southern California outdoor life-style without thundering planes overhead stopping every conversation. It is so destructive that we do not sit outside our homes for any significant time. We have become prisoners.

In addition to the noise, the impact of air pollution from contaminants from jet fuels, including ultra-fine particles, black carbon, hydrocarbons and other compounds surely have negative health consequences on residents and on sensitive land use.

When we purchased our home here before 2011 we were aware of the limited overhead flights and the departure pattern that spread those flights over a wider area so there was shared and acceptable level

} 1
}
} 2
}
} 3
} 4

of discomfort. We accepted that level. With the new STREL pattern the noise and contaminants has become unacceptable for a far larger group of inhabitants.

We suggest the following remediation:

1) STREL is abandoned as unacceptable to the population below from noise and pollution perspectives and the prior departure pattern is reinstated. Just because the FFA can now track aircraft into a narrow highway, it does not mean they should force its consequences on the public.

2) Planes departing from John Wayne in order to lessen noise on the ground, climb steeply under take-off power to 800 feet, where they cut back thrust and resulting noise over populated areas until they reach 3,000 feet elevation. Once above 3,000 feet they are free to accelerate to 250 knots while climbing to 10,000 feet where they can accelerate to cruise speed. Unfortunately modern planes now reach 3,000 while still over mainland Newport Beach and apply full power to accelerate to 250 knots and climb while over Promontory Point, then over Balboa Island, then over Balboa Peninsula before reaching the ocean. The engine thrust to reach the speed of 250 knots and increased rate of climb toward 10,000 feet creates unacceptable engine and turbulence noise and pollution that impacts the residents below.

One recommendation is for the FFA to mandate that once the plane cuts-back power at 800 feet elevation, then power is set to reach the maximum permissible airspeed of 210 knots until 4,000 feet altitude. This cut-back power, rate of climb, and airspeed is maintained until the plane enters over the ocean, coinciding with approximately 4,000 feet elevation, then it can freely accelerate under full power. The time difference to cover the approximately 5 nautical miles while flying at 210 knots versus flying at 250 knots is approximately 5 to 7 seconds longer. Surely that is not unreasonable to reduce the noise level impacting thousands of people on the ground.

} 4
cont.

Respectfully submitted by



Donald Hecht, ScD
1601 East Bay Ave
Newport Beach, CA 92661

949 400 6346
dhecht@cableone.net

**Responses to Comments Received from
Dr. Donald Hecht
Dated: July 7, 2014**

Response 1: The Draft Environmental Impact Report (“EIR”) addresses the maximum impacts associated with the Proposed Project. The text and exhibits reflect the data from the technical analyses in a manner that is clear enough that various associations and neighborhood community groups within the study area can ascertain the level of impact on their specific area of interest. For example, the exhibits in Section 4.6 (Noise) identify that the area represented by the Balboa Peninsula is located outside the 60 Community Noise Equivalent Level (“CNEL”) for the Proposed Project (see Exhibits 4.6-14 through 4.6-16) and is outside the typical 85 decibel (“dB”) Single Event Departure Contour (“SENEL”) for each of the Class A aircraft that regularly operates out of John Wayne Airport (“JWA”) (see Exhibit 4.6-12 on page 4.6-41 of the Draft EIR).

Section 4.1 (Air Quality), quantifies the emissions from both arriving and departing aircraft. The analysis resulted in the identification of significant and unavoidable air quality impacts, thereby leading to the identification of all feasible mitigation measures in Section 4.1.7 of the Draft EIR. (Furthermore, John Wayne Airport has already implemented various other efforts to reduce emissions as shown in Table 4.1-6 (page 4.1-23) of the Draft EIR and Table A-1 of Appendix A to the *Air Quality Technical Report* (Appendix D).) The measures evaluated include those that would help mitigate emissions that may impact Balboa Peninsula.

Issues such as flight path are outside the scope of the Proposed Project; and, the County of Orange, as proprietor of the Airport, and the other parties to the Settlement Agreement have no authority or control over aircraft in flight. Departure and arrival procedures are solely under the jurisdiction of the Federal Aviation Administration (“FAA”) and the pilot-in-command of the aircraft. Please see Topical Response 3 (Commercial Aircraft Flight Path Issues).

Response 2: The term “nuisance noise” was not used in Section 4.6 (Noise) of the Draft EIR, nor is it in the *Noise Analysis Technical Report* (Appendix C of the Draft EIR), so it is unclear as to exactly what the commenter is referring to. The Draft EIR evaluated the noise impacts pursuant to the noise standards established by the County of Orange, FAA, and the City of Newport Beach. These standards are clearly delineated in the Thresholds of Significance (see Section 4.6.5). Based on these thresholds, the Draft EIR did find with the Proposed Project there would be significant unavoidable noise impacts. In addition, please see Topical Response 6 (Quality of Life). Also see Responses 5 and 18 to the Balboa Island Improvements Association and Little Balboa Island Property Owners Association.

Response 3: The comment addresses a general subject area (i.e., air pollution) that received extensive analysis in the Draft Environmental Impact Report (“EIR”) in Section 4.1 (Air Quality). Section 4.1 summarizes the applicable regulatory setting; provides qualitative and quantitative information regarding the existing environment; quantifies and identifies the incremental increase in criteria air pollutants and toxic air contaminants attributable to the Proposed Project; and discloses the

significance of that incremental increase by reference to applicable thresholds established by the South Coast Air Quality Management District and criteria in the California Environmental Quality Act (“CEQA”) Guidelines. In particular, health risk is addressed in Section 4.1.6 of the Draft EIR and Section 5.4 of the *Air Quality Technical Report* (Appendix D). Specifically, the compounds of concern were identified and included in the Health Risk Assessment.

Where significant impacts are identified, Section 4.1 also proposes feasible mitigation to address such impacts. Ultimately, these sections conclude that the Proposed Project would result in unavoidable significant air quality impacts due to the incremental increase in air emissions from increased aircraft operation levels. In addition, Topical Response 1 addresses black carbon and Topical Response 2 addresses the LA Times/USC Study on ultrafine particles.

The comment does not raise any specific issue regarding the analysis provided in the Draft EIR and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

Response 4: Issues such as flight paths and departure procedures are outside the scope of the Proposed Project and this Draft EIR, and the jurisdiction of the County or the other parties to the Settlement Agreement. Further, several of the actions recommended in the comment were considered in EIR Section 4.6.7 (Mitigation Program), but were found to be outside the control of the County/JWA, and not directly related to the Proposed Project. For example, pages 4.6-95 through 4.6-96 of the Draft EIR address the ability to modify the departure thrust cutback; and, page 4.6-96 of the Draft EIR addresses the ability to alter the flight paths.

From: Scott Heffley <scottheffley@aol.com>
Sent: Sunday, July 06, 2014 9:20 PM
To: EIR, Draft
Subject: OC Airport Noise

I do have a significant issue with the continuing expansion of flight operations at OC/John Wayne airport. The increased noise as it now stands has greatly diminished my ability to enjoy my home and negatively impacted the value of my home. Being in the city of Orange, landing approaches are the problem, with particular impact at key return times in the evenings and late afternoon. At these times, particularly Fridays and Sundays, direct or telephone conversations can not be heard, nor entertainment media enjoyed, at a high rate of occurrence and severity.

} 1

If this were a new residential area, all the warnings and contemporary restrictions would advise, if not preclude, the locating of homes under an approach path such as exists here. However, I did not purchase a home under the flight path to the airport. The flight path to JWA was repositioned to its current location several years after my purchase with no consideration to existing residences. Previously the approach followed the 55 freeway until approximately it's intersection with the 5 freeway.

} 2
} 3

I have been voicing my displeasure and concern with the relocated flight path since to city, county, and airport representatives, al of whom pointing to "someone else"as responsible. It is my belief that airport service expansion first precipitated the changes that led to the relocation of the flight path as does increased air traffic continue to add to the noise and detriment to my home's value and enjoyment.

} 4

Further erosion of that enjoyment and value through expanded airport use and associated noise is not acceptable.

Scott Heffley
557 S. Wrightwood St.
Orange, CA. 92869
(714)538-6317

**Responses to Comments Received from
Scott Heffley
Dated: July 6, 2014**

Response 1: The comment does not raise issues specific to the Draft Environmental Impact Report (“EIR”). The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project. Please refer to Topical Response 4 (Arrival Corridor Noise Impacts) for a detailed discussion of the noise impacts, both single event and cumulative, from Airport operations and the Proposed Project along the arrival corridor that passes over the City of Tustin, the community of North Tustin, and the eastern edge of the City of Orange. This discussion focuses on the City of Tustin because it is subject to the highest aircraft arrival corridor noise levels in residential areas. Noise levels, and noise impacts are lower in the City of Orange than the City of Tustin. As shown on Exhibit 4.6-16 in the Draft Environmental Impact Report (“EIR”), the City of Orange is located outside of the 65 Community Noise Equivalent Level (“CNEL”) contour, which is used as a threshold for determining significant noise impacts. Additionally, please see the Topical Response 6 (Quality of Life).

Response 2: As discussed in the Draft Environmental Impact Report (“EIR”), Airport Land Use Commissions were created by State Law for the purpose of establishing a regional level of land use compatibility between airports and their surrounding environs. The Airport Land Use Commission for Orange County has adopted Airport Environs Land Use Plans (“AELUPs”) for Orange County airports, including John Wayne Airport (“JWA”). The AELUPs establish noise/land use acceptability criteria for sensitive land uses at 65 dB CNEL for outdoor areas and 45 dB Community Noise Equivalent Level (“CNEL”) for indoor areas of residential land uses. These criteria are compatible with the criteria used by the County of Orange and the City of Orange.

The AELUP for JWA is based on the noise contours developed as part of the 1985 JWA Master Plan, which is also what the Settlement Agreement is based upon. This contour is included in the Draft EIR as Exhibits 4.6-11a through 4.6-11c. Exhibit 4.6-11b provides a comparison of the 1985 Master Plan and the existing approach noise contours. Although the existing noise contour is smaller than the 1985 Master Plan contour, the County continues to retain the 1985 contour as the foundation for all land use compatibility purposes. Exhibit 4.6-16 depicts the ultimate contour with the Proposed Project (Phase 3, 2026 through 2030), which is also smaller than the 1985 Master Plan contour. The ultimate 65 CNEL contour is not projected to extend even to Warner Avenue in the City of Tustin in the 2026 to 2030 timeframe. As such, residential development in the City of Orange would be considered a compatible land use.

Response 3: Please see Topical Responses 3 (Commercial Aircraft Flight Path Issues) and 4 (Arrival Corridor Noise Impacts).

Response 4: The Draft EIR addresses the impacts associated with the Proposed Project. Issues such as flight path or use of new technology navigational aids are outside the

scope of the Proposed Project; and, the County of Orange, as proprietor of the Airport, and the other parties to the Settlement Agreement have no authority or control over aircraft in flight. Departure and arrival procedures are solely under the jurisdiction of the Federal Aviation Administration (“FAA”) and the pilot-in-command of the aircraft. There is nothing associated with the Proposed Project that would necessitate modification to the flight path. Modifications to the flight path are done by FAA to facilitate safer, more efficient operations.

Subject: FW: For the Record

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

From: ilaemail@ca.rr.com [mailto:ilaemail@ca.rr.com]
Sent: Wednesday, May 28, 2014 5:14 PM
To: Kiff, Dave
Subject: Flights 24/7

As home owners in east Costa Mesa, we are opposed to flights leaving John Wayne Airport 24/7. We have owned our home for over 20 year, and we do now want our sleep disturbed 24/7. The present schedule is fine.

} 1

**Response to Comment Received from
ilaemail
Dated: May 29, 2014**

Response 1: As the comment expresses support for the maintenance and enforcement of the Airport's hours of operation/curfew, it should be noted that the Proposed Project would maintain the existing curfew at the Airport through December 31, 2035 (see Table 3-1 on page 3-7 of the Draft EIR). The curfew is similarly protected under Alternatives A and B. The No Project Alternative, which assumes expiration of the Settlement Agreement, would protect the curfew until December 31, 2020, as would Alternative C.

COMMENT

**John Wayne Airport
Settlement Agreement Amendment
Draft Environmental Impact Report 617**



Name Amy Jahn Phone 714 3188322

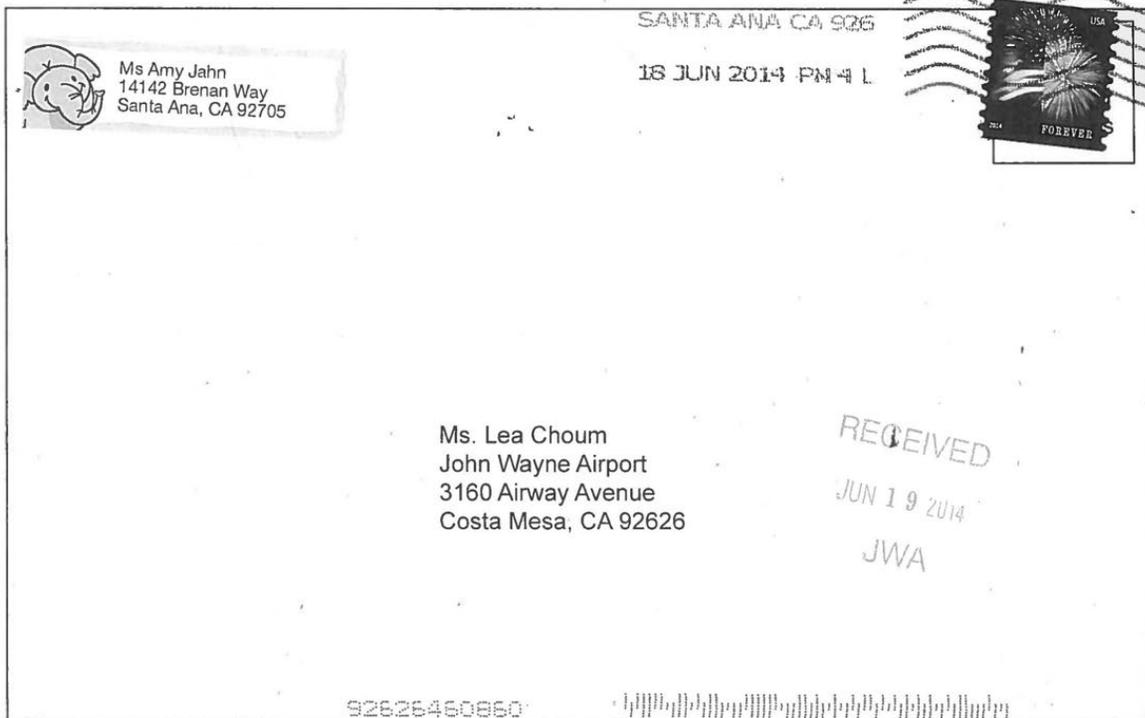
Group/Organization/Jurisdiction resident North Tustin

Address 14142 Brenan way North Tustin Email crewamy@ix.netcom.com

Comments: I am deeply concerned with the potential change to
our property value and quality of life. I am 100% opposed to night
landings after 10 and concerned with higher day air traffic.
The current level is already too high. The noise and
pollution level is a daily issue. Our property value
and our outdoor lifestyle and health are absolutely
contingent upon no or minimal increase in flights.
(Or change corridor as LAST resort)

Please return comment card during this public meeting or mail to John Wayne Airport at the address on the reverse of this card.
Comment cards are due by July 8, 2014.

1
2
3
4



**Responses to Comments Received from
Amy Jahn
Dated: June 18, 2014**

Response 1: Please see Topical Responses 5 and 6 (Effects on Property Values and Quality of Life, respectively).

Response 2: As the comment expresses support for the maintenance and enforcement of the Airport's hours of operation/curfew, it should be noted that the Proposed Project would maintain the existing curfew at the Airport through December 31, 2035 (see Table 3-1 on page 3-7 of the Draft EIR). The curfew is similarly protected under Alternatives A and B. The No Project Alternative, which assumes expiration of the Settlement Agreement, would protect the curfew until December 31, 2020, as would Alternative C.

Additionally, the comment references two subjects—noise and pollution levels—that received extensive analysis in the Draft EIR. As the comment does not raise any specific issue regarding the analysis provided in Sections 4.1 (Air Quality) and 4.6 (Noise), no more specific response can be provided or is required.

Response 3: Please see Topical Response 5 (Effects on Property Values).

Response 4: Changes to the flight path are outside the scope of the Proposed Project and the County of Orange, as the proprietor of the Airport, has no authority or control over aircraft in flight. The Federal Aviation Administration ("FAA") and the pilot-in-command of each aircraft have sole jurisdiction and responsibility for flight paths. Accordingly, only the FAA has enforcement capability over these issues. Please see Topical Response 3 (Commercial Aircraft Flight Path Issues).

Subject: FW: JWA Curfew

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

From: Cheryl Johnston [mailto:cheryljohnston1@gmail.com]
Sent: Thursday, May 29, 2014 3:11 PM
To: EIR, Draft
Subject: JWA Curfew

Just want to make our opinion known that we are opposed to lifting of the curfew at JWA. This s exactly why the airport should have been re established at "the great park". Which is completely wasted piece of land. The county has been duped.

} 1

A voter,
Cheryl Johnston

**Response to Comment Received from
Cheryl Johnston
Dated: May 29, 2014**

Response 1: As the comment expresses support for the maintenance and enforcement of the Airport's hours of operation/curfew, it should be noted that the Proposed Project would maintain the existing curfew at the Airport through December 31, 2035 (see Table 3-1 on page 3-7 of the Draft EIR). The curfew is similarly protected under Alternatives A and B. The No Project Alternative, which assumes expiration of the Settlement Agreement, would protect the curfew until December 31, 2020, as would Alternative C.

From: Laurie Kelly <laurie@silverliningrealty.com>
Sent: Sunday, June 22, 2014 5:52 PM
To: EIR, Draft
Subject: Proposed Settlement

I am writing to let you know that I am very opposed to any proposal that increases the use of JWA in anyway.

I live in a community located at the top of the back bay. We have had several cases of cancer and recently experienced the death of a 9 year old neighborhood child due to cancer. I believe that his cancer was environmentally caused specifically because of the years exposed to the air and pollutants from the airport. I see evidence of these pollutants in the black soot that accumulates on my outdoor furniture. My family is breathing this and I am now looking to move completely out of the area and taking my children with me.

} 1

Where is the actual detail that tells me the make-up of the particles that are being dumped into my yard and home? Where is the non-biased expert opinions as to the impact of these pollutants on the human body. To say that it is line with the EPA is a joke. What about future health issues my family may face? What about the damage to my property, outdoor furniture and umbrella that need to be replaced as this stuff damages them?

} 2

Furthermore, these studies do not actually cover the specific individuals impacted by the increased traffic. Everyone in the flight path should have been contacted and given a voice. The meager attempt to post it on a website and a pr release is a joke. There should have been a phone call campaign to each and every citizen and a mail campaign.

} 3

Respectfully,

Laurie Kelly

Sent from my iPad

**Responses to Comments Received from
Laurie Kelly
Dated: June 22, 2014**

Response 1: The comment expresses the opinions of the commenter and does not raise an environmental issue; therefore, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Response 2: The comment addresses a general subject area, which received extensive analysis in the Draft Environmental Impact Report ("EIR") in Section 4.1, Air Quality. In particular, the Proposed Project's criteria pollutant concentrations are presented in Draft EIR Tables 4.1-13 (page 4.1-38) and 4.1-14 (page 4.1-40), and health risk is addressed in Section 4.1.6 of the Draft EIR and Section 5.4 of the *Air Quality Technical Report* (Appendix D). The Draft EIR relies upon thresholds established by the South Coast Air Quality Management District to assess potential changes in cancer risk due to Project emissions. As discussed on page 4.1-63 of the Draft EIR, the health risk assessment (see Draft EIR Appendix D) concludes that the Proposed Project would have a less than significant impact relative to cancer risk and cancer burden.

In addition, Topical Response 1 addresses black carbon. It should be noted that the particulate matter emissions from aircraft are expected to decrease during all three phases of the Proposed Project, as compared to existing conditions, due to decreasing general aviation aircraft operations (Draft EIR, Table 4.1-8, page 4.1-29). Future improvements in engine performance (which conservatively are not quantitatively incorporated in the Draft EIR because the International Civil Aviation Organization/Emissions Dispersion and Modeling System ["ICAO/EDMS"] database does not include them) also will likely further decrease aircraft emissions. If the reduction in general aviation activity and engine performance improvements were modeled, the Proposed Project's particulate matter concentrations would be lower than those identified in the tables referenced above. The comment does not raise any specific issues regarding the analyses and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Response 3: The Proposed Project would direct the operation of John Wayne Airport ("JWA") through 2030. Given the nature of JWA, the Proposed Project is considered a project of regional significance, as defined by Section 15206 of the State California Environmental Quality Act ("CEQA") Guidelines, because it would affect air transportation for all residents in Orange County. However, individualized outreach to all potentially affected citizens is not required by CEQA.

Consistent with the State CEQA Guidelines for regionally significant projects, a scoping meeting was held. This meeting was open to any member of the public, as provided for in Section 15082 of the State CEQA Guidelines. Additionally, the Airport held two public meetings on the Draft EIR in exceedance of CEQA's requirements: one in North Tustin on May 28, 2014, and one at the Airport

Administrative Offices in Costa Mesa on May 29, 2014. Notice for these meetings and the availability of the Draft EIR was published in *The Orange County Register*, on May 23, 2014, as well as posted on John Wayne Airport and City of Newport Beach's websites. A notice was also posted at the Orange County Clerk Recorder on May 22, 2014. Notices were also sent (via U.S. mail or email, dependent on the contact information provided) to attendees of the public scoping meeting or parties that had requested the Airport add their contact information to the mailing list. In addition, Supervisor Spitzer included information on the meeting in his Third District Newsletter dated May 23rd, Volume 2 Issue 20; and in his May 30th newsletter (Issue 21), he provided more information on where the public can access the Draft EIR.

Noticed public hearings to discuss the Proposed Project will also be held in late summer before the Orange County Airport Commission and Planning Commission, and before the Board of Supervisors meeting in early fall.



COMMENT

John Wayne Airport
Settlement Agreement Amémdment
Draft Environmental Impact Report 617



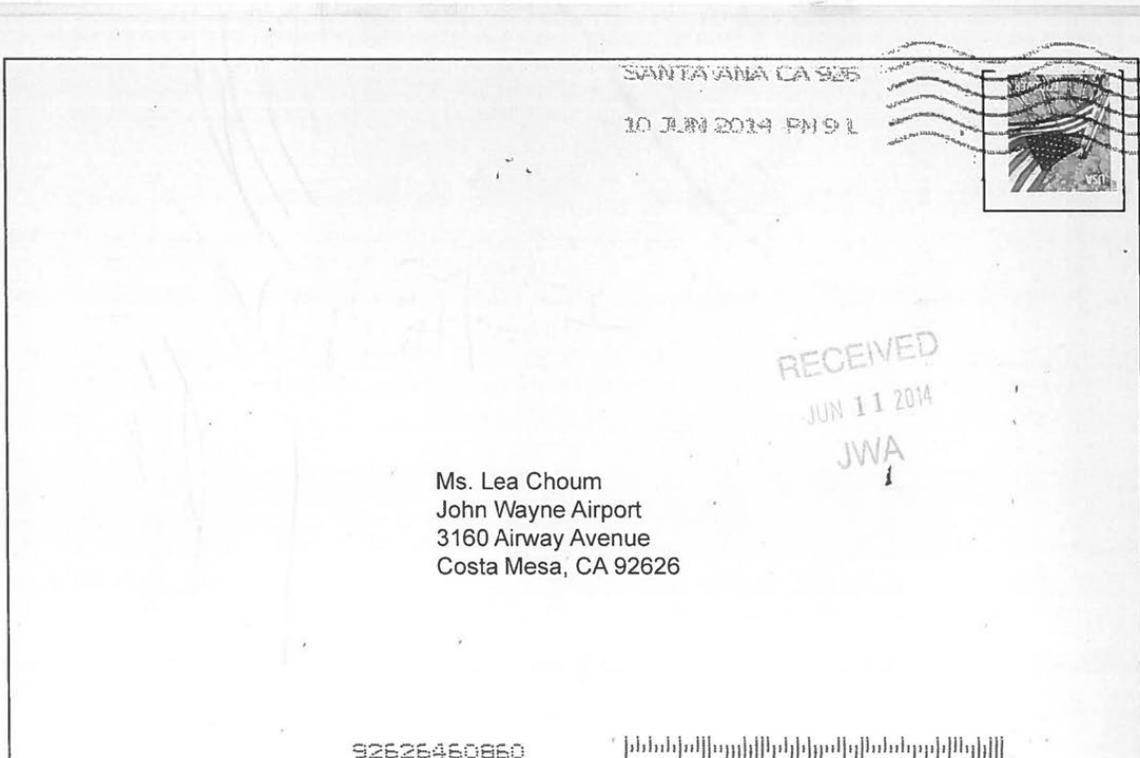
Name Belinda Kiesecker Phone 949 722 1571
Group/Organization/Jurisdiction Dover Shore Resident or 310 871-9138 cell
Address 2024 Leeward Lane NFB 92660 Email Belkies@icloud.com

Comments:

Why isn't it an option to keep airport operations at their current levels of service with NO increase in flights/passengers? We are out of compliance with State and Federal Air Quality Standards now. More flights means we are farther from our clean air goal. Who says growth is a must? If it's not broke (and with bad air it's broke) Don't fix it. We have enough flight

} 1
} 2
} 3

Please return comment card during this public meeting or mail to John Wayne Airport at the address on the reverse of this card. Comment cards are due by July 8, 2014.



**Responses to Comments Received from
Belinda Kiesecker
Dated: June 11, 2014**

Response 1: As discussed in Section 7.3 (Alternatives Considered But Not Carried Forward) of the Draft Environmental Impact Report (“EIR”), adopting an amendment to the Settlement Agreement that maintains the Airport’s operations “at their current levels of service” (i.e., below the operational limits authorized by the 2003 amendments to the Settlement Agreement) would violate the Airport Noise and Capacity Act of 1990 and be contrary to the Project Objectives (See Draft EIR, pages 7-5 through 7-7).

Response 2: The Proposed Project is compared with the applicable thresholds of significance in Section 4.1.5 of the Draft Environmental Impact Report (“EIR”) and Section 5.3 of the *Air Quality Technical Report* (Appendix D). As provided in Section 4.1, the South Coast Air Basin is categorized as non-attainment for some state and federal air quality standards as noted in the Draft EIR (see Table 4.1-4, page 4.1-20), but the Airport itself is in compliance with all applicable regulations and requirements of the South Coast Air Quality Management District (“SCAQMD”).

As discussed on page 4.1-69 of the Draft EIR, the Proposed Project is not consistent with SCAQMD’s 2012 AQMP, thereby resulting in a significant impact. However, SCAQMD has an obligation, through its Air Quality Management Plan (“AQMP”), to bring the air basin into compliance with the state and federal air quality standards. The comment does not raise any specific issue regarding that analysis and does not challenge the adequacy of the Draft EIR. Therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

Response 3: The comment expresses the opinions of the commenter and does not raise an environmental issue; therefore, no further response is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

COMMENT



**John Wayne Airport
Settlement Agreement Amendment
Draft Environmental Impact Report 617**



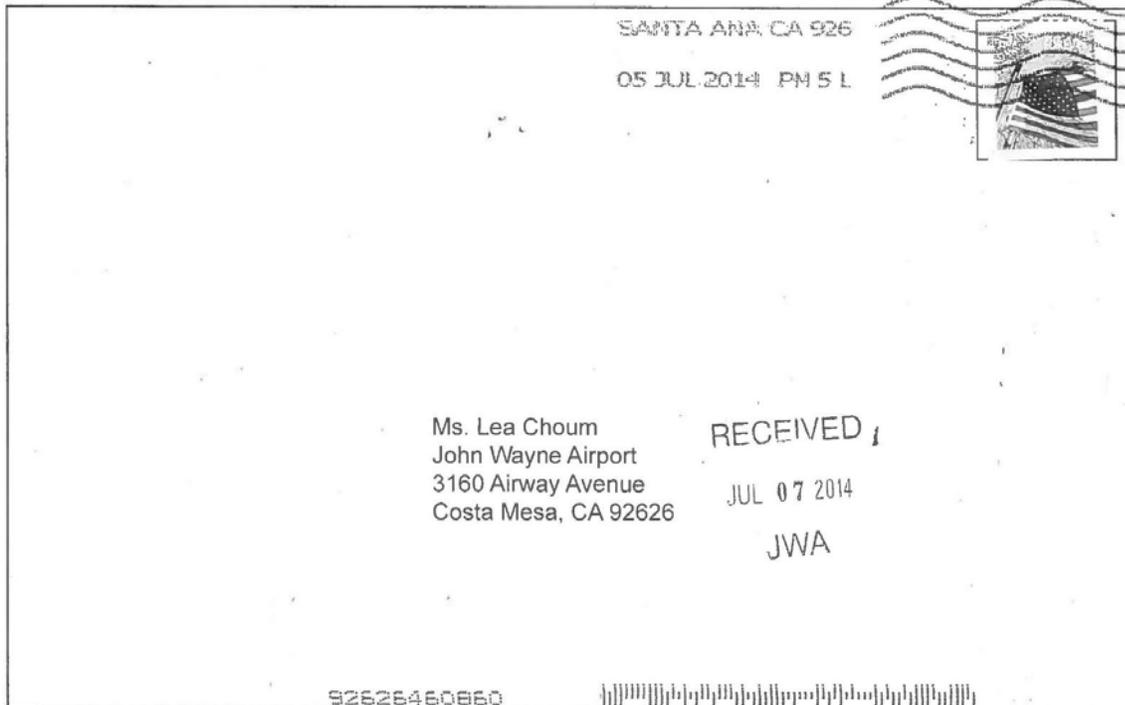
Name Peter Kiesecker Phone 949 722 1571

Group/Organization/Jurisdiction Newport Beach Dover Shore resident

Address 2024 Leeward Lane NPB Email _____

Comments: Go with the proposed project of DIER. ~~The~~ } 1
~~one with the longest context.~~

Please return comment card during this public meeting or mail to John Wayne Airport at the address on the reverse of this card.
 Comment cards are due by July 8, 2014.



**Response to Comment Received from
Peter Kiesecker
Dated: July 7, 2014**

Response 1: The County of Orange acknowledges your support for the Proposed Project. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

From: Mark Knaeps <mknaeps@me.com>
Sent: Wednesday, July 02, 2014 3:42 PM
To: EIR, Draft
Subject: Proposed Airport Agreement

Hello,

We are residents of Newport Beach for more than 20 years. } 1
We are worried about the aircraft pollution and its potential to cause cancer. }
We live in Dover Shores/Westcliff right under the aircraft path. }
But I guess reading the below extract, the whole of Newport Beach should be worried. }
*Aviation is a major source of local air pollution, leading to significant public health impacts. }
Jet emissions can cause lung, throat, nasal, larynx and brain cancer, lymphoma, leukemia, asthma, }
and birth defects. }
Highly carcinogenic benzpyrene, a byproduct of jet fuel combustion attached to soot, can cause }
cancer and tumors in humans through lung and skin adsorption; these are deposited into the }
atmosphere across the United States at rates that far exceed safety limits on a daily basis. } 2
Jet emissions affect a 25 mile area around an airport. People, children, animals and plants are toxic }
crop dusted by jet emissions for 12 miles from a runway end. A typical commercial airport spews }
hundreds of tons of toxic and criteria pollutants into our atmosphere every day. }
These drift over heavily populated areas and settle onto water bodies and crops. }*

We have not read the proposed agreement in detail but we wonder if the agreement incorporates benefits of }
future engine (noise/pollution) technology? (see extract below) }
Given that airlines are buying more efficient and quieter engines, would it not be wise to make requests for this }
type of aircraft? }
Could someone not look into the types of aircraft (Airbus 320 neo, Boeing 737 MAX) with new engines (e.g. }
Leap-X) and request these type of commercial aircraft be the only ones in operation by a certain year at John } 3
Wayne? }
It would be a win-win solution as these engines are 15% more efficient than the conventional ones. }
I remember that most of the aircraft 10 years ago taking off from John Wayne, were a very aging fleet of MD- }
80's that had the highest pollution factor. Lets not be stuck with the older aircraft at John Wayne. }

The noise also affect the quality of our lives. }
There are health consequences of elevated sound levels. Elevated workplace or other noise can cause hearing }
impairment, hypertension, ischemic heart disease, annoyance, sleep disturbance, and decreased school } 4
performance. }
If the curfew was lifted, house values would tumble and it would mean an exodus from our area. Property taxes }
would fall and the city will suffer budget cuts. } 5

Thanks,

Mark Knaeps
1127 Berkshire Lane

"LEAP-X features many key enhancements to technologies pioneered through the Project TECH56 programme which have since found use on other engines. In particular, improvements have centred around an 'ultramodern' lean burn Twin Annular Pre Swirl (TAPS II) combustor as featured on GE's larger GENx family, which will shortly enter service with the Boeing 787 Dreamliner and 747-8 aircraft, which it says will reduce NOx emissions to just 50% of the latest CAEP/6 (Committee on Aviation Environmental Protection) regulations."

The cutting-edge aero-engine sets new standards for noise reduction: It is significantly quieter than conventional CFM engines of the type CFM56-5B and halves the noise footprint produced by an aircraft during take-off and landing. This is a significant improvement for those living near airports. In terms of fuel-efficiency, these next-generation engines have also taken another great step forward. Compared with conventional CFM engines, they consume 15 per cent less fuel, reducing carbon dioxide emissions accordingly. Nitrogen oxide emissions are even reduced by 22 per cent thanks to a new combustion chamber, the TAPS II (twin-annular, pre-mixing swirler).

**Response to Comment Received from
Mark Knaeps
Dated: July 2, 2014**

- Response 1:** The comment addresses a general subject area, which received extensive analysis in the Draft Environmental Impact Report (“EIR”) in Section 4.1, Air Quality. In particular, health risk is addressed in Section 4.1.6 of the Draft EIR and Section 5.4 of the *Air Quality Technical Report* (Appendix D). The Draft EIR relies upon thresholds established by the South Coast Air Quality Management District (“SCAQMD”) to assess potential changes in cancer risk due to Project emissions. As shown in Table 4.1-23 (page 4.1-62) of the Draft EIR, the Proposed Project would not exceed the SCAQMD’s cancer risk or cancer burden thresholds. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.
- Response 2:** The comment addresses a general subject area, which received extensive analysis in the Draft EIR in Section 4.1, Air Quality. Please see Response 1 above regarding the Draft EIR’s evaluation of health risk. Additionally, the un-cited comment does not provide any technical basis to support the stated concerns. However, the text appears to be from the website <http://aviationjustice.org/>, and this website does not provide further substantiation for these comments. The Draft EIR thoroughly examines the potential air quality issues and includes all feasible mitigation measures to address significant impacts. John Wayne Airport has also already incorporated many features to help reduce emissions as shown in Table 4.1-6 (page 4.1-23) of the Draft EIR.
- Response 3:** Though the Draft Environmental Impact Report (“EIR”) assumes the continuation of the existing fleet mix, the EIR does identify that, given the length of the 15-year planning timeframe for the Proposed Project (2015–2030), it is reasonable to assume that there will be interest in introducing newer and next generation aircraft. These newer aircraft, such as the 737-900ERW, 787, 737-MAX, or comparable aircraft by other manufacturers may be incorporated into the fleet mix at John Wayne Airport (“JWA”) at some point in the future. These newer aircraft may generate less noise and have fewer air emissions compared to the current fleet at JWA. In addition, since these aircraft accommodate more passengers than aircraft in the current fleet, it may be possible to serve more passengers (within the million annual passengers [“MAP”] cap) with fewer operations. The issue of the introduction of newer and next generation aircraft is discussed on pages 1-17, 3-26, 4.1-13, 4.3-16, 4.6-44, and 4.6-80 of the Draft EIR, as well as in the *Capacity Analysis Technical Report* (provided in Appendix F) in the section entitled “Aircraft in Development that Will Replace Aircraft Currently Operating at John Wayne Airport.” However, as indicated in the Draft EIR, the timing of changes to the fleet mix cannot be known at this time and the California Environmental Quality Act (“CEQA”) does not allow speculation. In order to be conservative, the environmental analysis presented in this Draft EIR assumes that the Project would maintain the Airport’s existing fleet mix, thereby likely

presenting a maximum environmental impact assessment of air quality (Section 4.1), greenhouse gas impacts (Section 4.3), and noise (Section 4.6).

Also, as discussed in Section 4.6.7 (Mitigation Program) of the Draft EIR, the Airport Noise and Capacity Act (“ANCA”) of 1990 severely constrains the ability of airport proprietors, such as the County, to impose noise restrictions that are more onerous than the standards imposed by federal law. As such, the County is not legally authorized to hand select the type of aircraft that operate at the Airport beyond the current restrictions established by the Settlement Agreement and curfew, as grandfathered under ANCA.

Response 4: The potential health effects of noise exposure are discussed in Section 4.6.1 of Section 4.6 (Noise) of the Draft EIR and in more detail in Section 2.3 of *Noise Analysis Technical Report* (Appendix C of the Draft EIR). All six potential noise impacts identified in the comment are addressed directly in those sections. Aircraft noise levels outside the Airport boundaries are not sufficient enough to result in hearing impairment. Similarly, no adverse classroom effects are anticipated. Based on current studies, adverse schoolroom effects are anticipated from interior noise levels exceeding 65 decibels (“dB”) Community Noise Equivalent Level (“CNEL”) or 85 A-weighted decibels (“dBA”) Sound Exposure Level (“SEL”), which is equivalent to an outdoor noise level of 77 dB CNEL or 97 dBA SEL with windows open (85 dB CNEL or 105 dBA SEL with windows closed).

While research indicates a correlation between community noise exposure, hypertension, and ischemic heart disease, this association has not been quantified, nor has a causal relationship been determined. The current nighttime curfew would remain in effect under the Proposed Project. Therefore, sleep disturbance is not a considerable issue. While sleep disturbance impacts were not quantified in the Draft EIR, the document does acknowledge that elimination of the curfew would result in a significant impact. As discussed in the Draft EIR, the rescinding of the nighttime curfew would require a separate County Board action and environmental analysis. A quantitative analysis of the specific sleep disturbance impacts would need to be performed at that time.

The County of Orange, City of Newport Beach, and Federal Aviation Administration (“FAA”) noise standards and the significance thresholds were established primarily to address annoyance and are assessed in the Draft EIR.

Response 5: As the comment opposes elimination of the Airport’s hours of operation/curfew, it should be noted that the Proposed Project would maintain the existing curfew at the Airport through December 31, 2035 (see Table 3-1 on page 3-7 of the Draft EIR). The curfew is similarly protected under Alternatives A and B. The No Project Alternative, which assumes expiration of the Settlement Agreement, would protect the curfew until December 31, 2020, as would Alternative C. Please see Topical Response 5 (Effects on Property Values).

From: bettykoi@aol.com
Sent: Tuesday, July 08, 2014 4:42 PM
To: EIR, Draft
Subject: John Wayne Airport flights

I live under the flight path to John Wayne Airport, and I strongly object to increased flights. I have two concerns: noise and air quality.

There are many days when planes are flying over every five minutes or so. If you are outside, conversation comes to a halt. It seems as if the planes are getting louder, possibly flying lower. When my son was married in our back yard a few years ago, the officiant had to stop while a plane went over. It is ridiculous.

Even worse is the soot raining down on us. I wipe off my patio furniture every week with a damp cloth, and it is appalling the amount of black stuff on the cloth. This is not dust; it is definitely coming from the planes flying overhead. All of that soot goes into our lungs as well as on the furniture. It is a serious health hazard.

We definitely don't want more flights!!

Betty Koines
18022 Weston Place
North Tustin

} 1
}
} 2
}
} 3

**Responses to Comments Received from
Betty Koines
Dated: July 8, 2014**

Response 1: The comment addresses general subject areas (i.e., noise and air quality), which were both extensively analyzed in the Draft Environmental Impact Report (“EIR”).

Section 4.6 (Noise) of the Draft EIR summarizes the applicable regulatory setting; provides qualitative and quantitative information regarding the existing noise environment; quantifies and identifies the incremental increase in noise attributable to the Proposed Project; and discloses the significance of that incremental increase by reference to noise thresholds established by the Federal Aviation Administration (“FAA”), the County of Orange, and the City of Newport Beach. Where significant impacts are identified, Section 4.6 also proposes feasible mitigation to address such impacts. Ultimately, Section 4.6 concludes that the Proposed Project would result in unavoidable significant noise impacts due to the incremental increase in noise from increased aircraft operation levels. Please refer to Topical Response 4 (Arrival Corridor Noise Impacts) for a detailed discussion of the noise impacts, both single event and cumulative, from Airport operations and the Proposed Project along the arrival corridor that passes over the City of Tustin, the community of North Tustin, and the eastern edge of the City of Orange. This discussion focuses on the City of Tustin because it is subject to the highest aircraft arrival corridor noise levels in residential areas.

Air quality also received extensive analysis in the Draft EIR in Section 4.1 (Air Quality). Section 4.1 summarizes the applicable regulatory setting; provides qualitative and quantitative information regarding the existing environment; quantifies and identifies the incremental increase in criteria air pollutants and toxic air contaminants attributable to the Proposed Project; and discloses the significance of that incremental increase by reference to applicable thresholds established by the South Coast Air Quality Management District and criteria in the California Environmental Quality Act Guidelines. Ultimately, Section 4.1 concludes that the Proposed Project would result in unavoidably significant air quality impacts due to the incremental increase in air emissions from increased aircraft operation levels.

The comment does not raise any specific issue regarding the analysis in the Draft EIR and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

Response 2: Please see Topical Response 1 (Black Carbon).

Response 3: The County of Orange acknowledges your opposition to any further expansion of John Wayne Airport. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

From: Leonard Kranser <kranser@cox.net>
Sent: Thursday, June 12, 2014 12:30 PM
To: EIR, Draft
Subject: Comment on DEIR617

The analysis considers very local, and not the regional environmental impacts from implementing the Proposed Project and the higher utilization alternatives.

The traffic analysis examines only trips to and from JWA. It ignores the fact that allowing increased levels of service at JWA, projected as needed by the FAA during the period under study, will relieve Orange County air passengers from driving longer distances to Long Beach Airport, Ontario and to LAX. Therefore, the alternatives with greater passenger allowances at JWA will reduce traffic over OC freeways to other airports, reduce automotive pollution and save travelers' time. This should be discussed in a regional analysis.

Furthermore, service at JWA that is less than the demand projected by the FAA will burden other communities near other regional airports with more noise and pollution.

Leonard Kranser
Editor, El Toro InfoSite
www.eltoroairport.org

} 1

**Response to Comment Received from
Leonard Kranser
Dated: June 12, 2014**

Response 1: The commenter states that the analysis considers only local transportation impacts associated with the Proposed Project and alternatives. Specifically, he notes that the analysis does not consider the regional transportation impacts if John Wayne Airport (“JWA”) does not provide sufficient capacity for aviation travel needs for Orange County residents. The commenter suggests that this lack of capacity will divert passengers to other airports, which will cause additional regional traffic impacts.

This issue of unmet demand is an important one and was addressed qualitatively in the Executive Summary of the Fehr & Peers *John Wayne Airport Transportation Impact Analysis Report* (April 30, 2014) (Transportation Study) where it states the following:

However; it should be noted that an increase in MAP to only 10.8 is unlikely to satisfy the regional demand for air travel. Both FAA and SCAG projections indicate that forecasted passenger demand at JWA exceeds the current Settlement Agreement limits of 10.8 MAP. The FAA projections anticipate unconstrained passenger demand at JWA reaching 12.8 MAP by 2030. (See, Technical Report Capacity Analysis, AECOM, Section 7 (February 2014).) JWA currently serves approximately 9 million annual passengers and allowing an increase in MAP to only 10.8 MAP [million annual passengers] likely would cause residents of Orange County to divert to other facilities in the region to satisfy their air travel needs. (Id.) This diversion of workers and residents to other facilities such as Los Angeles International Airport (LAX) and Ontario would likely result in additional travel on the regional roadway system, which could result in additional congestion, vehicle miles traveled (VMT), and emissions for these longer distance trips.

However; no quantitative analysis was done since it is difficult to precisely predict what choices Orange County residents and visitors might make absent additional capacity at JWA. For example, it is unknown how travelers might respond to unmet demand in terms of diverting to other facilities. These diversion choices would likely depend on the flight choices at the time, the airline pricing structure, and the level of regional traffic congestion. A diversion scenario in which 100 percent of all unmet demand diverts to Los Angeles International Airport (“LAX”) would have different transportation impacts than an alternative scenario in which only 50 percent of unmet demand diverts to LAX and the remaining unmet demand diverts to LA/Ontario International Airport (commonly known as Ontario Airport).

The California Environmental Quality Act does not allow speculation so it is not possible at this time to prepare a detailed quantitative analysis for the reasons above. However, it is important to acknowledge this issue of unmet demand and

the regional transportation impacts that would result. Some key items to consider include:

- Any diversion to other facilities would require passengers to travel along some of the most congested freeways in the Southern California region including Interstate 405 and State Route 91.
- The additional distance traveled would be considerable. For example, a person living in Anaheim current would travel 16 miles one-way to reach JWA. This same trip to Ontario Airport would require 32 miles and LAX would require 35 miles. This additional distance would generate additional VMT and air pollution beyond what would otherwise occur.

From: Leonard Kranser <kranser@cox.net>
Sent: Tuesday, July 08, 2014 11:40 AM
To: EIR, Draft
Subject: DEIR617 comment

The Grand Jury report on utilizing John Wayne Airport should be considered when evaluating the DEIR because ground and air traffic that must be diverted elsewhere has an environmental impact on Orange County roads and on other airport communities. See http://www.ocgrandjury.org/pdfs/2013_2014_GJreport/JWA.pdf

} 1

Leonard Kranser
Editor, El Toro Info Site www.eltoroairport.org

**Response to Comment Received from
Leonard Kranser
Dated: July 8, 2014**

Response 1: The County of Orange acknowledges your input and comment. Relatedly, as noted on page 4.8-158 of the Draft Environmental Impact Report (“EIR”):

It also is noted that both FAA and SCAG projections indicate that forecasted passenger demand at JWA exceeds the current Settlement Agreement limits of 10.8 MAP, and that FAA projections anticipate unconstrained passenger demand at JWA reaching 12.8 MAP by 2030. (See the *Capacity Analysis Technical Report*, Section 7, provided in Appendix F [AECOM, 2014].) As JWA currently serves approximately 9.2 million annual passengers, allowing an increase in MAP to only 10.8 MAP likely would cause residents of Orange County to divert to other airports in the region to satisfy their air travel needs. (Id.) This diversion of workers and residents to other facilities, such as Los Angeles International Airport (LAX), Long Beach Airport, or Ontario, likely would result in additional travel on the regional roadway system, which could result in additional congestion, vehicle miles traveled (VMT) and emissions for these longer distance trips” (See also Draft EIR, page 1-16).

The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

From: Frances LaCasse <franceslacasse@gmail.com>
Sent: Tuesday, June 24, 2014 10:46 AM
To: Spitzer, Todd [HOA]; EIR, Draft
Subject: Proposed John Wayne Airport Plan

As a long time resident of Tustin (1969 to the present), I have seen increasing flights with noise and pollution to the point where it is becoming a great concern. I live directly under the flight path at 14721 Brookline Way. The noise is so great that whenever we have a window or door open we cannot hear the television when a plane goes overhead. If we are entertaining in our back yard, it is next to impossible to carry on a conversation when planes are going over every 2 minutes, drowning out our voices.

Another concern I have is the pollution problem. My patio, tables, chairs and window sills are continually covered with a fine black grit which I feel is coming from the planes. It is not the same color or consistency as the normal dust and dirt. It also make one wonder how much this is affecting our health, especially respiratory problems, as well as being a nuisance.

Please do not make any decisions which will make living in Tustin any less desirable.

Yours truly, Frances LaCasse

} 1
}
} 2

**Responses to Comments Received from
Frances LaCasse
Dated: June 24, 2014**

Response 1: Please refer to Topical Response 4 (Arrival Corridor Noise Impacts) for a detailed discussion of the noise impacts, both single event and cumulative, from Airport operations and the Proposed Project along the arrival corridor that passes over the City of Tustin, the community of North Tustin, and the eastern edge of the City of Orange. This discussion focuses on the City of Tustin because it is subject to the highest aircraft arrival corridor noise levels in residential areas.

Response 2: Please see Topical Response 1 for a discussion of black carbon.



COMMENT

John Wayne Airport
Settlement Agreement Amendment
Draft Environmental Impact Report 617



Name Mildred LaCroix Phone (714) 538-4433
Group/Organization/Jurisdiction Gardenhouse Community Assn - Villeubanne Master Assn
Address 5744 E. Creekside Ave #49 Email -
Comments: Orange, Ca. 92869

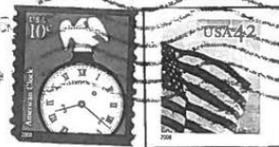
Our neighborhood is on a flight path. It is very noisy when planes fly over us. We can't hear the T.V. or carry on a conversation. It's especially bad in the evening when they fly by every 10 minutes.

} 1

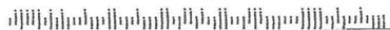
Please return comment card during this public meeting or mail to John Wayne Airport at the address on the reverse of this card.
Comment cards are due by July 8, 2014.

SANTA ANA CA 926

09 JUN 2014 PM 10



Ms. Lea Choum
John Wayne Airport
3160 Airway Avenue
Costa Mesa, CA 92626



**Response to Comment Received from
Mildred La Croix
Dated: June 10, 2014**

Response 1: The comment addresses a general subject area (i.e., noise), which is extensively analyzed in the Draft Environmental Impact Report (“EIR”) in Section 4.6 (Noise). Section 4.6 of the Draft EIR summarizes the applicable regulatory setting; provides qualitative and quantitative information regarding the existing noise environment; quantifies and identifies the incremental increase in noise attributable to the Proposed Project; and discloses the significance of that incremental increase by reference to noise thresholds established by the Federal Aviation Administration, the County of Orange, and the City of Newport Beach. Where significant impacts are identified, Section 4.6 also proposes feasible mitigation to address such impacts. Ultimately, Section 4.6 concludes that the Proposed Project would result in unavoidably significant noise impacts due to the incremental increase in noise from increased aircraft operation levels. The comment does not raise any specific issue regarding the analysis provided in Section 4.6 and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

From: David Lalor <ddlalor@att.net>
Sent: Tuesday, July 08, 2014 12:28 PM
To: EIR, Draft
Subject: Planes

We live in the Mesa Verde area of Costa Mesa. The Jet Blue A300's fly over our backyard all day long on their way to land in Long Beach. This is extremely annoying because of the "whiny" engine on the A300. All of us who live in this area are fed up with the noise. Since we are only a short distance to the Coast, why aren't they routed along the beach??

Can someone bring this up at the meeting? It would be nice if we could enjoy our backyard again.

Thanks for your help!

Denise & David Lalor
1933 Lanai Drive
Costa Mesa, Ca. 92626
Phone: 714-540-3926

} 1

**Response to Comment Received from
Denise and David Lalor
Dated: July 8, 2014**

Response 1: The comment is regarding the Jet Blue flights into Long Beach Airport; however, regardless of the airport, it should be noted that departure and arrival procedures are solely under the jurisdiction of the Federal Aviation Administration (“FAA”) and the pilot-in-command of the aircraft. Topical Response 3 (Commercial Aircraft Flight Path Issues) does provide a discussion of flight path issues as it pertains to John Wayne Airport.

From: violet fard <violetfard@yahoo.com>
Sent: Tuesday, July 08, 2014 4:36 PM
To: EIR, Draft
Cc: Brad Larsen
Subject: JWA settlement

As a resident of Newport Beach, I would like to urge the Board of Supervisors of the County of Orange and other authorities who are involved in making decisions about the JWA settlement to consider not making any modifications to the current curfew hours.

} 1

As was stated in the Environmental report the noise pollution would be unavoidable for the residents (and the migrant birds).

Anyone living under the path can attest that the noise pollution is at its highest right after the curfew starts and right before it ends.

In the first 30-45 minutes right after the curfew ends in the morning, a chain of aircrafts take off at the rate of 1 aircraft per minute. This creates a 30-45 minutes of almost uninterrupted aircraft noise. This is especially noticeable on Mondays, Fridays, Saturdays and Sundays. This is also true at the end of the day right before the curfew starts. I am not sure why so many carriers insist on packing their flights in the first and last minutes, but they do.

} 2

In addition, the general aviation tends to use the time right before the commercial flights start to take off. So 30 minutes before the commercial flights start every morning, we have the general aviation flying over. Many times these are as noisy as the commercial ones especially when they fly low.

My understanding is that the settlement will not affect the general aviation. They might not be affected directly by the settlement. However given the fact that they use the window of time right before and right after the curfew, if the curfew is shortened, then we'll have the general aviation flying over our head even earlier in the morning and even later into the night.

} 3

In one place, the environmental report speculates that planes with higher capacity (more passengers) will in all likelihood reduce the number of overall flights that take off and land.

In my conversations with the experts at the meeting that was hosted in Costa Mesa by Supervisor Moorlach, the consensus was that because John Wayne airport has the shortest runway of all airports within the continental United States, such high capacity airplanes most likely would not be able to take off and land at JWA. I would like to point out this fact as a counterargument.

} 4

Once again however, to us residents, the number of the flights and the passengers is less important than the curfew. Please help preserving our quality of life and the few night hours where we can enjoy peace and quiet.

} 5

Thank you
Violet Larsen
515 Playa
Newport Beach, Ca

**Responses to Comments Received from
Violet Larsen
Dated: July 8, 2014**

- Response 1:** The comment expresses the opinions of the commenter and does not raise an environmental issue; therefore, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.
- Response 2:** As the comment expresses support for the maintenance and enforcement of the Airport's hours of operation/curfew, it should be noted that the Proposed Project would maintain the existing curfew at the Airport through December 31, 2035 (see Table 3-1 on page 3-7 of the Draft EIR). The curfew is similarly protected under Alternatives A and B. The No Project Alternative, which assumes expiration of the Settlement Agreement, would protect the curfew until December 31, 2020, as would Alternative C.
- Response 3:** As indicated in the comment, flight activities of general aviation aircraft (i.e., light private planes) are not a component of the Proposed Project.
- Response 4:** Though the Draft EIR assumes the continuation of the existing fleet mix, the EIR does identify that, given the length of the 15-year planning timeframe for the Proposed Project (2015-2030), it is reasonable to assume that there will be interest in introducing newer and next generation aircraft. These newer aircraft, such as the 737-900ERW, 787, 737-MAX, or comparable aircraft by other manufacturers may be incorporated into the fleet mix at JWA at some point in the future. These newer aircraft may generate less noise and have fewer air emissions compared to the current fleet at JWA. In addition, since these aircraft accommodate more passengers than aircraft in the current fleet, it may be possible to serve more passengers (within the million annual passengers ["MAP"] cap) with fewer operations. The issue of the introduction of newer and next generation aircraft is discussed on pages 1-17, 3-26, 4.1-13, 4.3-16, 4.6-44, and 4.6-80 of the Draft EIR; it is also discussed in the *Capacity Analysis Technical Report* (provided in Appendix F) in the section entitled "Aircraft in Development that Will Replace Aircraft Currently Operating at John Wayne Airport."

However, as indicated in the Draft EIR, the timing of changes to the fleet mix cannot be known at this time and California Environmental Quality Act ("CEQA") does not allow speculation. In order to be conservative, the environmental analysis presented in the Draft EIR assumes the Project would maintain the Airport's existing fleet mix, thereby likely presenting a maximum environmental impact assessment of air quality (Section 4.1), greenhouse gases (Section 4.3), and noise (Section 4.6).

As discussed in the *Capacity Analysis Technical Report* (Draft EIR Appendix F, Section 6), the new aircraft types are classified in the following three categories.

- Aircraft currently in production that could operate at John Wayne Airport but would operate uneconomically due to payload limitations. These are aircraft such as the Boeing 737-800W and 737-900ERW.

- Aircraft currently in production that would require major airfield improvements in order to operate at John Wayne Airport. This category of aircraft is represented by the Boeing 787-8.
- New aircraft that are in development that could replace aircraft currently operating at John Wayne Airport without major airfield improvements. These are aircraft such as Boeing 737 MAX and Airbus neo (new engine option).

Improvements that may be required to accommodate these aircraft include lengthening the runway, modifying the turning radii on the taxiways, and blast wall. In addition, special consideration would be required at the gates due to the size of the aircraft.

Response 5: The comment is noted. No further response is required given that the comment does not address or question the content of the Draft EIR.

Subject: FW: Reduce flights to John Wayne

From: Sondra LaurentMichel [mailto:scfriou@yahoo.com]

Sent: Thursday, June 05, 2014 11:10 AM

To: EIR, Draft

Subject: Reduce flights to John Wayne

Hi, I'm a resident of tustin, near tustin ranch. I strongly oppose increasing daily flights to John Wayne. It is not healthy for children playing outdoors on playgrounds at school or in the backyard who breath in the emissions and industrial fallout. And, it is very noisy. Cars and window sills always seem to have black dust (pollution) on them and this air quality affects our right to breathe clean air. And, we want to preserve our property values.

} 1
} 2

People live in OC to avoid the heavy urban living such as in LA. It would be a disappointment to see OC become just as polluted as a big city. Therefore, I strongly oppose having more flight into John Wayne. And, I would like to see some discussion with the FAA about modifying the flight path to go over the existing highways to reduce neighborhood noise and pollution.

} 3
} 4

Thank you for listening to my thought.
Sondra Laurent-Michel
Momof3frenchkids@yahoo.com

**Responses to Comments Received from
Sondra Laurent-Michel
Dated: June 5, 2014**

Response 1: The County of Orange acknowledges your input and comment opposing any increase in operational capacity levels at the Airport. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Response 2: The comment addresses a general subject area (i.e., air quality), which received extensive analysis in the Draft Environmental Impact Report ("EIR") in Section 4.1, Air Quality. In particular, health risk is addressed in Section 4.1.6 of the Draft EIR and Section 5.4 of the *Air Quality Technical Report* (Appendix D). In addition, Topical Response 1 (Black Carbon) addresses black carbon, which is referred to in the comment as "black dust." It should be noted that the particulate matter emissions from aircraft during all three phases of the Proposed Project are expected to decrease, compared to existing conditions, due to decreasing general aviation aircraft operations (Draft EIR, Table 4.1-8, page 4.1-29). Additionally, future improvements in engine performance (which conservatively are not quantitatively incorporated in the Draft EIR because the International Civil Aviation Organization/Emissions Dispersion and Modeling System ["ICAO/EDMS"] database does not include them) will likely further decrease aircraft emissions.

Section 4.6 (Noise) of the Draft EIR summarizes the applicable regulatory setting; provides qualitative and quantitative information regarding the existing noise environment; quantifies and identifies the incremental increase in noise attributable to the Proposed Project; and discloses the significance of that incremental increase by reference to noise thresholds established by the Federal Aviation Administration, the County of Orange, and the City of Newport Beach. Where significant impacts are identified, Section 4.6 also proposes feasible mitigation to address such impacts. Ultimately, Section 4.6 concludes that the Proposed Project would result in unavoidably significant noise impacts due to the incremental increase in noise from increased aircraft operation levels.

The comment does not raise any specific issue regarding the analysis provided in Section 4.1 or Section 4.6 and, therefore, no more specific response can be provided or is required. In addition, please see Topical Response 5, which provides a discussion on effects on property values. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Response 3: The comment expresses the opinions of the commenter regarding the motives of Orange County residents in purchasing property located in the County and does not raise an environmental issue; therefore, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Response 4: Changes to the flight path are outside the scope of the Proposed Project and the County of Orange, as the proprietor of the Airport, has no authority or control over aircraft in flight. The Federal Aviation Administration (“FAA”) and the pilot-in-command of each aircraft have sole jurisdiction and responsibility for flight paths. Accordingly, only the FAA has enforcement capability over these issues. In addition, please see Topical Response 3, which provides a discussion on commercial aircraft flight path issues.

From: Lois and Stan Levine <llevine@pacbell.net>
Sent: Sunday, July 06, 2014 12:19 AM
To: EIR, Draft
Subject: Comment Card for DEIR 617

Name: Lois Levine Phone: (949) 642-8535
Address: 1627 Anita Lane, Newport Beach, CA Email: llevine@pacbell.net

According to information mailed to our address, there have been 13 Committee meetings on the draft EIR617 and only 2 Public Information Meetings.

Something is wrong with this equation. I first heard of a public meeting only 48 hours before the meeting took place to discuss the EIR617. The publicity for something as important as this is woefully inadequate and smacks of OCair group trying to sneak their settlement agreements past the general public.

Many more public informational meetings are needed before anything being decided on the EIR617. You just are not trying hard enough to put the word out so that the public can vote intelligently.

For the record, I strongly oppose any further expansion of the John Wayne Airport. Curfews must stay the same as they are now. A vigorous search should be made for a viable airport in Orange or San Diego Counties--one that can handle enough air traffic and not impact established homes and communities.

You missed your best chance with the El Toro Marine Base property because of all the Irvine NIMBYs. Now try and work out a deal with Pendleton for a joint airport. This arrangement has been done before quite successfully.

} 1
} 2

**Responses to Comments Received from
Lois Levine
Dated: July 7, 2014**

Response 1: It is unclear what committee meetings are being referenced in the comment. Committee meetings may have been organized and held by local community organizations; however, these meetings are not official meetings called by the County of Orange, which is the lead agency for the Proposed Project.

Consistent with the State CEQA Guidelines for regionally significant projects, a scoping meeting was held. This meeting was open to any member of the public as provided for in Section 15082 of the State CEQA Guidelines. Additionally, the Airport held two public meetings on the Draft EIR in exceedance of CEQA's requirements: one in North Tustin on May 28, 2014, and one at the Airport Administrative Offices in Costa Mesa on May 29, 2014. Notice for these meetings, as well as the availability of the Draft EIR, was published in *The Orange County Register*, on May 23, 2014, as well as posted on John Wayne Airport and City of Newport Beach's websites. A notice was also posted at the Orange County Clerk Recorder on May 22, 2014. Notices were also sent (via U.S. mail or email, dependent on the contact information provided) to attendees of the public scoping meeting or parties that had requested the Airport add their contact information to the mailing list. In addition, Supervisor Spitzer included information on the meeting in his Third District Newsletter dated May 23rd, Volume 2 Issue 20; and in his May 30th newsletter (Issue 21), he provided more information on where the public can access the Draft EIR. Noticed public hearings to discuss the Proposed Project will also be held in late summer before the Orange County Airport Commission and Planning Commission, and before the Board of Supervisors in early fall.

Also, the Proposed Project is not an item that will be voted on directly by the general public. The Orange County Board of Supervisors and the Newport Beach City Council as elected officials and signatories to the Settlement Agreement will take action on the Proposed Project. Additionally, the governing boards of AWG and SPON will need to approve any amendments to the Settlement Agreement.

Response 2: The County of Orange acknowledges your opposition to any further expansion of John Wayne Airport. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Also, as the comment expresses support for the maintenance and enforcement of the Airport's hours of operation/curfew, it should be noted that the Proposed Project would maintain the existing curfew at the Airport through December 31, 2035 (see Table 3-1 on page 3-7 of the Draft EIR).

Finally, transitioning operations from JWA to another airport, such as Camp Pendleton in northern San Diego County, is not a feasible alternative. Camp Pendleton is a federal installation of the U.S. Marines Corps, and the U.S. Department of Defense has no plans to operate the airfield there as a joint use facility.

From: Millard MacAdam <mnmacadam@sbcglobal.net>
Sent: Saturday, June 14, 2014 7:36 PM
To: EIR, Draft
Subject: Environmental Impact Report Questions

Email Memo

Ms. Lea Choum
John Wayne Airport
3160 Airway Avenue, Costa Mesa, CA 92626

We see and hear the planes taking off very near to our home. At times we have to stop talking over dinner on our patio because the noise pollution is so loud. An even deeper concern is getting honest answers to the questions we have regarding chemical pollution from aircraft engines. I want these questions fully answered and properly weighed *before any settlement agreement* that is related to the operations at John Wayne Airport is approved by any agency.

These questions have come to our minds because of the heavy amounts of black, oily airplane waste my wife and I regularly find, and have cleaned up on our patio furniture during the 24 years we have lived here.

We have been deeply concerned as to what this visible airplane engine waste contains, and what other non-visible waste particles in the air we breathe contains. This has to be damaging our health! Here are our questions:

1. Have the most modern air and water pollution research tools and processes been used to accurately assess the toxic quantities and negative impact the fall-out from airplane engines is having on human health and wellness, as well as on the animal life, plant life and water quality in the Upper Newport Bay Nature Preserve in the preparation of the Environmental Impact Report?
2. Has all negative information from such research been fully disclosed and well circulated to the public through newspaper articles, television programs or other means in easy-to-understand, "plain talk" ways?
3. Have any incidents of collusion surfaced that have served to block the effectiveness and accuracy of the environmental impact research that has taken place, or properly needs to take place?
4. What have the incremental increases in measurable airplane engine pollution been over the years since the airport was opened?
5. What effect has these increases had on human health and on the animal life, plant life and water quality in the Upper Newport Bay Nature Preserve?
6. What are the know pollution levels presently for each specific toxic substance that's been found in the Environmental Impact Study research to be harmful to human health, as well as the animal life, plant life and water quality in the Upper Newport Bay Nature Preserve?

I understand that a written response to my questions was promised.

Sincerely,

Dr. Millard MacAdam
2114 Vista Laredo
Newport Beach, CA 92660
949 644-6180
mnmacadam@sbcglobal.net

**Responses to Comments Received from
Dr. Millard MacAdam
Dated: June 14, 2014**

Response 1: The noise associated with the Airport and the anticipated increase associated with the Proposed Project are addressed in Section 4.6 (Noise) of the Draft Environmental Impact Report (“EIR”). This section of the Draft EIR summarizes the applicable regulatory setting; provides qualitative and quantitative information regarding the existing noise environment; quantifies and identifies the incremental increase in noise attributable to the Proposed Project; and discloses the significance of that incremental increase by reference to noise thresholds established by the Federal Aviation Administration (“FAA”), the County of Orange, and the City of Newport Beach. Where significant impacts are identified, Section 4.6 also proposes feasible mitigation to address such impacts. Ultimately, Section 4.6 concludes that the Proposed Project would result in unavoidably significant noise impacts due to the incremental increase in noise from increased aircraft operation levels.

Similarly, Section 4.1 (Air Quality) summarizes the applicable regulatory setting; provides qualitative and quantitative information regarding the existing air quality environment; and quantifies and identifies the incremental increase in criteria air pollutants attributable to the Proposed Project. The air quality analysis was conducted following applicable thresholds established by the South Coast Air Quality Management District (“SCAQMD”) and criteria in the California Environmental Quality Act (“CEQA”) Guidelines. In addition, please refer to Topical Response 1 (Black Carbon).

The very purpose of CEQA is to ensure that environmental issues are considered before project approval, as requested by the commenter. The Draft EIR was circulated for a 45-day public period to provide the public and agencies an opportunity to review the materials for adequacy and completeness. All this information will be considered by the decision makers (here, the County Board of Supervisors) prior to taking action on a project.

Response 2: The methodology utilized in the air quality analysis is addressed in Section 4.1.3 of the Draft EIR and Section 3 of the *Air Quality Technical Report* (Appendix D). The models used are current and the most appropriate models available for use in this analysis for air pollution. Specifically, the EDMS model is recommended by the Federal Aviation Administration (“FAA”), AERMOD is recommended by the U.S. Environmental Protection Agency (“USEPA”), OFFROAD and EMFAC are recommended by the California Air Resources Board (“CARB”), and CalEEMod is recommended by the South Coast Air Quality Management District (“SCAQMD”).

The analysis in the Draft EIR acknowledges that the operation of JWA involves activities known to generate atmospheric pollutants, mainly combustion of fossil fuels and resuspension of dust on both runways and roadways from airplane/vehicle traffic. Accordingly, with rainfall, the operations at the Airport would reasonably contribute an incremental increase of several of the pollutant types through atmospheric deposition that may add to pollutant loads identified

in the 303(d)-listed waterways. However, with the exception of sediment and potentially metals, the pollutants of concern for the waterways on the 303(d) list are not the pollutants generally associated with emissions from aviation activities. For example, oil and grease are generally associated with aviation activities, and Newport Bay is not impacted by those pollutants.

The Draft EIR further states that fuel-related pollutants are dominant constituents of the existing runoff stream at JWA; therefore, appropriate Best Management Practices (“BMPs”) for petrochemical pollutants are already in place to meet the National Pollutant Discharge Elimination System (“NPDES”) permit requirements (i.e., the Industrial General Permit and MS4 Permit). For example, there are large oil-water separators and clarifiers located throughout the airfield that treat runoff from each of the aircraft parking aprons. Wastewater and sediment/sludge from the oil-water separators are taken off site for recycling and disposal, as appropriate. Normal Airport maintenance requires high frequency sweeping of all airfield pavement to prevent possible jet engine damage due to foreign objects; this has the added benefit of removing contaminants attached to surficial debris (i.e., dust and sediment that accumulates on paving between storm events). In the parking lots, a self-contained scrubbing machine is used to clean oil and grease from the parking lots, and accumulated wash water is disposed of into the industrial sewer system. This discussion is provided on pages 4.10-5 through 4.10-8 of the Draft EIR. Further discussion of this issue is also provided in Response 6, below.

The comment does not raise any specific issue regarding the methodology and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

Response 3: The Draft EIR has summarized the technical studies with the understanding that the EIR is being reviewed by members of the public and decision makers that may not have the technical expertise to fully understand all the complexities of the analyses. Every attempt has been made to simplify vocabulary and provide definitions where terminology may not be known by the general public.

For each of the environmental technical issues (Sections 4.1 through 4.10), the following information is clearly delineated by heading levels:

- **Regulatory Setting:** This section provides an overview of the applicable regulations.
- **Methodology:** A discussion of the methodology used to evaluate the impacts is presented.
- **Existing Conditions:** This section documents the conditions in the community at the time the Notice of Preparation was released (2013) and provides a baseline by which the impacts of the Project are evaluated.
- **Thresholds of Significance:** The thresholds of significance are identifiable quantitative, qualitative, and/or performance-level standards

of a particular environmental effect (State CEQA Guidelines, Section 15064.7). The thresholds were developed from the questions from the County of Orange Environmental Checklist, which were supplemented or expanded as necessary to reflect applicable regulations or to clarify the performance standards being applied.

- **Impact Analysis:** The Proposed Project and each alternative are evaluated under each of the identified thresholds. An “Impact Conclusion” statement is provided at the end of the threshold analysis to clearly define the impacts associated with the evaluated threshold.
- **Mitigation Program:** If significant impacts are identified, mitigation measures are developed to help to minimize the impacts.
- **Level of Significance After Mitigation:** This section clearly identifies whether the identified impacts would be less than significant after the application of the mitigation measures. A summary table is provided that identifies each threshold and whether the Proposed Project and each alternative would have no impact; a less than significant impact; a less than significant impact after mitigation; or a significant and unavoidable impact, even after consideration of mitigation measures.
- **References:** A listing of the reference documents used in the preparation of the section is provided.

Specifically, with regards to air quality, this topic has received extensive analysis in the Draft EIR in Section 4.1, Air Quality. In particular, health risk is addressed in Section 4.1.6 of the Draft EIR and Section 5.4 of the *Air Quality Technical Report* (Appendix D). The Draft EIR includes discussion of various studies and research relevant to the air quality issues. Additional discussion is also provided in Topical Responses 1 (Black Carbon) and 2 (LA Times/USC Study). The comment does not raise any specific issue regarding the Draft EIR analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

Response 4: The County of Orange retained independent environmental consulting firms to prepare an assessment of potential impacts associated with the Project. The firms were selected through a competitive process based on qualifications. Each of the firms has provided similar analyses for other agencies, including work on other airports. The qualifications of each staff person assigned to the Project are briefly summarized in Section 9, List of Preparers.

Response 5: The Draft EIR is required to analyze the environmental effects of the Proposed Project’s incremental increase in emissions as measured against the baseline existing conditions. The anticipated incremental increase in emissions from airplanes due to the Proposed Project is shown in Table 4.1-8 (page 4.1-29) of the Draft EIR. However, CEQA does not require the EIR to identify the incremental increases in airplane engine emissions since the Airport was opened.

The Draft EIR does provide information about the measured air quality in the surrounding areas based on monitoring data collected by the South Coast Air Quality Management District for the Costa Mesa and Anaheim monitoring stations. This monitoring data is presented in Tables 4.1-2 (page 4.1-17) and 4.1-3 (page 4.1-18) of the Draft EIR. Additional historical data on the air quality in the South Coast Air Basin can be obtained at www.epa.gov/airquality/airdata/ad_rep_mon.html. While this air monitoring data does not specifically measure airplane engine emissions, it does provide a perspective of the historical air quality in the area. In addition, information on historical changes in airplane engine emissions beyond the scope of this Draft EIR is available from the International Civil Aviation Organization.⁷¹

Response 6: As discussed above in Response 5, the Draft EIR is required to analyze the environmental effects of the Proposed Project's incremental increase in emissions as measured against the baseline existing conditions. Thus, the Draft EIR does not include an analysis of the health effects of emissions since the Airport was opened

The Draft EIR does analyze and discuss the human health effects of the Proposed Project's emissions. Specifically, the health effects of criteria pollutants are discussed in Section 4.1.1. And, the anticipated incremental change in aircraft-related emissions due to the Proposed Project is shown in Table 4.1-8 (page 4.1-29). The Draft EIR also reports the modeled criteria pollutant air concentrations in Tables 4.1-13 (page 4.1-38) and 4.1-14 (page 4.1-40).⁷² Furthermore, the Draft EIR reports the Health Risk Assessment ("HRA") results in Section 4.1.6 (Table 4.1-23, page 4.1-62) of the Draft EIR. The health effects that may result from the estimated criteria pollutant emissions are as discussed in Section 4.1.1.

These analyses are based on a number of conservative assumptions, and thus the Project may not result in the emissions, concentrations or risk levels reported in the Draft EIR. For example, the NO₂ modeling analysis is based upon conservative assumptions regarding the conversion of NO_x to NO₂. The HRA also incorporates conservative assumptions, including: (1) evaluates both primary and secondary exposure pathways including non-inhalation pathways; (2) cancer risk estimates for residents and sensitive receptors assume continuous exposure of 24 hours per day, 350 days per year for a 70-year lifetime, although most people do not remain at home all day and, on average, residents change residences every 11 to 12 years; (3) analysis assumes receptors experience outdoor concentrations for the entire exposure period; (4) cancer risk estimates for worker receptors based on 245 days per year and a 40-year working lifetime, although most people do

⁷¹ International Civil Aviation Organization (ICAO). Aircraft Engine Emissions. Montreal, Quebec: ICAO. <http://www.icao.int/environmental-protection/Pages/aircraft-engine-emissions.aspx>.
FAA. 2005 (January). *Aviation & Emissions: A Primer*. Washington, D.C.: FAA. http://www.faa.gov/regulations_policies/policy_guidance/envir_policy/media/aeprimer.pdf.

⁷² The further quantification of health effects attributed to criteria air pollutants emitted by any singular project would require additional information on numerous variables that influence public health (e.g., background air pollutant concentrations, meteorology and weather patterns, diet, preexisting conditions, genetic predispositions, and personal habits such as smoking). Due to the uncertainty of these factors for various individuals located around the Proposed Project, further quantification of health effects is speculative for purposes of CEQA.

not remain at the same job for 40 years; and (5) the chronic and acute hazard index values are calculated by summing compound-specific hazard quotient (“HQ”) values across all exposure pathways rather than summing pathway specific HQ values.

Potential impacts for biotic resources are discussed in Section 4.2 (Biological Resources) of the Draft EIR. Upper Newport Bay is considered regionally significant in that it supports a highly diverse and abundant assemblage of wildlife and represents one of the few relatively large pristine salt marsh ecosystems remaining in Southern California. The marine and terrestrial habitats in the bay provide habitat for approximately 75 species of fish, 19 species of amphibians/reptiles, 200 species of birds, and 17 species of mammals.

Section 4.2 of the Draft EIR provides exhibits that show the 65 and 60 Community Noise Equivalent Level (“CNEL”) contours in relationship to Upper Newport Bay for the Proposed Project and each of the alternatives. Table 4.2-3 (page 4.2-22) provides the acreage of Upper Newport Bay that would be affected by noise levels of 60 CNEL or greater. The Proposed Project would not result in the 65 CNEL contour extending into Upper Newport Bay.

As discussed above in Response 5, and in accordance with State CEQA Guidelines Section 15125(a), the Draft EIR is required to evaluate the Proposed Project’s incremental increase in emissions relative to the baseline existing conditions. Thus, the Draft EIR does not include an analysis of the environmental effects of pollutants emitted since the Airport was opened.

Section 4.10, Water Quality, of the Draft EIR evaluates the Proposed Project’s potential impacts on water quality. The potential impact of aircraft-related emissions on the Upper Newport Bay Nature Preserve (“Upper Newport Bay”) is not expected to be significant as discussed below.

A study specific to Upper Newport Bay directed by the Santa Ana Regional Water Quality Board and the U.S. Environmental Protection Agency did not show any contamination specifically attributable to aircraft emissions.⁷³ Regular monitoring of chemicals in Upper Newport Bay occurs through the Southern California Coastal Waters Research Program (“SCCWRP”), the Newport Bay Conservancy, and enforcement of the Newport Bay Toxics Total Maximum Daily Load (“TMDL”). An investigation of chemical concentrations and toxicity in Upper Newport Bay sediments performed by SCCWRP in 2003⁷⁴ and a subsequent toxicity identification evaluation study⁷⁵ found that “the concentrations of DDTs, PCBs, and PAHs in the [Upper Newport Bay] sediments were less than concentrations associated with consistent toxicity in other regions (Long et al.

⁷³ Bay S. and D. Greenstein. 2003. *Newport Bay and San Diego Creek-Chemistry Results for Water, Sediment, Suspended sediment* (Technical Report for the Santa Ana Regional Water Quality Control Board and the U.S. Environmental Protection Agency).

⁷⁴ Ibid.

⁷⁵ Greenstein D.J., S.M. Bay, and J.S. Brown. 2003. Characterization of Sediment Toxicity in Newport Bay. *Southern California Coastal Water Research Project Annual Report*. Costa Mesa, CA: Southern California Coastal Water Research Project.

1995)".⁷⁶ These findings indicate that the concentrations of DDTs, PCBs, and PAHs in sediment were below the typical benchmarks used to identify sediments that have a high probability of being toxic to invertebrates. These specific benchmarks derived by Long et al. are regularly used in sediment assessment. The investigation by SCCWRP also found that "an unmeasured contaminant with a source related to runoff discharge may be responsible for the whole-sediment toxicity in [Upper Newport Bay]. An organic pesticide in current use, such as an organophosphorus or pyrethroid compound, is a likely candidate since these pesticides have been detected in San Diego Creek, which receives runoff from residential and agricultural areas."⁷⁷ Given that aircraft have been operating in the vicinity of Upper Newport Bay for over 75 years to date and yet are not a noticeable source of pollutants in the Upper Newport Bay, the potential incremental increase in aircraft emissions as a result of the Proposed Project is not expected to have an impact on the Upper Newport Bay sediments.

The *Noise Analysis Technical Report* (see Draft EIR Appendix C) identifies that, on average in 2013, there were between 13 and 55 events at the noise monitoring stations in Upper Newport Bay (Noise Monitoring Stations ["NMS"] 4S through 7S) where the Single Event Noise Exposure Level ("SENEL") was greater than 85 A-weighted decibels ("dBA"). This equates to a maximum noise level of approximately 75 dBA. Based on the presence of Rare and Endangered species in Upper Newport Bay, it would appear that the wildlife in the area is habituated to aircraft overflights. The Draft EIR does evaluate the increased frequency of flights, especially during the morning hours when bird communication signals (e.g., songs, calls) are most effective.

Based on the results of the current research on birds and conclusions of Final EIR 582 (the document prepared for the 2003 Settlement Agreement Amendment), the overall increase of number of flight departures in the late morning hours combined with the slight incremental increase (less than 1 CNEL for the Proposed Project) of noise levels is not expected to have substantial impacts on avian species since noise levels will be very similar to existing conditions. The slight increase in noise levels and the areas of Upper Newport Bay subject to these noise levels are below the noise levels evaluated under the original Settlement Agreement (Final EIR 508) and are less than the impacts analyzed in Final EIR 582 and Addendum EIR 582-1 for the 2003 Settlement Agreement Amendment, which were found not to be significant.

Section 4.10 (Water Quality) provides a discussion of existing water quality downstream of JWA (also known as the receiving waters, which includes Upper Newport Bay and the Santa Ana Delhi Channel) and the potential impacts associated with the Project. Water bodies not meeting water quality standards are deemed "impaired" and, under the Federal Clean Water Act, are placed on a list of impaired waters. Table 4.10-1 (page 4.10-2) of the Draft EIR summarizes the pollutants affecting the water quality segments downstream of JWA. The

⁷⁶ Long, E.R., D.D. MacDonald, S.L. Smith, and F.D. Calder. 1995. Incidence of Adverse Biological Effects within Ranges of Chemical Concentrations in Marine and Estuarine Sediments. *Environmental Management* 19: 81-97.

⁷⁷ Bay and Greenstein 2003

pollutants can be grouped into the following categories: pesticides, metals, pathogens, nutrients and other organics, and sediment. These are typical pollutants generated by an urban area with dense land development and a wide variety of land uses. Consistent with the National Pollutant Discharge Elimination System (“NPDES”) permits from the Regional Water Quality Control Board (“RWQCB”), JWA has implemented a number of measures (known as Best Management Practices [“BMP”]) to avoid fuel-related pollutants entering into the Airport runoff stream (see Draft EIR page 4.10-9 for a summary of these measures).

For the past 15 years, JWA has provided the Santa Ana RWQCB with storm water runoff sampling data that demonstrates that the Airport is in compliance with the requirements of the Storm Water Pollution Prevention Plan (“SWPPP”). JWA will continue to prepare and submit an Annual Report to the Santa Ana RWQCB that assesses the effectiveness of all BMPs; the Annual Report provides a mechanism to ensure the effectiveness of all NPDES-related BMPs regardless of the intensity of Airport operations.

Additionally, the Draft EIR incorporates information from studies conducted on the type of pollution called “atmospheric deposition” or “air deposition” (see Draft EIR pages 4.10-6 through 4.10-8). Airborne pollutants can travel anywhere from a few yards to thousands of miles before being deposited. Some portion of the pollutants identified in the JWA receiving waters (i.e., Santa Ana Delhi Channel and Upper Newport Bay) are likely derived from atmospheric deposition. However, with the exception of sediment, and potentially metals, the pollutants of concern for the receiving waters are not the pollutants generally associated with emissions from aviation activities. Oil and grease are generally associated with aviation activities, and Upper Newport Bay is not impacted by those pollutants.

Response 7: The comment addresses a general subject area, which received extensive analysis in the Draft EIR in Section 4.1, Air Quality. In particular, health risk is addressed in Section 4.1.6 of the Draft EIR and Section 5.4 of the *Air Quality Technical Report* (Appendix D). The Draft EIR includes a summary of Toxic Air Contaminant (“TAC”) emissions in Section 4.1.6 as part of the HRA discussion. For the existing conditions, the Draft EIR discusses the SCAQMD MATES study in Section 4.1.4, which looks at the known toxics in the South Coast Air Basin. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

The Draft EIR includes a review of the potential impacts on water quality in Section 4.10. As discussed above in Response 6, studies of Upper Newport Bay have not identified toxics specific to aircraft emissions that have impacted the animal life, plant life and water quality of Upper Newport Bay.⁷⁸ Additionally, the studies have generally found that industrial chemicals are not found at

⁷⁸ Bay and Greenstein 2003; Greenstein et al. 2003

concentrations that pose a risk to wildlife in Upper Newport Bay. Rather, storm water runoff containing pesticides currently in use from surrounding residential and agricultural areas appears to be the driver of sediment toxicity issues in Upper Newport Bay.

More recent studies by Peng et al.⁷⁹ have found similar results as Greenstein et al.⁸⁰ Additionally, Peng et al. found that concentrations of chemicals (PAHs, PCBs, & DDTs) in the waterway between JWA and Upper Newport Bay (Santa Ana Delhi Channel) were less than concentrations in another suburban and urban waterway (San Diego Creek) that drains to Upper Newport Bay.⁸¹ Thus, other local suburban/urban background sources prevalent throughout the local watershed appear to be the primary concern for Upper Newport Bay, with potential pollution from JWA or aircraft operating at JWA not being a primary pollutant source. Additional Information about these levels of contamination can be obtained via regulatory agencies overseeing the Newport Bay Toxics TMDL.

⁷⁹ Peng J., K. Maruya, K. Schiff, D. Tsukada, D. Diehl, W. Lao, J. Gan, E. Zneg. 2007 (June). Organochlorine Pesticides and Other Trace Organic Contaminants in the Upper Newport Bay Watershed (Technical Report 512). Costa Mesa, CA: Southern California Coastal Water Research Project.

⁸⁰ Greenstein et al. 2003

⁸¹ Peng et al. 2007

510 Avenida Lorenzo
Newport Beach, CA 92660
June 10, 2014

Ms. Lea Choum,
3160 Airway Avenue
Costa Mesa, CA 92626

Dear Ms. Choum,

I have the following comments on the Draft Environmental Impact Report (DEIR), which evaluates the proposed modifications to the 1985 Settlement Agreement for John Wayne Airport.

I do not think that Alternatives A, B, C, or "No Project" should be implemented. They would result in significant, unacceptable impacts on aircraft noise and air quality. In addition, they would cause the capacity of the airport facilities to be exceeded, resulting in delays with security screening and customs.

I think that the Proposed Project is a good compromise. It includes the essential protection and extension of the curfew to 2035. It could, however, be slightly modified to further reduce aircraft noise, since as it stands now aircraft noise will have a significant exterior noise impact and a potentially significant interior noise impact on a large number of homes in Newport Beach.

} 1

Sincerely,



Dr. Ronald Madaras
Newport Beach, CA

**Response to Comment Received from
Dr. Ronald Madaras
Dated: June 10, 2014**

Response 1: The County of Orange acknowledges your input and comment, which expresses support for the Proposed Project as compared to the other alternatives studied in the Draft Environmental Impact Report (“EIR”). The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the proposed Project.



COMMENT

**John Wayne Airport
Settlement Agreement Amendment
Draft Environmental Impact Report 617**



Name David Martin Phone 714-376-6219

Group/Organization/Jurisdiction resident/taxpayer/voter

Address 18802 Dodge Ave., North Tustin Email kd6giy@gmail.com
CA 92705

Comments:

1. Given that VFR conditions dominate at KSNA, why are the ground tracks shown on FREEWAY VISUAL RWY IPR more closely, esp for arrivals from the east which should pass north of Irvine Lake to intercept the 5th Run? 1
2. Duration of the project/ revised settlement must be approx. 30 years from now, through ~~20~~ 2095. This is the same as the duration from the original settlement to now, approx. This will reduce the cost to taxpayers of the EIR process via constant dollar annual basis by ~~50%~~ 50%, and protect property values and settled expectations. 2

Please return comment card during this public meeting or mail to John Wayne Airport at the address on the reverse of this card.
Comment cards are due by July 8, 2014.

See an additional 50% of time before we need to re-evaluate this again. See earlier run on summary table.



COMMENT

**John Wayne Airport
Settlement Agreement Amendment
Draft Environmental Impact Report 617**



Name David Martin Phone 714-376-6219

Group/Organization/Jurisdiction resident/taxpayer/voter

Address 18802 Dodge Ave. North Tustin Email kd6giy@gmail.com
CA 92705

Comments:

3. Proposed Project, Phase 3 shows MRP at 12.2 or ~~12.5~~ with no explanation of the basis for the difference. 3
4. The impact of noise on the learning environment at local schools, including Hanes Trl & Foot hill HS, on the quality of the educational experience they provide. As such experience degrades, so do property values and tax revenues. This must be considered as an offset to the county level macroeconomic benefit of increased commercial aircraft operations. 4
5. 5

Please return comment card during this public meeting or mail to John Wayne Airport at the address on the reverse of this card.
Comment cards are due by July 8, 2014.

**Responses to Comments Received from
David Martin
Dated: May 28, 2014**

Response 1: The Freeway Charted Visual Approach is one of many Federal Aviation Administration (“FAA”) published approach procedures to John Wayne Airport (“JWA”). After careful review and analysis, FAA’s airspace and procedures specialists in the Air Traffic Organization concluded in 2009 that use of this procedure is not a viable noise mitigation solution and presents several airspace inefficiency and safety of flight issues.

Per the FAA, “[u]se of the procedure...may require the FAA to alter Visual Flight Rules (‘VFR’) procedures and routes near the [A]irport and may require alteration of Instrument Flight Rules (‘IFR’) en route traffic flows. It may also require the alteration of other arrival and departure procedures at JWA and adjacent airports. In addition, pilots using this approach may need to delay stabilizing the aircraft and configuring it for landing to accommodate the requirements of the approach procedure.” (See February 3, 2009 letter from William Withycombe, Regional Administrator, FAA Western Pacific Region to Richard Nelson, President, Foothill Communities Association provided at the end of Topical Response 3 [Commercial Aircraft Flight Path Issues].)

Additionally, use of the Freeway Charted Visual Approach may also transfer noise from one community to another because flight paths would be changed, thereby resulting not in the elimination of noise-related impacts but the relocation of those impacts to a new community.

Response 2: The term of the original Settlement Agreement was for 20 years (1985–2005), and the second term was for 10 years (2005–2015). When developing the Memorandum of Understanding, the signatories (the County of Orange, the City of Newport Beach, Airport Working Group, and Stop Polluting Our Newport) agreed to a 15-year term (2015–2030) for the Proposed Project as it pertains to the number of flights and passenger levels. Based on the 2003 Settlement Agreement Amendment, the curfew is protected through 2020; therefore, the curfew also is safeguarded through at least 2035 under the Proposed Project.

The comment requesting that the Proposed Project’s term be extended to 30 years will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

Response 3: In the Draft EIR, Tables 1-1 (page 1-3) and 1-3 (page 1-22) from Section 1.0 (Executive Summary) provide the principal terms of the Proposed Project and all alternatives. In these tables, there is a footnote for the Annual Passenger Limit for the Proposed Project, Phase 3 that explains that the trigger for capacity to increase to 12.5 million annual passengers (“MAP”) is that the air carriers must be within 5 percent of 11.8 MAP (i.e., 11.21 MAP) in any one calendar year during the January 1, 2021 through December 31, 2025 timeframe. The text in Section 3 (Project Description) provides the following explanation (see Draft EIR page 3-8):

On January 1, 2026, the number passengers using the Airport, though not the number of flights, would again be able to increase. The amount of the increase would depend upon the actual service levels in the preceding five years. If the number of passengers served in any one calendar year, between January 1, 2021 through December 31, 2025, is within 5 percent of 11.8 MAP (i.e., 11.21 MAP), then the annual passenger level will be permitted to increase to 12.5 MAP through December 31, 2030. If passenger levels do not reach 11.21 MAP in any one calendar year between January 1, 2021 through December 31, 2025, passenger levels will only be able to increase to 12.2 MAP through December 31, 2030. Regardless of the MAP level permitted, there would be no increase in regulated Class A passenger service ADDs [Average Daily Departures]. The analysis in the EIR assumes the 12.5 MAP and 95 ADDs in the 2026 through 2030 timeframe because this represents the maximum environmental impact.

Response 4: The comment addresses a general subject area (i.e., noise impacts pertaining to schools), which receives extensive analysis in the Draft EIR in Section 4.6 (Noise). The 65 Community Noise Equivalent Level (“CNEL”) contour is used to assess compatibility with schools (see Draft EIR pages 4.6-18 and 4.6-20 in the EIR). Currently, there are six schools within the 60 to 65 CNEL contour and no schools within the greater than 65 CNEL contour (see page 4.6-31 of the EIR). The Proposed Project’s potential impact to schools is addressed in the Draft EIR under Threshold of Significance 4.6-2 (see pages 4.6-67 through 4.6-70). As discussed therein, the Proposed Project would not result in impacts to schools/educational facilities. This issue is also discussed in the *Noise Analysis Technical Report* (Draft EIR Appendix C). The comment does not raise any specific issue regarding the analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

Response 5: Please see Topical Response 5 (Effects on Property Values).

COMMENT

**John Wayne Airport
Settlement Agreement Amendment
Draft Environmental Impact Report 617**



Name Doug Mason Phone 714 505 3545

Group/Organization/Jurisdiction _____

Address 14161 BARZAN WAY Email _____
92705

Comments: _____
NO FLIGHTS BEFORE 7AM AND AFTER 11 PM

Please return comment card during this public meeting or mail to John Wayne Airport at the address on the reverse of this card.
Comment cards are due by July 8, 2014.

} 1

**Response to Comment Received from
Doug Mason
Dated: May 28, 2014**

Response 1: As the comment expresses support for the maintenance and enforcement of the Airport's hours of operation/curfew, it should be noted that the Proposed Project would maintain the existing curfew at the Airport through December 31, 2035 (see Table 3-1 on page 3-7 of the Draft EIR). The curfew is similarly protected under Alternatives A and B. The No Project Alternative, which assumes expiration of the Settlement Agreement, would protect the curfew until December 31, 2020, as would Alternative C.

From: Debbie Maxwell <mrs.robert.maxwell@gmail.com>
Sent: Tuesday, July 01, 2014 7:28 AM
To: EIR, Draft
Subject: Airport curfew

I live in Bayside Village and am directly impacted by the curfew at John Wayne Airport. When I bought here I knew the planes would be flying over my house from 7am to 11pm and don't have a problem with that. I am just asking that you extend the curfew so those of us affected by the airport can have a chance to sleep. I a extremely grateful to be living where I do. I feel I live in paradise but if I can. It sleep at night it will no longer be that relaxing place I call home.

} 1

Thank you for considering my request.

Debbie Maxwell
276 Revere Way
Newport Beach

Sent from my iPad

**Response to Comment Received from
Debbie Maxwell
Dated: July 1, 2014**

Response 1: As the comment expresses support for the maintenance and enforcement of the Airport's hours of operation/curfew, it should be noted that the Proposed Project would maintain the existing curfew at the Airport through December 31, 2035 (see Table 3-1 on page 3-7 of the Draft EIR). The curfew is similarly protected under Alternatives A and B. The No Project Alternative, which assumes expiration of the Settlement Agreement, would protect the curfew until December 31, 2020, as would Alternative C.

From: keith mccullough <kmccullough1@hotmail.com>
Sent: Sunday, July 06, 2014 11:29 AM
To: EIR, Draft
Subject: JWA Settlement Amendment EIR

Comments on the Draft EIR for proposed Amendment to the existing JWA Settlement

First, I request that each of the following comments be responded to, in writing, as part of the development of a Final EIR.

When County voters made the decision some years ago to forego the development of an international airport at the former El Toro air base, they not only rejected the notion that major portions of the County's residents should not experience the noise, air pollution and disruption that would come with such an operation at El Toro, they likewise mandated that flights at JWA also not grow and pose an increase in noise, air pollution and disruption to the communities of Anaheim Hills, Tustin, Orange, Santa Ana, and Newport Beach. El Toro proponents regularly made the point that a rejection of El Toro would not only prevent commercial airport operations at that facility, but would also mean that JWA would not grow due to the extreme and negative environmental effects that an over utilized facility would have on portions of the County and the residents that live here. Now, several years later, that is precisely what the Draft EIR proposes -- an increase in flights and passenger capacities at JWA.

} 1

During the El Toro debate, LAX and Ontario were touted by El Toro opponents as being the remedy to any increased commercial air traffic demand anywhere in Orange County, whether at El Toro or JWA. Those two facilities should be the options now. Both of those facilities have ample acreage and residential buffer areas to accommodate increased commercial air traffic and passenger loads. JWA does not. It never did. It was never meant as a commercial air craft operation center, and the extreme environmental and community impacts that it now poses is evident in the community disruption, noise, and air pollution that it generates to existing, neighboring residential areas. To now suggest that the number of flights and passenger loads should increase at JWA absolutely ignores the elephant in the room -- JWA does not have sufficient acreage, runway length or residential noise buffering to accommodate any increased number of flights or passenger load. The EIR is flawed in that it does not propose options that would fill additional future demand by diversions to Ontario and LAX. Numerous alternatives should be considered for these two facilities before there is even a consideration that the number of flights and passenger loads should increase at JWA.

} 2
} 3

Recently the Orange County Grand Jury reported that the use of JWA is not being "maximized" to generate economic opportunities in the County. Again, Orange County spoke loudly to this issue as part of the El Toro debate. The vote against El Toro was a resounding vote against increased commercial air traffic in Orange County -- all of Orange County. If that meant diverting future air demand to Ontario and/or LAX then that was what the citizenry voted for. Loud was the cry that scrapping El Toro would mean a loss of economic opportunity within the County -- resounding was the vote to send future airport demand to Ontario and/or LAX. The draft EIR is a veiled attempt to undo what the voters earlier mandated; send additional airport demand to the vastly underutilized Ontario airport, and also to LAX. Yet not a single EIR alternative explores these mandates from the citizenry. The draft EIR is fundamentally flawed because its premise assumes that the number of flights and passenger load will increase over the present loads.

} 4
} 5

Nor does the draft EIR examine the fact that the County in its commercial airport operations does not have aviation easements over residences for flights that exceed the current load. Whether those aviation easements were gained through prescription or as part of written agreements, they are capped at their current loads. Any increase will subject the County to inverse condemnation claims and litigation due to an increased burden on air space over residences, with its attendant nuisances of noise, pollution, health effects, aggravation and decreased property values.

} 6

Commercial and private aircraft from JWA now regularly deviate from pre-designated take off paths meant to keep flights primarily over the Back Bay of Newport Beach. With any increase in the number of flights, additional flight path deviations are sure to occur thus affecting a greater number of residents and sensitive receptors than projected or estimated in the draft EIR under any alternative. This fact is not studied in the EIR, and therefore the EIR is flawed. Indeed, any alternative should include a County mandate that flights that deviate from designated take off paths should pay very hefty fines. This alternative is also not discussed as a potential mitigation measure to reduce the number of path deviations that occur.

} 7

The County has established 65 dbA as the community noise standard. Yet this standard is regularly breached with current JWA operations. Any increase to the number of flights in and out of JWA will further exacerbate an already significant environmental impact. Noise Appendix Figures 15 and 16 also demonstrate the noise reduction that can be accomplished through use of currently-available commercial aircraft. Yet an alternative to mandate to airlines that they meet noise profiles currently available through technology employed on the Airbus A 320 is not discussed. Nor is a mitigation measure proposed to effectuate such a mandate. Such a mandate could be graduated in over time to allow commercial airlines to catch up with their competitors, but the draft EIR is flawed because it does not contain such a discussion or condition.

} 8

Table 9 of the Noise Appendix demonstrates that the 65 dbA County standard is breached for lengthy periods of time each day for many County residents. Any additional exceedence of this community noise standard is unwarranted and will produce significant environmental impacts. Even one more daily flight over the 65 dbA level is a significant impact. The significance level discussion in the draft EIR is arbitrary, slanted and does not take in to account this community noise standard. The EIR is flawed in the very method and discussion it uses to promulgate the level of significance against which future events are judged.

} 9

Finally, there is a predominant focus on indoor noise levels in the EIR noise discussion. Outside conditions are nearly ignored. It cannot be said that there is no significant environmental impacts when normal conversations cannot be carried on when under or near the landing or take off paths for JWA. Outdoor noise should also be fairly considered in examining noise impacts from proposed increased number of flights -- the draft EIR nearly ignores this potential condition. The EIR is accordingly flawed because it does not take in to account the significant outdoor noise impacts that any additional commercial flight operations would have upon the community.

} 10

Thank you for your consideration.

Keith McCullough
kmccullough1@hotmail.com

**Responses to Comments Received from
Keith McCullough
Dated: July 6, 2014**

Response 1: The comment provides background information related to an Orange County ballot initiative, Measure W, which was passed by Orange County voters in 2002. The initiative presented on the ballot was entitled, “The Orange County Central Park and Nature Preserve Initiative.” The initiative eliminated a planned airport use at the closed Marine Corps Air Station (“MCAS”), El Toro, and amended the Orange County General Plan to include a large urban regional park and other public and private uses at the former MCAS site. The comment suggests that the voters, through passage of this initiative, “...mandated that flights at JWA also not grow...” While the 2002 initiative specified elimination of a planned airport use at MCAS El Toro, it also stated that, “A significant portion of the regional air transportation need will be met through better utilization of the existing six commercial airports in Southern California.” John Wayne Airport (“JWA”) was and continues to be one of these six commercial airports. Since 2002, JWA passenger service levels have increased from 7.9 million annual passengers (“MAP”) to 9.2 MAP in 2013 to accommodate air transportation needs.

The comment correctly notes that the Proposed Project addressed in the Draft EIR would increase flights and passenger capacities at JWA. The Proposed Project was defined by a Memorandum of Understanding (“MOU”), and is fully described in Section 3.5 of the Draft Environmental Impact Report (“EIR”).

Response 2: The comment expresses the opinions of the commenter and does not raise an environmental issue; therefore, no further response is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

Response 3: The comment states an opinion suggesting insufficiency of JWA acreage, runway length and residential noise buffering related to increased number of flights and passengers. Information on the operational capacity of JWA can be found in Draft EIR Appendix F, *Capacity Analysis Technical Report*. This Technical Report analyzes the airfield/runway capacity of JWA, gate capacity and utilization, commercial fuel capacity, terminal capacity and aircraft types in relationship to the Proposed Project. The analysis concludes that runway capacity is sufficient and capable of accommodating the Proposed Project. Residential land uses within noise impact areas are addressed in Section 4.5.5 of the Draft EIR.

The comment also states that the EIR “does not propose options that would fill additional future demand by diversions to Ontario and LAX.” Please refer to the Purpose of the Project (Draft EIR Section 3.2) and specific Project Objectives (Draft EIR Section 3.3). The Proposed Project is the extension of the Settlement Agreement, including establishment of operational parameters for JWA, and is not intended to provide a regional airports demand study and/or to study diversion of flights and passengers to other airports.

Response 4: The comment expresses the opinions of the commenter and does not raise an environmental issue; therefore, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Response 5: The alternatives evaluated in the Draft EIR, were developed by the Settlement Agreement signatories (e.g., the County of Orange, City of Newport Beach, Airport Working Group ["AWG"] and Stop Polluting Our Newport ["SPON"]). The Proposed Project and each of the alternatives were defined in a Memorandum of Understanding ("MOU"), and are fully described in Section 3.5 of the Draft EIR. The MOU identified a range of alternatives.

Even with the implementation of the Proposed Project, not all Orange County air travel demands would be accommodated at JWA. As discussed in the Draft EIR, Alternative A was delineated based on information contained in the Federal Aviation Administration's Terminal Area Forecast Detail Report dated January 2013. Alternative B was based on input from the commercial air service providers at the Airport. Both of these alternatives identify greater demand than would be served by the Proposed Project.

In addition to alternatives serving a greater portion of the air travel demand, the No Project Alternative assumes no growth beyond the existing Settlement Agreement parameters. The Draft EIR also addresses why having an alternative that provides less operational capacity than currently permitted by the Settlement Agreement (i.e., less than 10.8 MAP and 85 Class A Average Daily Departures ["ADDs"]) would not be feasible (See Section 7.3 of the Draft EIR). This alternative would be legally unenforceable by the County of Orange and is therefore infeasible (See State CEQA Guidelines, Section 15364). More specifically, any operational restrictions that are more prohibitive than the No Project Alternative (i.e., the current Settlement Agreement terms) would result in the County's Settlement Agreement and implementing Access Plan losing their "grandfathered" status under the Airport Noise and Capacity Act of 1990 ("ANCA"), which limits an airport operator's right to impose new restrictions on aircraft operations without obtaining federal approval.

As discussed in Response 1, Measure W did not place restrictions on JWA, so it is not a consideration in the development of the alternatives for this Project. Rather JWA was identified as one of the local airports that would be utilized to accommodate the air travel demand for Orange County. The County of Orange has no authority to mandate that the public use alternative airports.

Response 6 The comment includes a statement that the County of Orange does not have aviation easements. However, the County does have aviation easements over most of the homes in the Santa Ana Heights area, which is the only area where State, County, and City noise standards are exceeded. These easements were granted as part of a residential sound insulation program (RSIP) adopted during the 1985 JWA Master Plan process. To be eligible for the sound insulation program, the homes needed to be in a residentially zoned area and projected to be within the 1985 Master Plan's 65 CNEL contour. The County contracted with

eligible and interested property owners to install insulation in return for an avigation easement. Eighty three percent of the eligible residences participated in the RSIP and received sound insulation in exchange for an avigation easement. Prescriptive avigation easements also were acquired for residences found to be non-conforming uses. Eligible homes that were not sound attenuated are for the most part not in compliance with applicable building codes. In these cases, the owner elected not to correct the home's code violations. Correction of code violations would have been the responsibility of the owner.

The avigation easements are not set to current noise levels as stated in the comment, but were set to the noise levels occurring at the time of the 1985 Master Plan project. Current noise levels are significantly lower in this area than they were in 1985. Further, the avigation easements include a small margin of increased noise allowed above the 1985 conditions and in no case does the Proposed Project exceed the noise levels permitted in these easements.

Response 7 Please see Topical Response 3 (Commercial Aircraft Flight Path Issues).

Response 8: Aircraft departure noise levels are regulated based on the Single Event Noise Equivalent Level ("SENEL") limits defined in the Settlement Agreement and the General Aviation Noise Ordinance rather than the specific flight path. Departure procedures are developed and implemented by the airlines, and flight paths are under the sole control of the Federal Aviation Administration ("FAA"). Note that the project does not propose altering any flight paths, nor is it anticipated to result in any changes.

As discussed in Section 4.6.7 in Section 4.6 (Noise) of the Draft EIR, the 1990 Air Capacity and Noise Control Act ("ANCA") and Federal Aviation Regulations ("FAR") Part 161 effectively preclude establishment of any new noise-related flight restrictions. In fact, the current SENEL limits were established prior to ANCA and were grandfathered. Such limits would not be allowed under current regulations. Therefore, the alternative proposed by the commenter is infeasible due to FAA regulations (For additional information on Part 161, please see Topical Response 7).

The departure procedures defined in the noise model developed for the noise analysis are based on radar traces of actual departures and are adjusted so that the modeled SENEL noise levels match the average SENEL levels for the specific aircraft at the Noise Monitoring Station ("NMS") along the departure path. The radar data used and the noise measurement data reported by the Airport's NMS all reflect the Area Navigation ("RNAV") procedures that are in place. Therefore, the noise model provides proper estimates of the aircraft noise levels, including existing RNAV procedures, used to determine project impacts.

Response 9: The County's Residential Exterior Noise Standard is 65 decibels ("dB") Community Noise Equivalent Level ("CNEL"), which is an annual average noise level that incorporates single aircraft overflight events. The County's standard is exceeded in the Santa Ana Heights neighborhood as shown in Exhibit 4.6-10 in Section 4.6.

Exhibits 4.6-12 and 4.6-13 of the Draft EIR (Figures 15 and 16 from the *Noise Analysis Technical Report*) show the 85 dB SENEL contours from individual aircraft operations. Note that SENEL is a measure of the total acoustic energy from an aircraft overflight event. The maximum noise level during the event is approximately 10 dB lower than the SENEL. Figures 14A and 14B in the *Noise Analysis Technical Report* (Appendix C of the Draft EIR) present histograms of the SENEL noise levels recorded at the NMS, and Appendix A of the *Noise Analysis Technical Report* provides ten years of average SENEL noise levels recorded at the NMS by airline and aircraft type. The Proposed Project does not propose any changes to the flight paths, nor is it anticipated to result in any changes. Flight paths are under the sole purview of the FAA, and the County has no jurisdiction to alter the flight paths. Therefore, the Proposed Project will not affect the noise levels generated during overflights, but only proposes an increase to the number of operations.

As discussed in Section 4.6.7 of the Draft EIR and in Topical Response 7, the 1990 ANCA and the FAR Part 161 regulations effectively preclude establishment of any new noise-related flight restrictions including restricting the type of aircraft that can operate at the Airport. Therefore, the mitigation measure proposed in the comment is not feasible.

The County, FAA and City of Newport Beach significance thresholds are based on the CNEL metric, which accounts for the number of overflights and time of day of the overflights along with the single event noise levels. The time above estimates presented in the report are for informational purposes only as there are no established significance thresholds relative to the time-above noise metric.

Response 10: Noise impacts were determined on the basis of outdoor noise levels. However, as discussed in Section 4.6.7 of the Draft EIR, there is no effective way to mitigate outdoor noise levels. Section 4.6.8 acknowledges this and identifies the outdoor noise impacts identified as significant and unavoidable. Indoor noise levels are more complicated because they are dependent not only on the outdoor noise level but the amount of noise reduction provided by the structure and therefore require more discussion. Further, the Draft EIR proposes establishment of a Sound Insulation Program to provide acoustical upgrades to sensitive uses that are impacted by the Proposed Project to mitigate interior noise impacts. This necessitated the extensive discussion of interior noise levels to address the effectiveness of the mitigation and the fact that the mitigation will be required to comply with FAA regulations regarding Sound Insulation Programs.

From: DERRICK MERCURIO <derrickmercurio@icloud.com>
Sent: Sunday, July 06, 2014 10:03 PM
To: EIR, Draft
Subject: JWA Settlement Agreement

Derrick Mercurio, Owner/Broker
Falcon Properties
625 Vista Bonita
Newport Beach, CA 92660
Office: (949) 640-4396
Cell: (949) 294-6045
derrickmercurio@icloud.com
DRE License #00767819

} 1

To: City of Newport Beach

I have been a resident and homeowner in the Bluffs for over 30 years. I am a nuclear engineer and commercial real estate broker and my career has required me to spend the last 38 years reading legal documents and liaisioning between countless government entities as well as CPAs, attorneys, and clients, and I can make little to no sense out of this JWA Settlement Agreement. This document is obviously designed to confound. It is not clear to me if the JWA Settlement Agreement proposals will mitigate the airport noise levels so they will be Not Significant or of Negligible Significance. What alternative/s is/are to be implemented and what are the projected noise levels at Santa Ana Heights and the Bluffs at ground level?

} 1
}
} 2

The one point that the JWA Settlement Agreement appears to make is that the noise is Not Significant or it is of Negligible Significance.

People who say noise is Not Significant or of Negligible Significance in the JWA Settlement Agreement or allowed this statement to be in the Settlement Agreement obviously do not live near the airport or near the takeoff flightpath. When planes take off we cannot hear people talking to us even if they are sitting right next to us at the dinner table. We have to shout at each other at the dinner table to be heard. Worst yet, we have to ask callers to halt their phone conversations with us until the current plane passes by, and then we have to secretly hurry through our next point hoping to conclude our conversation before the next plane comes over. We have the same problems when we are trying to listen to music, radio, television, etc. We in the Bluffs must stop and wait and endure this repetitious, painfully disruptive noise until the airplanes are far enough away that the noise level drops to a level that we can resume our lives . . . momentarily, until the noise from the next airplane intrudes.

}
}
} 3

I do not accept the summary dismissal of the airplane noise pollution from an increased number of flights and airplanes will be larger to carry more passengers. More flights will create more noise by increasing the duration of the noise and larger planes will also require more powerful engines, which will increase the noise levels. Increased noise duration and levels will increase stress for people near flight paths and have a negative impact on property values.

}
} 4

Reasonable noise mitigation measures need to include the following:

1. Require and enforce planes to fly straight down the Back Bay and not allow planes to fly over residences on the east or west sides of the Back Bay. Enforcement measures could include significant fines and suspension and up to revoking pilot licenses.
2. Require noise reduction measures so that all planes produce noise levels less than 65db at ground level in Santa Ana Heights and on the East and West sides of the Back Bay.

} 5
}
} 6

Derrick Mercurio, Broker/Owner
Falcon Properties
625 Vista Bonita
Newport Beach, CA 92660
Office: (949) 640-4396
Cell: (949) 294-6045
derrickmercurio@icloud.com
BRE License No. 00767819

**Responses to Comments Received from
Derrick Mercurio
Dated: July 6, 2014**

- Response 1:** The comment provides an introduction to the background of the commenting person. No further response is required given that the comment does not address or question the content of the Draft Environmental Impact Report (“EIR”).
- Response 2:** The John Wayne Airport (“JWA”) Settlement Agreement has been in place since 1985. The Settlement Agreement establishes the operational parameters at the Airport that have safeguarded community concerns while allowing needed improvements and capacity increases to be implemented. The Settlement Agreement is set to expire on December 31, 2015. The Proposed Project would extend the Settlement Agreement through 2030 and modify several of the access restrictions to allow an increase in the number of Class A average daily departures (“ADDs”) and to increase the number of million annual passengers (“MAP”) served at the Airport. In order to ensure that the types of noise and access restrictions established by the 1985 Settlement Agreement remain grandfathered under the Airport Noise and Capacity Act of 1990 (“ANCA”; see 49 *United States Code* [U.S.C.] Section 47524(d)(3)-(4)), the Project contemplates an amendment to the 1985 Settlement Agreement (as last amended in 2003) that does not further “reduce or limit aircraft operations or affect aircraft safety” (49 U.S.C. Section 47524(d)(4)). The proposed extension of the Settlement Agreement would allow the community, the airlines, and the County to have a clear understanding of the noise and access restrictions that would govern the Airport’s operations and the resulting environmental effects that would occur into a defined future period of time.

The potential impacts associated with the Proposed Project are discussed in the Draft EIR. And, specific to the comment, Section 4.6 (Noise) of the Draft EIR summarizes the applicable regulatory setting; provides qualitative and quantitative information regarding the existing noise environment; quantifies and identifies the incremental increase in noise attributable to the Proposed Project; and discloses the significance of that incremental increase by reference to noise thresholds established by the Federal Aviation Administration (“FAA”), the County of Orange, and the City of Newport Beach. Where significant impacts are identified, Section 4.6 also proposes feasible mitigation to address such impacts. Ultimately, Section 4.6 concludes that the Proposed Project would result in unavoidably significant noise impacts due to the incremental increase in noise from increased aircraft operation levels.

The exhibits in Section 4.6 (Noise) identify the area within the existing and projected Community Noise Equivalent Level (“CNEL”) contours for the Proposed Project (see Exhibits 4.6-14 through 4.6-16). In addition, Exhibit 4.6-12 (see page 4.6-41 of the Draft EIR) depicts the typical 85 decibel (“dB”) Single Event Departure Contour (“SENEL”) for each Class A aircraft that regularly operates out of the Airport.

Response 3: As noted in Response 2, the Draft EIR concludes that the Proposed Project would result in unavoidably significant noise impacts due to the incremental increase in noise from increased aircraft operation levels under the Project. Table 1-3 (page 1-22–1-38) in Section 1 (Executive Summary) provides a useful overview for comparing the impacts of the Proposed Project to each alternative. The table lists each threshold evaluated in the EIR; an impact statement for the Proposed Project and each of the alternatives; a brief synopsis of the mitigation measures; and a determination of the significance after mitigation. In addition, please see Topical Response 6 (Quality of Life).

Response 4: As noted above, the Draft EIR does not dismiss the noise impacts associated with the Proposed Project. It determines that the Proposed Project would result in unavoidably significant noise impacts due to the incremental increase in noise from increased aircraft operation levels. In addition, please see Topical Response 5 (Effects on Property Value).

Also of note, the Draft EIR assumes the continuation of the existing fleet mix. The EIR does identify that, given the length of the 15-year planning timeframe for the Proposed Project (2015-2030), it is reasonable to assume that there will be interest in introducing newer and next generation aircraft. These newer aircraft, such as the 737-900ERW, 787, 737-MAX, or comparable aircraft by other manufacturers may be incorporated into the fleet mix at JWA at some point in the future. These newer aircraft may generate less noise and have fewer air emissions compared to the current fleet at JWA. In addition, since these aircraft accommodate more passengers than aircraft in the current fleet, it may be possible to serve more passengers (within the MAP cap) with fewer operations. The issue of the introduction of newer and next generation aircraft is discussed on pages 1-17, 3-26, 4.1-13, 4.3-16, 4.6-44, and 4.6-80 of the Draft EIR; it is also discussed in the *Capacity Analysis Technical Report* (provided in Appendix F) in the section entitled “Aircraft in Development that Will Replace Aircraft Currently Operating at John Wayne Airport.” This issue is also discussed in Topical Response 3 (Commercial Aircraft Flight Path Issues).

However, as indicated in the Draft EIR, the timing of changes to the fleet mix cannot be known at this time and the California Environmental Quality Act (“CEQA”) does not allow speculation. In order to be conservative, the environmental analysis presented in the Draft EIR assumes that the Project would maintain the Airport’s existing fleet mix, thereby likely presenting a maximum environmental impact assessment of air quality (Section 4.1), greenhouse gases (Section 4.3), and noise (Section 4.6).

Response 5: Changes to the flight path are outside the scope of the Proposed Project. The FAA and the pilot-in-command of each aircraft have sole jurisdiction and responsibility for flight paths. Accordingly, only the FAA has enforcement capability over these issues. As the proprietor of the Airport, the County of Orange has no authority or control over aircraft in flight.

Response 6: The suggestion to require aircraft to not exceed 65 dB at ground level is infeasible for two reasons. First, while the Airport has established noise level limits at the

Noise Monitoring Station (“NMS”) as a part of the Settlement Agreement, this was done prior to the 1990 Airport Noise and Capacity Act (“ANCA”), which effectively prohibits establishment of new limits or modification of the existing limits under Federal Aviation Regulations (“FAR”) Part 161. Second, there are no commercial aircraft that could comply with the proposed limit. Appendix A of the *Noise Analysis Technical Report* (Appendix C of the Draft EIR) presents a listing of the average measured SENEL at the NMS by airline and aircraft for the prior ten years. Maximum aircraft overflight noise levels are approximately 10 dB less than the SENEL (SENEL is a measure of the total noise energy during the overflight). Therefore, for an aircraft to not exceed 65 dBA during an overflight, it would need to generate an SENEL of approximately 75 dBA or less. A review of the SENEL measurement data shows that almost all aircraft generate SENEL levels of 80 dBA or greater at all NMS and that none consistently result in SENEL levels lower than 80 dBA (for additional information on Part 161, please see Topical Response 7).

From: lauren jolliffe <laurenjol3@gmail.com>
Sent: Tuesday, June 24, 2014 2:56 PM
To: EIR, Draft
Subject: PLEASE limit Air pollution

Please limit the air pollution and not expand john Wayne.
The noise is already terrible for those living in Dover Shores, I can't imagine the residue that would grow further and spread all over our house as it already does by these large planes.

} 1

Please do not expand

Thank you
Lauren Miklinski

**Response to Comment Received from
Lauren Miklinski
Dated: June 24, 2014**

Response 1: The comment addresses general subject areas (i.e., air quality and noise), which are extensively analyzed in the Draft Environmental Impact Report (“EIR”) in Sections 4.1 and 4.6, respectively. Both of these sections of the Draft EIR summarize the applicable regulatory setting; provide qualitative and quantitative information regarding the existing environment; and quantify and identify the incremental increases attributable to the Proposed Project. Please see Topical Response 1, which addresses black carbon.

The comment does not raise any specific issue regarding the analysis provided in the Draft EIR; therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

From: rickmorse1@aol.com
Sent: Monday, July 07, 2014 4:04 PM
To: EIR, Draft
Subject: Draft EIR

To; Ms. Lea Choum
John Wayne Airport

Richard & Patricia Morse
303 Esquina
Newport Beach, Ca. 92660

Dear Ms. Choun,

My wife and I are very concerned about the proposed increase noise and air pollution that we have on the Back Bay. Are you aware of a study that was written in the LA Times within the last several months regarding about the air pollution at LAX? I wish I could have saved the article but it would be easy to find and I'm sure you would be aware of it. The study determined that the pollution caused by the air traffic at LAX was far far greater than had previously been assumed. Please let us know if anyone will be including that report for the determination of the Draft EIR?

} 1

With my wife having Asthma and the fact that the planes go over an Estuary and our heads, we would hate to see any additional air traffic above our home. We just moved in a year ago and had no idea how loud the noise is along with the pollution that we have to live with.

} 2

Thank you for passing this on and if there are any public demonstrations that are held to reduce the air traffic at JWA we would like very much to join in.

Regards,
Rick Morse

R/M & Associates

Brokerage specializing in Individual & group Life Insurance' Medicare Supplements, Individual & Group Medical Insurance, LTC, Corporate & Employee Benefits. Life Buy/Sale, Key Man, Estate Funding Solutions.

800-303-3223

**Responses to Comments Received from
Richard and Patricia Morse
Dated: July 7, 2014**

Response 1: Please see Topical Response 2, which addresses the LA Times/USC Study on ultrafine particles.

Response 2: The County of Orange acknowledges your opposition to any additional air traffic above your home. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

From: Jim Mosher <jimmosher@yahoo.com>
Sent: Friday, May 30, 2014 1:29 PM
To: Rigoni, Kari
Cc: EIR, Draft
Subject: DEIR 617 - Appendix A

Kari,

Thank you for providing last evening's public workshop on DEIR 617, and thank you very much for posting a revised electronic version of Appendix A with the transcript from the October 2013 Scoping Meeting.

} 1

I continue to think that if a place could be found for it on the JWA Settlement Agreement webpages it would also be useful to post an electronic copy of at least the main volume -- but hopefully the appendices too -- of Final Environmental Impact Report No. 582 from June 2002 so the public could easily compare the present analysis and predictions with those that attended the previous extension.

} 2

Yours sincerely,

Jim Mosher
2210 Private Road
Newport Beach, CA 92660

**Responses to Comments Received from
Jim Mosher
Dated: May 30, 2014**

Response 1: This comment is an introduction to comments that follow. No further response is required.

Response 2: Airport staff coordinated directly with Mr. Mosher upon receiving the comment to indicate that copies of Final Environmental Impact Report (“EIR”) 582, prepared for the 2003 Settlement Agreement Amendment were available for review at the Airport, but would not be available for posting on the website.

From: Jim Mosher <jimmosher@yahoo.com>
Sent: Tuesday, July 01, 2014 10:48 AM
To: EIR, Draft
Subject: JWA Master Plan

DEIR 617 refers repeatedly to the JWA Master Plan, and implies the 1985 version is still operative.

Is the current (and/or 1985?) JWA Master Plan available for inspection?

} 1

If so, where?

Thank you,

Jim Mosher
2210 Private Road
Newport Beach, CA. 92660

**Response to Comment Received from
Jim Mosher
Dated: July 1, 2014**

Response 1: Airport staff coordinated directly with Mr. Mosher upon receiving the comment to indicate that copies of 1985 Master Plan were available for review at the Airport. Mr. Mosher reviewed the Master Plan on July 3, 2014.

2210 Private Road
Newport Beach, CA. 92660
July 8, 2014

Lea Choum
JWA Project Manager
3160 Airway Avenue
Costa Mesa, CA 92626

Re: Draft Environmental Impact Report No. 617 (John Wayne Airport Settlement Agreement Amendment, SCH No. 2001111135).

Dear Ms. Choum,

I have not had time to review DEIR 617 in sufficient detail to offer meaningful comments on the merits of its analysis. Nonetheless, I would like to offer the following thoughts, some of which may clarify what I attempted to say in person at the May 29, 2014, public meeting: } 1

1. In order for the public to understand the proposed project and its impacts, I firmly believe it is essential for the public to correctly understand the relationship between the proposed settlement agreement and the curfew (which is a separate County ordinance predating the agreement). }
 - a. Has ANCA caused the two to become so inextricably linked that if the settlement agreement were to expire, the curfew would become illegal and unenforceable? } 2
 - b. Or is the curfew ordinance separately grandfathered in, in such a way that the Board of Supervisors could continue and/or modify it in the absence of a court-ordered settlement agreement?

I have not found clear answers to these questions in the DEIR, but if the curfew cannot exist without a settlement agreement, this seems essential to know. }

2. Similarly, in evaluating the no project alternative, the public is told that without a settlement agreement, the Board of Supervisors could increase the flight and passenger limits. Would ANCA allow the Board of Supervisors to set limits without a grandfathered court order? Or would the County lose all control? Alternatively, if the Supervisors retained partial control, exactly what control would they have? Again, knowing the answers to these is essential to weighing the alternatives. } 3

3. Finally, in describing the No Project alternative, the assumption is that the settlement agreement would be allowed to expire. I do not understand why this has to be assumed. Although it would admittedly not meet all of the project objectives, does ANCA bar the Board of Supervisors, with the consent of the other signatories, from simply extending the date on the existing settlement agreement without changing any of its provisions? } 4

4. Beyond the obvious impacts of increased airport activity on human life, my primary concern is with the assessment of Biological Resources. Despite the many references in the DEIR, I do not believe the continuing impact of aircraft overflights on the health and ecology of Newport Bay is well understood – certainly not well enough to know what the incremental effect of more flights would be. Based on what I could glean from attendance at the Newport Bay Conservancy’s recent symposium on the “Science of Sustainability” as applied to managing and monitoring the bay, I have the impression this is a matter of genuine concern, although agencies such as the Department of Fish and Wildlife and the many regional water quality bodies lack both hard evidence and the manpower to respond to EIR’s.

} 5

Yours sincerely,



James M. Mosher, Ph.D.
jimmosher@yahoo.com
(949) 548-629

**Responses to Comments Received from
James M. Mosher, Ph.D.
Dated: July 8, 2014**

Response 1: This comment is an introduction to comments that follow. No further response is required.

Response 2: The Airport's curfew is protected under the Airport Noise and Capacity Act of 1990 ("ANCA"), separate and apart from the Settlement Agreement. Specifically, pursuant to 49 U.S.C. §47533(1), ANCA does not affect a "law in effect on November 5, 1990, on airport noise or access restrictions by local authorities." JWA's curfew is contained in a codified ordinance that originally was adopted by the County's Board of Supervisors in 1987. (See Orange County Municipal Code, Title 2 (Public Facilities), Division 1 (Airports), Article 3 (Noise), §§2-1-30.1 through 2-1-30.14.) As the adoption of the curfew via ordinance occurred before November 5, 1990, and because that ordinance is grandfathered under ANCA independent of the Settlement Agreement, the expiration of the Settlement Agreement under the No Project Alternative would not automatically result in expiration of the curfew. Rather, under the No Project Alternative, additional discretionary action would need to be taken by the County's Board of Supervisors to modify the parameters of the curfew after December 31, 2020.

The legal basis for the grandfathered status of the Settlement Agreement itself is different from that of the curfew ordinance. Specifically, the Settlement Agreement is grandfathered under 49 U.S.C. §47524(d)(3), as an "intergovernmental agreement including an airport noise or access restriction in effect on November 5, 1990," and under 49 U.S.C. §47524(d)(4), as a "subsequent amendment to an airport noise or access agreement or restriction in effect on November 5, 1990, that does not reduce or limit aircraft operations or affect aircraft safety."

Response 3: If the Settlement Agreement expires (as contemplated by the No Project Alternative), the potential exists that others (such as the commercial air carriers) may treat the existing noise and access restrictions in place at the Airport as a violation of federal law and operate at the Airport in an unrestricted manner. Arguably, the legal basis for that position would lie in 49 U.S.C. §47524(d)(3), which provides that the qualifying basis for the Settlement Agreement's "grandfathered" status under the Airport Noise and Capacity Act of 1990 is its characterization as an "intergovernmental agreement" – the Airlines may argue that once the Settlement Agreement has expired, there is no "intergovernmental agreement" to treat as "grandfathered." (The curfew is subject to its own "grandfathering" provision (see 49 U.S.C. §47533(1)) and likely would not be vulnerable to the same argument).

Response 4: Practically speaking, the environmental ramifications of an alternative maintaining the existing operational restrictions, subject to an extended term, were considered fully in the Draft EIR. More specifically, the No Project Alternative analysis assumed the continued implementation of the existing operational restrictions (see Draft EIR Table 1-1, page 1-3), as established by the

Settlement Agreement's 2003 amendments, even though the Agreement would expire in 2015 under the No Project Alternative and the County of Orange would have full discretion to modify the existing operational restrictions, subject to compliance with all applicable laws (such as CEQA). As summarized in Draft EIR Table 1-3 (page 1-22-1-38), the No Project Alternative would result in unavoidably significant impacts to air quality, greenhouse gas emissions, land use and planning, and noise. The alternative supported by this comment would result in the same unavoidably significant impacts.

Importantly, the alternative identified by the comment may jeopardize the Settlement Agreement's "grandfathered" status under ANCA (49 U.S.C. §§47521-47533). (For more information on ANCA, see Draft EIR pages 4.6-17 to 4.6-18.) As previously explained in the Draft EIR, ANCA circumscribes the ability of the County of Orange to impose operational restrictions at JWA without federal approval. The Settlement Agreement's operational restrictions currently, however, are exempt from ANCA because the Agreement is an "intergovernmental agreement" that pre-dated ANCA's enactment in 1990 (49 U.S.C. §47524(d)(3)).

A "subsequent amendment to an airport noise or access agreement or restriction in effect on November 5, 1990," such as that contemplated by the Proposed Project, also is exempt from ANCA if it "does not reduce or limit aircraft operations or affect aircraft safety" (49 U.S.C. §47524(d)(4)). Extending the term of the Settlement Agreement's 2003 amendments without decreasing the rigor of those amendments' operational restrictions, as proposed in the comment, arguably could "reduce or limit aircraft operations" in violation of ANCA by extending the term and duration of those restrictions (Ibid.). As such, this alternative could threaten the Settlement Agreement's "grandfathered" ANCA status, exposing the County of Orange to potential adverse action from the FAA, commercial air carriers, and other interested parties that seek to have JWA operate without its current limitations (e.g., MAP and Class A ADD caps).

An airport that endeavors to impose operational restrictions in violation of ANCA would be: (i) in violation of federal law (i.e., ANCA); (ii) in breach of its federal grant assurances (if a federally-obligated airport due its receipt of federal grant funding); (iii) precluded from receiving federal funding in furtherance of its aviation mission; and, (iv) prohibited from imposing passenger facility charges (49 U.S.C. §47526) absent the speculative success of a Part 161 application to the FAA (See generally 14 C.F.R. §§161.1-161.505; see also 14 C.F.R. §161.3(b)⁸²). (For additional information on the Part 161 requirements, please see Topical Response 7.)

⁸² "This part also applies to airports enacting amendments to airport noise and access restrictions in effect on October 1, 1990, but amended after that date, where the amendment reduces or limits aircraft operations or affects aircraft safety" (Draft EIR pages 4.6-93 to 4.6-95). Only two airports have successfully processed Stage 2 aircraft restrictions under Part 161; all other proposals have been abandoned based on FAA comments or voluntary agreement between the airports and airlines, or denied by the FAA.

The alternative identified in this comment also would fail to meet the basic project objectives as explained below:

1. To modify some existing restrictions on aircraft operations at JWA in order to provide increased air transportation opportunities to the air-traveling public using the Airport without adversely affecting aircraft safety, recognizing that aviation noise management is crucial to continued increases in JWA's capacity.

This type of alternative would not provide "increased air transportation opportunities" at JWA, but would instead maintain the existing operational restrictions for an extended period of time. Additionally, this type of alternative could threaten the implementation status of JWA's "aviation noise management" regulations if other interested parties successfully argue that the amendment does not adhere to ANCA's limitations.

2. To reasonably protect the environmental interests and concerns of persons residing in the vicinity of the JWA, including their concerns regarding "quality of life" issues arising from the operation of JWA, including but not limited to noise and traffic.

This type of alternative could threaten the implementation of JWA's current efforts to "protect the environmental interests and concerns of persons residing in vicinity of JWA" due to the potential loss of the Settlement Agreement's "grandfathered" status under ANCA. Absent such status, the County's ability to protect the community and environment would be constrained by ANCA and subject to the County's ability to successfully process a Part 161 application with the FAA, for which there is a low demonstrated probability of achievement.

3. To preserve, protect, and continue to implement the important restrictions established by the 1985 Settlement Agreement, which were "grandfathered" under ANCA and reflect and accommodate historical policy decisions of the Orange County Board of Supervisors regarding the appropriate point of balance between the competing interests of the air transportation and aviation community and local residents living in the vicinity of the Airport.

This type of alternative could potentially result in JWA's Settlement Agreement and the related restrictions losing their "grandfathered" status under ANCA, depending on the ability of other interested parties to secure a judicial order or other regulatory directive to that effect.

4. To provide a reasonable level of certainty to the following regarding the level of permitted aviation activity at JWA for a defined future period of time: surrounding local communities; Airport users (particularly scheduled commercial users); and the air-traveling public.

This type of alternative may not provide a "reasonable level of certainty" regarding the level of permitted aviation activity for a defined period of time if other interested parties secure a judicial order or other regulatory directing

finding the restrictions violate ANCA, absent the County's ability to successfully process a Part 161 application with the FAA.

5. To consider revisions to the regulatory operational restrictions at JWA in light of the current aviation environment; the current needs of the affected communities; and industry interests represented at JWA.

This type of alternative, which would maintain existing, permitted operations levels, would not be consistent with the currently anticipated demand for aviation services at JWA, as forecast by the FAA and air carriers operating at the Airport (See Draft EIR Table 1-1, page 1-3). Alternative A (up to 12.8 MAP and 135 Class A ADDs) was delineated based on the FAA's Terminal Area Forecast Detail Report (January 2013) and Alternative B (up to 15.0 MAP and 115 Class A ADDs) was delineated based on input from JWA's commercial air service providers.

In light of the information above, and in accordance with State CEQA Guidelines Section 15126.6(c), this EIR does not give further consideration to any alternative maintaining the operational restrictions of the Settlement Agreement's 2003 amendments while extending the term of those restrictions.

- Response 5:** The potential biological impacts associated with the Proposed Project were addressed in Section 4.2 (Biological Resources). The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required.

The analysis is based on the best information available and utilizes studies that have been done at Imperial Beach Naval Air Station, Point Magu Pacific Missile Range, Santa Barbara Airport, Alameda Naval Air Station, North Island Naval Air Station, Vandenberg Air Force Base, and San Diego International Airport. The Vandenberg Air Force Base study evaluated the effects of missile launches on a nearby nesting colony of California least terns and found no unusual response behavior (page 4.2-14 of the Draft EIR).

As discussed in the Draft EIR, the area with the greatest biological resources is the Upper Newport Bay, which currently supports a wide array of wildlife species. Studies prepared by the County of Orange in conjunction with EIR 102 (1978) attempted to measure and qualify the reactions of several species of birds in Upper Newport Bay to overflights from commercial jets taking off from the Airport. This study identified short-term behavioral changes in some individuals in response to noise and visual intrusion associated with the aircraft. However, observed residual responses were reported as virtually nonexistent. Resumption of normal activities occurred almost immediately after the departure of the aircraft.

With the Proposed Project, the majority of Upper Newport Bay is outside the 60 Community Noise Equivalent Level ("CNEL") contour. The analysis in the Draft EIR also considered the increased frequency of flights during the peak hour (i.e., the hour with the most flights). Under the existing baseline, there is a flight every

3.5 minutes, whereas with the Proposed Project there would be a flight every 3.3 minutes. The single event noise levels would not change from the existing noise levels because the type of aircraft that would be used and the departure pattern would not change. The Draft EIR also provides a comparison of the number of acres of habitat that are exposed to the heightened noise levels.

Based on the results of the current research on birds, the overall increase of number of flight departures in the late morning hours combined with the slight incremental increase (less than 1 CNEL) of noise levels is not expected to have substantial impacts on avian species since noise levels will be very similar to existing conditions. The slight increase in noise levels and the areas of Upper Newport Bay subject to these noise levels are below the noise levels evaluated under the original Settlement Agreement (as analyzed in EIR 508) and are less than the impacts analyzed in EIR 582 and Addendum EIR 582-1 for the 2003 Settlement Agreement Amendment, which were found not to be significant.

Subject: FW: JWA

From: Terese Oliver [mailto:teri@attorneyoliver.com]

Sent: Friday, May 30, 2014 4:44 PM

To: EIR, Draft

Subject: JWA

When we first moved into our house which is below the path of arriving flights to JWA the noise was horrible, we were forced to purchase new windows to keep the noise down. If we are going to permit more flights into JWA then there should be some form of reimbursement for new windows and or grime removal on outdoor furniture from the discharge from the planes. On Sunday evenings you cannot sit out in our yards and talk because of the noise of the arriving planes, one after another in a steady stream until 11:00pm, if you increase the traffic we will not be able to use our yards at all. } 1
} 2

TERESE S. OLIVER
(714)323-0183

**Responses to Comments Received from
Terese Oliver
Dated: May 30, 2014**

- Response 1:** As discussed in Section 4.6.7 of the Draft EIR, the Airport implemented the Santa Ana Heights Acoustical Insulation Program as a mitigation measure for the 1985 Master Plan EIR. Further, the mitigation presented in the Draft EIR would establish a new Sound Insulation program for residences and schools identified as significantly impacted by the Proposed Project. However, as discussed in the Draft EIR (Page 4.6-103 to 4.6-105 in Section 4.6 [Noise]), the Federal Aviation Administration (“FAA”) restricts the use of Airport funds for Sound Insulation Programs to those sensitive uses exposed to noise levels greater than 65 decibel (“dB”) Community Noise Equivalent Level (“CNEL”). There are no noise-sensitive uses located within the 65 dB CNEL contour on the normal arrival side (i.e., the north side) of the Airport, nor were significant impacts identified for any uses north of the Airport. In addition, please see Topical Responses 1 (Black Carbon) and 6 (Quality of Life).
- Response 2:** Please refer to Topical Response 4 (Arrival Corridor Noise Impacts) for a detailed discussion of the noise impacts, both single event and cumulative, from Airport operations and the Proposed Project along the arrival corridor that passes over the City of Tustin, the community of North Tustin, and the eastern edge of the City of Orange. This discussion focuses on the City of Tustin because it is subject to the highest aircraft arrival corridor noise levels in residential areas.

Jeff and Sharon Pence
725 Via Lido Soud
Newport Beach, CA 92663

June 12, 2014

John Wayne Airport Commission
Eddie Martin Building
3160 Airway Avenue
Costa Mesa, CA 92626

We are opposed to the increase of air traffic at John Wayne Airport (SNA) because (1) studies show that air traffic is dangerous for the health of the whole community and (2) increasing numbers of flights fly very low over local homes due to the frequent alteration of landing approaches thus emitting soot and harmful particles directly on local homes, and (3) the noise makes conversation during landings impossible affecting our quality of life especially during the summer.

} 1
} 2
} 3

According to the attached article from the Los Angeles Times on May 29, 2014, the emissions during take-offs and landings can aggravate heart and lung conditions, including asthma and the development of blocked arteries. The ultrafine particles emitted can go deep into our lungs. Hundreds of flights emit these particles at a low altitude directly over our homes and beaches.

When the wind comes from the east, planes are redirected over heavy populated areas and we can visibly see the emissions coming from these planes as well as see the resulting soot covering everything outdoors. This is a frightening situation thinking of these particles filling our lungs as well.

}
} 4

According to the Los Angeles Times the US is lacking in safety standards which exist in Europe for ultrafine particles emissions. To make matters worse these particles are carried by the wind 10 or more miles. Not only is our community of Newport Beach harmed by these flights but nearby localities as well.

While I do not have statistics available I know from living on Lido Isle for 28 years that the number of planes landing over my house have increased tenfold every about every 5 years. The noise level and the soot on everything outdoors is disturbing and frightening us about our health and safety.

} 5

Do not increase the flights at our local airport, John Wayne Airport.

Sincerely,

Jeff and Sharon Pence

LATEXTRA

THURSDAY, MAY 29, 2014 :: LATIMES.COM/LANOW

A NEW study reports jet emissions in communities such as Lennox, where Joe Mejia, left, Derick Montes and Leonardo Armenia play.

Plane pollutants take flight Exhaust particles are detected up to 10 miles east of LAX

By DAN WEIKEL AND TONY BARBOZA

High levels of potentially harmful exhaust particles from jets using Los Angeles International Airport have been detected in a broad swath of densely populated communities up to 10 miles east of the runways, a new air quality study reported Thursday.

The research, believed to be the most comprehensive of its type, found that takeoffs and landings at LAX are a major source of ultrafine particles. They are being emitted over a larger area than previously thought, the study states, and in amounts about equal in magnitude to those from a large portion of the county's freeways.

It further concludes that areas affected by aircraft exhaust at major airports in the U.S. and other parts of the world might have been seriously underestimated.

Building on earlier air quality studies, environmental and preventive medicine experts from USC and the University of Washington found concentrations of the wind-driven particles over a 23-square-

LAX pollution zone

An air quality study detected elevated levels of pollution up to 10 miles east of LAX.

Ultrafine particle concentrations

■ 6-8x normal ■ 4-6x ■ 2-4x ■ 1-2x



Source: Environmental Science & Technology
DOUG STEVENS Los Angeles Times

mile area that includes cities and unincorporated areas along LAX's flight paths, including Lennox, El Segundo, Inglewood and parts of Los Angeles.

The findings raise health concerns, researchers say, because the minute particles, which result from the condensation of hot exhaust vapor from cars, diesel trucks and aircraft, have the potential to aggravate heart and lung conditions, including asthma and the development of blocked arteries.

Less than one-thousandth the width of a human hair, they can go deep in the lungs, make their way into the bloodstream and spread to the brain, heart and other critical organs. While emissions of slightly larger exhaust particles are regulated, ultrafines are not.

"This is a very novel and alarming set of results," said Ralph Delfino, a professor of epidemiology at UC Irvine who studies the health effects of air pollution and reviewed the study. "It's all very, very surprising."

Officials at the region's air quality agency, the South Coast Air Quality Management District, said there is little they [See Pollution, AA2]

Jets' exhaust affects wide area

Pollution, from AA1]
can do to reduce pollution from airports because they do not have the power to regulate aircraft emissions. They have suggested to other agencies, including the U.S. Environmental Protection Agency, that the nation should have a standard for ultrafine particles, as exists in Europe.

Researchers found some of the highest particle levels — 6 to 8 times above normal — within a few miles of the nation's third-busiest airport. Some readings almost 10 times above normal were encountered in pockets closest to LAX. Levels up to twice the norm were detected at 10 miles out.

The affected area starts at the ends of the airport's four runways and fans out across an urban-scape that contains low-income neighborhoods and sections also affected by noisy overflights.

The extent of the pollution is so large that it challenges previous assumptions that roadways are the most significant pollution threat to urban residents. In some communities, the study states, many people may be exposed to a greater amount of particle pollution living downwind from LAX than from residing near highways.

Researchers calculated that it would take between 174 and 491 miles of freeway traffic — or about 20% to 50% of the highways in Los Angeles County — to generate levels of pollution equivalent to those detected east of LAX.

"We rightly spend a lot of time worrying about schools and homes that are close to freeways, but here's a huge source of ultrafine particles that we've apparently



FRANCINE ORR Los Angeles Times

MARIA MUNOZ waters her garden as an airplane passes overhead in Lennox. The broad area east of LAX where high levels of potentially harmful ultrafine particles have been found is larger than previously thought.

missed," said Scott Fruin, a professor of preventive medicine at USC's Keck School of Medicine who led the research.

The bulk of the study was conducted last year, when scientists spent weeks taking measurements from two vehicles filled with air quality monitoring devices. They drove north-south routes through residential streets and major thoroughfares, measuring pollution concentrations at increasing distances from the airport.

"We kept looking for the end of the impact and never really found it," Fruin said. "We never reached a point far enough downwind that

we didn't measure" particles from LAX.

Residents of cities along the heavily traveled flight paths said the new study validates their long-standing complaints that LAX is a significant source of air pollution in their neighborhoods, where jet exhaust has covered their homes, cars and outdoor furniture with soot.

"This confirms what we have been saying all along," said Diane Sambrano, a community activist who lives in Inglewood. "We've been called every name in the book for complaining. Yet we know what we are talking about."

The study's conclusions are consistent with earlier work that found elevated levels of ultrafine particles near LAX and Santa Monica Airport, a general aviation facility. The latest research, however, recorded significant concentrations of the pollutant at much greater distances from LAX.

In addition to ultrafine particles, researchers detected high levels of other emissions, including smog-forming gases called nitrogen oxides and black carbon, a major component of soot found in engine exhaust.

"My biggest concern is for people in and near the airport," said Denny Schneider

of Westchester, president of the Alliance for a Region Solution to Airport Congestion. "We have identified something that is not just boogeyman, but a real issue. Now we have to find out how to stop it."

Philip Fine, the air district's assistant deputy executive officer, called the study's findings "novel and compelling" and said they make a strong case for addressing the emissions.

"It will perhaps put toward further control, hopefully, and further regulation," he said.

dan.weikel@latimes.com
tony.barboza@latimes.com

**Responses to Comments Received from
Jeff and Sharon Pence
Dated: June 12, 2014**

- Response 1:** The comment addresses a general subject area, which received extensive analysis in the Draft Environmental Impact Report (“EIR”) in Section 4.1, Air Quality. In particular, health risk is addressed in Section 4.1.6 of the Draft EIR and Section 5.4 of the *Air Quality Technical Report* (Appendix D). The comment does not raise any specific issue regarding that analysis and is ambiguous as to what “studies” raise this concern, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.
- Response 2:** The comment addresses a general subject area, which received extensive analysis in the Draft EIR in Section 4.1, Air Quality. In particular, the Proposed Project’s particulate matter concentrations are presented in Draft EIR Tables 4.1-13 (page 4.1-38) and 4.1-14 (page 4.1-40), and the Proposed Project’s exceedances of the ambient air quality thresholds utilized by the South Coast Air Quality Management District, as well as the California Ambient Air Quality Standards, are summarized on page 4.1-42 of the Draft EIR. It should be noted that the particulate matter emissions from aircraft are expected to decrease during all three phases of the Proposed Project, as compared to existing conditions, due to decreasing general aviation aircraft operations (Draft EIR, Table 4.1-8, page 4.1-29). Future improvements in engine performance (which conservatively are not quantitatively incorporated in the Draft EIR because the International Civil Aviation Organization/Emissions Dispersion and Modeling System [“ICAO/EDMS”] database does not include them) will likely further decrease aircraft emissions. If the reduction in general aviation activity and engine performance improvements were modeled, the Proposed Project’s particulate matter concentrations would be lower than those identified in the tables referenced above. In addition, Topical Response 1 addresses black carbon. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.
- Response 3:** Please see Topical Response 6 (Quality of Life).
- Response 4:** Please see Topical Response 1, which addresses black carbon, and Topical Response 2, which addresses the LA Times/USC Study on ultrafine particulate matter.
- Response 5:** The commenter’s statement that “. . . the number of planes landing over my house have increased tenfold every about every 5 years” is not accurate based on data on JWA’s records.

With winds predominantly coming from the ocean, aircraft depart to the south and arrive from the north about 95 percent of the time with slight variations from year to year. Therefore, aircraft arriving from the south on JWA Runway 01L only

overfly Lido Isle approximately 5 percent of the time. (These aircraft are predominately by air carrier, commuter and air taxi.) Below is the estimated percent change in arrivals over Lido Isle based on data from *Aviation Forecasts Technical Report* Table 4-1, which is provided as Appendix B of the Draft Environmental Impact Report:

Year	Air Carrier, Commuter & Air Taxi Total Operations	Air Carrier, Commuter & Air Taxi Arrivals (Estimate)	Runway 01L Arrivals (Estimated at 5 percent)	Percent Change from Previous 5 Years
1998	90,005	45,003	2,250	n/a
2003	107,857	53,929	2,696	19.8
2008	112,191	56,096	2,805	4.0
2013 (Estimate)	96,000	48,000	2,400	-14.4

Source: Table developed by County of Orange, using data from the *Aviation Forecasts Technical Report, 2010*

Subject: FW: John Wayne comment

From: Jordan Prell [mailto:jordan.prell@gmail.com]

Sent: Wednesday, June 04, 2014 1:02 PM

To: EIR, Draft

Subject: John Wayne comment

A flight path approach over the 55 freeway would be ideal for residents in Tustin.

1

Sent from my iPhone

**Response to Comment Received from
Jordan Prell
Dated: June 4, 2014**

Response 1: Changes to the flight path are outside the scope of the Proposed Project and the County of Orange, as the proprietor of the Airport, has no authority or control over aircraft in flight. The Federal Aviation Administration (“FAA”) and the pilot-in-command of each aircraft have sole jurisdiction and responsibility for flight paths. Accordingly, only the FAA has enforcement capability over these issues. Please see Topical Response 3 (Commercial Aircraft Flight Path Issues).

Subject: FW: Proposed expansion

From: sharon ray [mailto:sharonray9@roadrunner.com]

Sent: Monday, June 02, 2014 9:36 AM

To: EIR, Draft

Subject: Proposed expansion

I am:

Sharon Ray
209 Santa Ana Ave
Newport Beach, 922663
Sharonray9@roadrunner.com

The pollution, noise and traffic that will result from the increase in flights is wrong. This development is being presented in such a confusing manner that it is hard to address. My current understanding is that a no project vote means no restrictions. It means that the current restrictions expire and without any new agreement the result is no counter balance to extreme expansion. No project means no rules. That is terribly misleading.

} 1

So without words that are clear, let me express my interest. How can I become involved in groups or strategies that will result in growth boundaries at John Wayne? What do I advocate for when my interest is slow, measured growth that also strives to reduce traffic, noise and pollution?

} 2

**Responses to Comments Received from
Sharon Ray
Dated: June 2, 2014**

Response 1: Section 3.5.5 of the Draft Environmental Impact Report (“EIR”) describes the No Project Alternative, and the principal terms of this alternative are shown in Table 1-1 (page 1-3) in Section 1 (Executive Summary) and Table 3-1 (page 3-7) in Section 3 (Project Description).

The California Environmental Quality Act (“CEQA”) requires that the definition of the No Project Alternative include the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project was not approved. Specifically, Section 15126.6(e)(3)(A) of the State CEQA Guidelines addresses the definition of the No Project Alternative for land use or regulatory plans. It states:

When a project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the “no project” alternative will be the continuation of the existing plan, policy or operation into the future. Typically this is a situation where other projects initiated under the existing plan will continue while the new plan is developed. Thus, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan.

Based on this guidance, the Draft EIR assumes that no action would be taken by the County under the No Project Alternative and that the Settlement Agreement would be allowed to expire on December 31, 2015. The No Project Alternative also assumes the continuation of the provisions in the Settlement Agreement, as currently amended, and specifically 85 regulated Class A passenger service Average Daily Departures (“ADDs”) and 10.8 million annual passengers (“MAP”) throughout the study period (i.e., beginning on January 1, 2016, and extending through December 31, 2030).

The Draft EIR further explains that—from the County’s perspective—operations at John Wayne Airport (“JWA”) would remain unchanged upon expiration of the Settlement Agreement; however, the normal legislative discretion of the Board, as the owner and operator of JWA, to consider possible expansion of facilities or operations at JWA would be unconstrained by any judicial order. Therefore, the Board would be able to consider increasing the permitted levels of commercial operations. The Board would also be able to consider elimination of other restrictions on JWA operations including, but not limited to, the preexisting nighttime flight restrictions (curfew) independent of the City of Newport Beach, Stop Polluting Our Newport (“SPON”), and Airport Working Group (“AWG”). However, none of those things would happen automatically without further express action of the Board. Any of those actions would be “projects” within the meaning of CEQA and would require CEQA compliance before they could be approved and implemented.

Separate and apart from the County affirmatively exercising its discretion to modify the currently permitted operational levels at the Airport, if the Settlement Agreement expires (as contemplated by the No Project Alternative), the potential exists that others (such as the commercial air carriers) may treat the existing noise and access restrictions as a violation of federal law and operate at the Airport in an unrestricted manner. The legal basis for that position would lie in 49 U.S.C. §47524(d)(3), which provides that the qualifying basis for the Settlement Agreement's "grandfathered" status under the Airport Noise and Capacity Act of 1990 is its characterization as an "intergovernmental agreement"—once the Settlement Agreement has expired, the commercial air carriers may, for example, argue that there is no "intergovernmental agreement" to treat as "grandfathered." (The curfew is subject to its own "grandfathering" provision [see 49 U.S.C. §47533(1)] and likely would not be vulnerable to the same argument.)

Response 2: Providing comments on the Draft EIR, as you have done, is one way to participate in the process for guiding policy at the Airport. There are also opportunities to make comments at upcoming public hearings. Specifically, public hearings to discuss the Project will also be held in late summer before the Orange County Airport Commission and Planning Commission and before the Board of Supervisors in early fall. Groups in the community that participate in the policies pertaining to the Airport include AWG and SPON, which are both signatories to the Settlement Agreement.

From: EIR, Draft <DEIR617@ocair.com>
Sent: Wednesday, July 09, 2014 7:48 AM
To: Bob Raya
Subject: RE: Airport

Good morning,

We see that you sent in a blank email with no attachment. Unfortunately yesterday, July 8th, was the deadline to submit comments related to the Environmental Impact Report for the John Wayne Airport Settlement Agreement Amendment, however if you indeed intended to send an attachment with this email please do so by today, July 9th.

Thank you.

From: Bob Raya [mailto:blraya@sbcglobal.net]
Sent: Tuesday, July 08, 2014 5:05 PM
To: EIR, Draft
Subject: Airport

Testing

**Response to Comment Received from
Bob Raya
Dated: July 8, 2014**

Response 1: The email comment was submitted with no text; therefore, no response is necessary. The submission has been included in the formal record and forwarded to the decision makers.

From: Rex Ricks <rexricks@yahoo.com>
Sent: Tuesday, July 08, 2014 3:34 AM
To: EIR, Draft
Subject: John Wayne Airport DEIR

Dear Ms. Lea Choum,

Let me first say that I have lived within one mile of the main runway at Reno-Tahoe International Airport for over 3 years and I did not find my quality of life negatively impacted at all by the airport. So nobody can say I have never lived near a commercial airport and known its "impacts".

As for John Wayne Airport, it is the mindset of Newport Beach that it now finds itself dealing with an overflowing outhouse. But it is their self-inflicted actions that have placed them in such an unenviable position. The chickens have come home to roost.

Back in 1988 **Newport Beach** consultant Dave Ellis led the fight to successfully defeat a slow growth initiative. The result has been explosive population growth. Hence, vastly increased demand for air travel.

The 1990 Census indicated Orange County had a population of about 2.4 million people. An estimate of the 2013 population would be about 3.1 million. This represents an increase of about 700,000 people or shoehorning in a city slightly larger than Detroit. The overwhelming majority of this growth has occurred in South Orange County, which would grow in large enough size to garner the votes to eventually and permanently eliminate El Toro Airport as a reliever to John Wayne Airport.

But there is more. It was former **Newport Beach** congressman Chris Cox who had the hugest role of any human on Earth in sabotaging El Toro for civilian reuse. His wife was on the BRAC commission that voted to close El Toro. He even told a South Orange County audience that El Toro was the only base in the entire country closed not for strategic military reasons, but for its high real estate value.

In addition, Cox attached riders to legislation preventing joint civilian use of El Toro. Besides that, he used his high ranking power (number 5 at the time.) in Congress to pressure then Secretary of Transportation Norm Minetta to deny L.A.'s request to lease El Toro to \$2 billion. (Lennar on the other hand, only paid 650 million to own it.) As hard as Chris Cox fought to scuttle El Toro for civilian reuse, he did very little to limit John Wayne expansion. In July 2005, within 2 weeks of Lennar properties assuming title to the El Toro property, he resigned to become chairman of the SEC. He mismanaged Wall Street regulation to point that it crashed our economy in 2008. Once the former buffer zone was finally eliminated and open for residential development, Chris Cox left his former Newport Beach constituents to twist in the wind.

While, the El Toro planning process was happening, it was Newport Beach denizens and their politicians that blindly backed an extremely flawed airport design in order to appease the **Newport Beach** based Irvine Company. The county's proposal would have eastern takeoffs with tailwinds into rising terrain, then northern takeoffs which would interfere with incoming traffic into Long Beach, John Wayne, and LAX. The FAA did issue a grudging determination saying while the plan was "safe", airport capacity for El Toro would be very limited at 4MAP. That is very little bang for the buck, and not exactly a turnkey project.

Instead, pilots unions like ALPA suggested land from the north and takeoff to the south with a 30 degree bank that would go over wide swaths of (then) undeveloped land. Not one person in the entire county would have been impacted by noise. But the so called "neutral" Irvine Company was adamantly against an efficient, noise free layout and even threatened to spend \$2 million to defeat that layout. So keep in mind TIC was "neutral" on a flawed plan guaranteed to fail, but opposed to plan that had a chance to work out beautifully.

Even a former mayor of a North Orange County city told me that he was invited to a Waters and Faubel Christmas party. (Waters and Faubel was the p.r. firm for the anti-El Toro side.) This mayor said some people in South Orange County told him that they could have lived with the pilot's plan, but absolutely hated the intrusive Newport Beach based plan.

I was in an Airport Working Group meeting in 2002 and then leader Tom Naughton blasted the pilots unions as trying to "bankrupt American Airlines!" He was adamant about not offending the sacred cow Irvine Company and AWG refused to support a petition drive to put a more efficient El Toro layout on the November 2002 ballot.

Newport Beach denizens were adamant in backing the Irvine Company appeasing plan that had southern approaches go over the cities of Dana Point, Laguna Niguel, Laguna Hills, Aliso Viejo and Laguna Woods. Northern and Eastern takeoffs would have went over Irvine, Tustin, Lake Forest, Mission Viejo, and Rancho Santa Margarita. (That is only counting the incorporated areas)

Newport Beach denizens put the importance of future profits for the multi-billion dollar Irvine Company over the quality of life of citizens of South Orange County. At one point, the county even proposed a 38.8 MAP airport, about the size of SFO, and that galvanized South Orange County to eventually defeat the airport at the ballot box.

The Irvine Company did like Ronald Reagan who armed both Iran and Iraq and let them fight each other. The Irvine Company claimed "neutrality" and let the pro and anti sides spend over a decade and \$100 million fighting one another. The hatred made the Hatfields and McCoys look like brotherly love.

Since Newport Beach got on its knees for the Irvine Company, they should ask them to do the heavy lifting and have them lobby to keep the artificial caps in place for John Wayne. But don't count on it, Irvine Company CEO and **Newport Beach** resident Donald Bren has been dragged into court just to pay child support for children that he fathered. If he is that indifferent about his own children, then it is highly unlikely he could care much about his own neighbors should John Wayne expand. Killing the El Toro airport buffer zone in Irvine made him billions of dollars richer with additional high density residential development.

Newport Beach denizens conveniently like to blame South County, or those wanted an alternative layout for El Toro (like the pilots) for its defeat. Look in the mirror Newport Beach, it was your own residents that supported paving every square inch of the county and creating many new cities and voters in South County that would eventually turn against you. It was your blind dogmatic support of a flawed airport layout that pilots unions deemed unsafe and inefficient, and supporting a landing and takeoff pattern that would impact thousands of people.

El Toro was the only and best chance for relief from growth of John Wayne Airport. Never mind how much of a money sucking boondoggle embarrassment the Great Pork has become, the door is forever closed for a reliever airport. The horse is out of the barn.

1
cont.

As for John Wayne's eventual passenger capacity I am indifferent. But I would suggest for safety reasons that the runway be lengthened. (I know of some Santa Ana Heights residents who would gladly take a buyout.) If a jet was to roll off the runway onto the Corona Del Mar freeway and become a fireball, the City of Newport Beach could very well find itself being litigated for opposing the lengthening of the runway and creating a safety hazard.

} 1
cont.

Rex Ricks
PO BOX 6547
Anaheim, CA 92816.

**Response to Comment Received from
Rex Ricks
Dated: July 8, 2014**

Response 1: The comment expresses the opinions of the commenter and does not raise an environmental issue; therefore, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Subject: FW: JWA curfew and daily flight volume

From: carol rogers [mailto:csrogers5@gmail.com]

Sent: Monday, June 02, 2014 1:52 PM

To: EIR, Draft

Subject: JWA curfew and daily flight volume

My name is Carol Rogers. I am a native of Newport Beach. I grew up in Dover Shores and still live under the flight path of JWA. I want to share that I strongly support the current curfew hours at JWA and do not feel our airport should ever be open 24 hours or ever be used as a commercial airport. The airport is used wonderfully now but it cannot and should not grow in flights or hours of operation for many very obvious reasons. The most obvious is the fact that the airport is adjacent to a residential area and it is not safe. Newport Mesa also drives huge revenue from tourism and 24 hour flights will not be amenable to the hotels and tourists visiting the area. If the Orange County area wanted a commercial/international airport than we should have made El Toro air force base into one.

Please be mindful of every citizen who lives in the JWA adjacent area, the environment, the tourism economy and DO NOT CHANGE THE CURFEW or increase jet traffic and flights.

Thank you very much,
The Chris and Carol Rogers family

2240 Holiday Road
92660

csrogers1@me.com
Office 949.548.4744
Cell 949.375.0276

} 1

**Response to Comment Received from
Chris and Carol Rogers
Dated: June 2, 2014**

Response 1: As the comment expresses support for the maintenance and enforcement of the Airport's hours of operation/curfew, it should be noted that the Proposed Project would maintain the existing curfew at the Airport through December 31, 2035 (see Table 3-1 on page 3-7 of the Draft EIR). The curfew is similarly protected under Alternatives A and B. The No Project Alternative, which assumes expiration of the Settlement Agreement, would protect the curfew until December 31, 2020, as would Alternative C.

Subject: FW: OC Airport

From: Ramona's Mail [mailto:ramonaschneider@sbcglobal.net]

Sent: Thursday, June 05, 2014 1:08 PM

To: EIR, Draft

Subject: OC Airport

WE WERE HERE FIRST! When we moved into our home in 1962 we never dreamed we would one day live in the OC Airport flight landing path. We never realized our little local private airport would grow to the giant it is and now planning an even larger expansion.

} 1

If we retire before 11 P.M. we have to keep our double-paned windows closed in order to sleep, the planes are so noisy.

} 2

Every few years we go through this with the effort to impact our lives in a negative fashion. Especially, when the Ontario Airport needs business so badly, is a lovely airport and convenient for us in Orange County. It needs the business, Orange County doesn't. We need to send these additional planes to Ontario.

} 3

Ramona Schneider
17571 Wellington Ave.
Tustin, 92780
714 544-3800

**Responses to Comments Received from
Ramona Schneider
Dated: June 5, 2014**

- Response 1:** This comment is an introduction to comments that follow. No further response is required.
- Response 2:** The comment addresses a general subject (i.e., noise), which is extensively analyzed in the Draft Environmental Impact Report (“EIR”) in Section 4.6 (Noise). Section 4.6 of the Draft EIR summarizes the applicable regulatory setting; provides qualitative and quantitative information regarding the existing noise environment; quantifies and identifies the incremental increase in noise attributable to the Proposed Project; and discloses the significance of that incremental increase by reference to noise thresholds established by the Federal Aviation Administration, the County of Orange, and the City of Newport Beach. Where significant impacts are identified, Section 4.6 also proposes feasible mitigation to address such impacts. Ultimately, Section 4.6 concludes that the Proposed Project would result in unavoidably significant noise impacts due to the incremental increase in noise from increased aircraft operation levels. The comment does not raise any specific issue regarding the analysis provided in Section 4.6 and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.
- Response 3:** The County of Orange has no authority to direct the commercial air carriers or the air traveling public to utilize Ontario Airport. The decisions on where to fly are heavily market driven. However, to the extent any amendment to the Settlement Agreement curtails the ability of John Wayne Airport to serve the demand in Orange County, air travel likely would be directed to other airports in the region.

COMMENTS ON
DRAFT ENVIRONMENTAL IMPACT REPORT 617

We believe the report needs to address the following items regarding arrival flights and the impact it has on the residents living under that landing footprint:

1. The EIR does not address the affect of the single event noise on the residents who live under or adjacent to the ILS. The severity as well as frequency needs to be evaluated. Temporary monitors need to be installed at critical points to measure the noise level of these single events.. Without this no realistic evaluation can be made. These single event noises, impact very heavily on the quality of life for residents living under and around the ILS, i.e. conversation comes to a halt, TV reception is lost or skewed. The quality of life for those residents is greatly reduced. } 1
 2. The effect of these intermittent loud intrusions on the health of the residents living within the landing footprint has not been evaluated. It is believed these constant interruptions and high noise levels can impact severely on the health of those constantly exposed to this on a daily basis. } 2
 3. Incentives should be provided to airlines to fly quieter planes } 3
 4. New flights should only be allotted to those who are using quieter equipment. } 3
 5. Is there noise mitigating protocol for arriving aircraft as there is for departing aircraft? } 4
- We purchased our present home in 1968 long before there was a John Wayne Airport and we have witnessed an ever increasing noise level despite the fact that Orange County Supervisor Riley promised us that Air West would be the only commercial airline coming into the Santa Ana Airport and that all arrivals would follow the 55 Freeway, so as to not have any impact on the residents. } 5

We look forward to a response to our concerns.

Dessa M. Schroeder
13902 Dall Lane
North Tustin, CA 92705

**Responses to Comments Received from
Dessa M. Schroeder
Dated: July 8, 2014**

Response 1: Please refer to Topical Response 4 (Arrival Corridor Noise Impacts) for a detailed discussion of the noise impacts, both single event and cumulative, from Airport operations and the Proposed Project along the arrival corridor that passes over the City of Tustin, the community of North Tustin, and the eastern edge of the City of Orange. This discussion focuses on the City of Tustin because it is subject to the highest aircraft arrival corridor noise levels in residential areas.

Response 2: The potential health effects of noise exposure are discussed in Section 4.6.1 of Section 4.6 (Noise) of the Draft EIR and in more detail in Section 2.3 of *Noise Analysis Technical Report* (Appendix C of the Draft EIR). Outside the Airport boundaries, aircraft noise levels are not sufficient enough to result in hearing impairment.

While research indicates a correlation between community noise exposure, hypertension, and ischemic heart disease, this association has not been quantified, nor has a causal relationship been determined. The current nighttime curfew would remain in effect under the Proposed Project. While sleep disturbance impacts were not quantified in the Draft EIR, it acknowledges that elimination of the curfew would result in a significant impact. As discussed in the Draft EIR, the rescinding of the nighttime curfew would require a separate County Board action and environmental analysis. A quantitative analysis of the specific sleep disturbance impacts would need to be performed at that time.

The County, the City of Newport Beach, and the Federal Aviation Administration (“FAA”) noise standards and the significance thresholds were established primarily to address annoyance and are assessed in the Draft EIR. Based on current research, considerable health effects of noise would only be expected from noise exposures considerably greater than the County, City, and FAA noise standards.

Response 3: Your support for the introduction of quieter aircraft is noted; however, the County of Orange cannot mandate the type of aircraft used at the Airport (see Draft EIR pages 4.6-17 through 4.6-18 and 4.6-93 through 4.6-95). The Draft EIR assumes the continuation of the existing fleet mix, but identifies that, given the length of the 15-year planning timeframe for the Proposed Project (2015–2030), it is reasonable to assume the newer and next generation aircraft, such as the 737-900ERW, 787, 737-MAX or comparable aircraft by other manufacturers may be incorporated into the fleet mix at John Wayne Airport (“JWA”) at some point in the future. These newer aircraft may generate less noise and have fewer air emissions compared to the current fleet at JWA. In addition, since these aircraft accommodate more passengers than aircraft in the current fleet, it may be possible to serve more passengers (within the million annual passengers [“MAP”] cap) with fewer operations.

Response 4: There are no established arrival noise mitigation procedures. However, the departure noise level limits defined in the Settlement Agreement restrict the types of aircraft that can depart from the Airport to those who can meet the noise limits (i.e., generally the quietest commercial aircraft available). This effectively limits the arrival noise levels because louder aircraft cannot meet the departure noise level limits and therefore cannot land at the Airport.

Response 5: The number of flights at John Wayne Airport (“JWA”) has grown substantially since the first Master Plan was approved in 1963, as has the rest of Orange County. Please see Topical Response 3 (Commercial Aircraft Flight Path Issues).

COMMENT



John Wayne Airport
Settlement Agreement Amendment
Draft Environmental Impact Report 617



Name Joanne Schulte Phone 714-838-3776

Group/Organization/Jurisdiction _____

Address 18082 Shadel, N. Tustin 92705 Email Joannesch.1@Tunc-c

Comments: I appreciate the airport curfew + that makes life in my area more bearable, noise wise. Airplanes fly directly over my house. Because of it, the noise is too loud to use my backyard for entertaining, or communicating with someone on the other side of the yard. Cannot be heard. I vote against increased flights. ~~Caused to stop banking down the course direction of landing by down 55 feet?~~ Also, helicopter noise is loud & shakes my windows seems like more flying over my house than in times past. We need another county airport.

} 1
} 2

Please return comment card during this public meeting or mail to John Wayne Airport at the address on the reverse of this card.
Comment cards are due by July 8, 2014.

**Responses to Comments Received from
Joanne Schulte
Dated: May 28, 2014**

Response 1: As the comment expresses support for the maintenance and enforcement of the Airport's hours of operation/curfew, it should be noted that the Proposed Project would maintain the existing curfew at the Airport through December 31, 2035 (see Table 3-1 on page 3-7 of the Draft EIR). The curfew is similarly protected under Alternatives A and B. The No Project Alternative, which assumes expiration of the Settlement Agreement, would protect the curfew until December 31, 2020, as would Alternative C.

The comment also addresses a general subject (i.e., noise), which is extensively analyzed in the Draft Environmental Impact Report ("EIR") in Section 4.6 (Noise). Section 4.6 of the Draft EIR summarizes the applicable regulatory setting; provides qualitative and quantitative information regarding the existing noise environment; quantifies and identifies the incremental increase in noise attributable to the Proposed Project; and discloses the significance of that incremental increase by reference to noise thresholds established by the Federal Aviation Administration, the County of Orange, and the City of Newport Beach. Where significant impacts are identified, Section 4.6 also proposes feasible mitigation to address such impacts. Ultimately, Section 4.6 concludes that the Proposed Project would result in unavoidably significant noise impacts due to the incremental increase in noise from increased aircraft operation levels. The comment does not raise any specific issue regarding the analysis provided in Section 4.6 and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Response 2: Changes to the flight path are outside the scope of the Proposed Project and the County of Orange, as the proprietor of the Airport, has no authority or control over aircraft in flight. The Federal Aviation Administration ("FAA") and the pilot-in-command of each aircraft have sole jurisdiction and responsibility for flight paths. Accordingly, only the FAA has enforcement capability over these issues. Please see Topical Response 3 (Commercial Aircraft Flight Path Issues).

The Proposed Project also does not address helicopter flight activities. However, helicopters were included as part of the base assumptions in the Draft EIR. In 2013, there were 11 helicopters based out of John Wayne Airport ("JWA"), which represents about 2.6 percent of the general aviation aircraft mix at the Airport (see Table 3-11, page 3-31) in Section 3, Project Description, in the Draft EIR). Helicopter operational levels are assumed to remain constant at the present levels (see page 3-37 of the Draft EIR).

Finally, the comment expressing support for the establishment of "another County airport" is acknowledged and will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

From: Sharon Seal <sleeseal@aol.com>
Sent: Tuesday, July 01, 2014 3:14 PM
To: EIR, Draft
Subject: JWA Curfew Impact/Additional flights

To Whom It May Concern:

I feel that expanding the hours at JWA would be a tremendous inconvenience to myself and my neighbors in Bayside Village/Newport Beach. We are already awakened at 7am 5 days a week and 8am on Saturday and Sunday. Not only are the airplanes loud, the debris from the exhaust is very messy and turns the plants in my yard BLACK.

} 1

Please keep the curfew in place and additional flights would just be a big environmental No-No. Please keep our community/cities safe and healthy now and for future generations.

} 2

Thank you,
Sharon Seal
215 Tremont Drive
Newport Beach, CA 92660

**Responses to Comments Received from
Sharon Seal
Dated: July 1, 2014**

- Response 1:** As the comment expresses support for the maintenance and enforcement of the Airport's hours of operation/curfew, it should be noted that the Proposed Project would maintain the existing curfew at the Airport through December 31, 2035 (see Table 3-1 on page 3-7 of the Draft EIR). The curfew is similarly protected under Alternatives A and B. The No Project Alternative, which assumes expiration of the Settlement Agreement, would protect the curfew until December 31, 2020, as would Alternative C. In addition, please see Topical Response 1 (Black Carbon).
- Response 2:** The County of Orange acknowledges your input and comment. Because the comment does not raise an environmental issue, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

From: Sally Shipley <sally@sallyshipley.com>
Sent: Monday, July 07, 2014 11:42 AM
To: EIR, Draft
Subject: Draft EIR

Dear Ms. Choum,
Two weeks ago I moved into my new home in the Bluffs on Vista Cajon. I fell in love with the area because of the beautiful greenbelts, trees, flowers and the close proximity to Back Bay. Frankly, I did not fully understand the pollution from JWA until after I moved into my home. Any increase or expansion to JWA will have a devastating impact on the air quality and noise pollution in the entire community. I suffer from a serious lung condition and this would be extremely destructive to my health. The increased air pollution would also destroy trees, flowers and plants, and do serious damage to our "treasure" – Back Bay. What can we do to protect our precious city? A concerned citizen of Newport Beach, Sally Shipley 2031 Vista Cajon, Newport Beach Ca 92660

} 1
} 2

Sally Shipley

1400 Newport Center Drive Suite 200
Newport Beach, CA 92660
949.219.2414
949.887.9064 cell
sally@sallyshipley.com
www.SallyShipley.com
BRE# 00582056



BERKSHIRE HATHAWAY
HomeServices
California Properties

**Responses to Comments Received from
Sally Shipley
Dated: July 7, 2014**

Response 1: The comment addresses general subject areas (i.e., noise and air quality), which were both extensively analyzed in the Draft Environmental Impact Report (“EIR”).

Section 4.1 (Air Quality) summarizes the applicable regulatory setting; provides qualitative and quantitative information regarding the existing environment; quantifies and identifies the incremental increase in criteria air pollutants and toxic air contaminants attributable to the Proposed Project; and discloses the significance of that incremental increase by reference to applicable thresholds established by the South Coast Air Quality Management District (“SCAQMD”) and criteria in the California Environmental Quality Act (“CEQA”) Guidelines. Specifically, the Health Risk Assessment provided in Section 4.1 evaluates cancer, cancer burden, chronic non-cancer, and acute non-cancer health risks. The Health Risk Assessment is summarized in the Draft EIR on pages 4.1-4; 4.1-11 through 4.1-14; 4.1-22; and 4.1-61 through 4.1-65.

As noted in Section 4.1, air quality in the Southern California Air Basin is regulated by the SCAQMD, the air pollution control agency for all of Orange County and the urban portions of Los Angeles, Riverside and San Bernardino counties. “SCAQMD is committed to undertaking all necessary steps to protect public health from air pollution, with sensitivity to the impacts of its actions on the community and businesses. This is accomplished through a comprehensive program of planning, regulation, compliance assistance, enforcement, monitoring, technology advancement, and public education.”⁸³

Section 4.6 (Noise) of the Draft EIR summarizes the applicable regulatory setting; provides qualitative and quantitative information regarding the existing noise environment; quantifies and identifies the incremental increase in noise attributable to the Proposed Project; and discloses the significance of that incremental increase by reference to noise thresholds established by the Federal Aviation Administration (“FAA”), the County of Orange, and the City of Newport Beach. Where significant impacts are identified, Section 4.6 also proposes feasible mitigation to address such impacts. Ultimately, Section 4.6 concludes that the Proposed Project would result in unavoidable significant noise impacts due to the incremental increase in noise from increased aircraft operation levels.

The comment does not raise any specific issue regarding the analysis in the Draft EIR and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

Response 2: Providing comments on the Draft EIR is one way to participate in the process for guiding policy at the Airport. There are also opportunities to make comments at upcoming public hearings. Public hearings to discuss the Proposed Project will be

⁸³ SCAQMD 2014.

held in late summer before the Orange County Airport Commission and Planning Commission, and before the Board of Supervisors in early fall. Groups in the community that participate in the policies pertaining to the Airport include Stop Polluting Our Newport (“SPON”) and Airport Working Group (“AWG”), which are both signatories to the Settlement Agreement.

Wayne & Mary Silzel
18202 Montana Circle
Villa Park, CA 92861
714-633-8888
wayne@wsilzel.com

5/28/2014

Ms. Lea Choum
Project Manager
3160 Airway Avenue
Costa Mesa, CA 92626

Re: DEIR Input Meeting - Hewes Middle School - 5/28/2014

Dear Ms. Choum,

Thank you for receiving input from local agencies and individuals on the draft EIR. As a resident and former Mayor and member of Villa Park City Council, the air traffic over our city has and continues to be an issue of concern to me and to our residents. Our city will be responding, but I would like to add some comments of my own having lived under or near the VFR flight path for more than 40 years.

My wife and I oppose the County's consideration of adding more flights, despite the economic advantage to the County and increasing passenger demand. By vote of the county residents the logical location of a regional airport at El Toro was defeated, largely by vote of South County residents fearing a potential of negative impact on their lives, and by politically influential developers who sought to develop open lands south of the El Toro landing and takeoff patterns.

The voters' decision has left the County without a suitable location for a regional airport, despite growing demand for one closer than LAX or Long Beach. At the time, informed voters, including Villa Park residents, recognized the growth limits of JWA and feared the day would come when JWA would be expected to absorb expanding demand. The 1985 Master Plan, 2001 Settlement agreement and the 2003 Amended Settlement Agreement purported to limit air traffic growth within safe limits, despite its very short runway length of 5,700 ft. as compared with LAX regional airport, which has multiple runways in excess of 11,000 ft. length. JWA is simply not suitable for more commercial air traffic beyond the presently prescribed limits.

We and many of our Villa Park neighbors have withstood the noise and polluting effects of increased flights and accepted it without complaint until now. We ask that you review and reconsider the impact on those cities in the approach path

} 1
}

Ms. Lea Choum

page 2

5/28/2014

and takeoff patterns in the DEIR, particularly Addendum A, Section 8, E & F and Section 12, E & F.

We also have added concerns about a migrating shift of air traffic away from the direct ILS approach route to the airport, versus the VFR approach that requires a 15 degree last minute turn to line up with the runway. Given the growth in the number of flights over the past few years, the safety and pollution impact is less under the ILS approach over the less densely populated area of the regional parks east of Jamboree Road and foothill area south.

} 2
cont.

Thank you for your consideration on behalf of all Villa Park residents.

Sincerely,



Wayne and Mary Silzel

**Responses to Comments Received from
Wayne and Mary Silzel
Dated: May 28, 2014**

Response 1: The comment provides factual background information only and does not raise an environmental issue within the context of the California Environmental Quality Act. Because the comment does not raise an environmental issue, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Response 2: Please see Topical Response 3, Commercial Aircraft Flight Path Issues.



COMMENT

John Wayne Airport
Settlement Agreement Amendment
Draft Environmental Impact Report 617



Name LINDA E SMITH Phone 714-608-0897

Group/Organization/Jurisdiction _____

Address 540 W 3RD ST. OLD TOWN TUSTIN Email lesmith@uci.edu

Comments: Noise and air pollution

Using the 55 freeway corridor still impacts Old Town Tustin and apartments

off Newport Blvd and off the Freeway. + at lower levels than North Tustin.

Also impacted by the particulate matter

Curfew must be maintained and limits to flights AND corridors

} 1
} 2
} 3

Please return comment card during this public meeting or mail to John Wayne Airport at the address on the reverse of this card.
Comment cards are due by July 8, 2014.

**Responses to Comments Received from
Linda E. Smith
Dated: May 28, 2014**

- Response 1:** Changes to the flight path are outside the scope of the Proposed Project and the County of Orange, as the proprietor of the Airport, has no authority or control over aircraft in flight. The Federal Aviation Administration (“FAA”) and the pilot-in-command of each aircraft have sole jurisdiction and responsibility for flight paths. Accordingly, only the FAA has enforcement capability over these issues. For additional information on this issue, please see Topical Responses 3 (Commercial Aircraft Flight Path Issues) and 4 (Arrival Corridor Noise Impacts).
- Response 2:** The comment addresses a general subject area (i.e., particulate matter), which received extensive analysis in the Draft Environmental Impact Report (“EIR”) in Section 4.1, Air Quality. In particular, the Proposed Project’s particulate matter concentrations are presented in Draft EIR Tables 4.1-13 (page 4.1-38) and 4.1-14 (page 4.1-40), and the Proposed Project’s exceedances of the ambient air quality thresholds utilized by the South Coast Air Quality Management District, as well as the California Ambient Air Quality Standards, are summarized on page 4.1-42 of the Draft EIR. Although Tables 4.1-13 and 4.1-14 report exceedances of particulate matter ambient air quality standards, it should be noted that the particulate matter emissions from aircraft are expected to decrease during all three phases of the Proposed Project, as compared to existing conditions, due to decreasing general aviation aircraft operations as well as improvements in engine performance (which conservatively were not incorporated in the latest International Civil Aviation Organization/Emissions Dispersion and Modeling System [“ICAO/EDMS”] database and thus not accounted for in the Draft EIR). If the reduction in general aviation activity and engine performance improvements were modeled, the Proposed Project’s particulate matter concentrations would be lower than those identified in the tables referenced above. In addition, Topical Response 1 (Black Carbon) addresses black carbon. The comment does not raise any specific issue regarding that analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.
- Response 3:** As the comment expresses support for the maintenance and enforcement of the Airport’s hours of operation/curfew, it should be noted that the Proposed Project would maintain the existing curfew at the Airport through December 31, 2035 (see Table 3-1 on page 3-7 of the Draft EIR).

COMMENT



John Wayne Airport
Settlement Agreement Amendment
Draft Environmental Impact Report 617



Name Lorna Sutton Phone 714 801-1677

Group/Organization/Jurisdiction FCR

Address 13851 Judy Anne Dr Email _____

Comments: Reston 92705

My husband was a pilot (air force)
We owned a plane we kept at J.W.A for 10 yrs
We had to fly down the 55 runway
The pilots were cutting their approach
too short the plane by directly into my
tail - the noise is awful
Use the 55

} 1

Please return comment card during this public meeting or mail to John Wayne Airport at the address on the reverse of this card.
Comment cards are due by July 8, 2014.

**Response to Comment Received from
Donna Sutton
Dated: May 28, 2014**

Response 1: Flight path procedures are outside the scope of the Proposed Project and the County of Orange, as the proprietor of the Airport, has no authority or control over aircraft in flight. The Federal Aviation Administration (“FAA”) and the pilot-in-command of each aircraft have sole jurisdiction and responsibility for flight paths. Accordingly, only the FAA has enforcement capability over these issues. Please see Topical Response 3 (Commercial Aircraft Flight Path Issues).

COMMENT



John Wayne Airport
Settlement Agreement Amendment
Draft Environmental Impact Report 617



Name Donna Sutton Phone 714 801-1677

Group/Organization/Jurisdiction FCA Bd of Directors

Address 13851 Judy Ave. La Habra, CA 92705 Email donnad.sutton@gmail.com

Comments: _____

Cannot enjoy my back yard anymore

Keep Annual Passengers at W. 8. Still bad.

Over the 35

Being a R.E. Broker. Noise is of great concern

Selling homes in 70' quiet zone

Please return comment card during this public meeting or mail to John Wayne Airport at the address on the reverse of this card. Comment cards are due by July 8, 2014.

} 1
} 2

**Responses to Comments Received from
Donna Sutton
Dated: May 28, 2014**

- Response 1:** Section 4.6 (Noise) of the Draft Environmental Impact Report (“EIR”) summarizes the applicable regulatory setting; provides qualitative and quantitative information regarding the existing noise environment; quantifies and identifies the incremental increase in noise attributable to the Proposed Project; and discloses the significance of that incremental increase by reference to noise thresholds established by the Federal Aviation Administration, the County of Orange, and the City of Newport Beach. Where significant impacts are identified, Section 4.6 also proposes feasible mitigation to address such impacts. Ultimately, Section 4.6 concludes that the Proposed Project would result in unavoidably significant noise impacts due to the incremental increase in noise from increased aircraft operation levels under the Proposed Project. Outdoor noise impacts were specifically identified as an unavoidable significant impact. Additionally, please see Topical Response 6 (Quality of Life).
- Response 2:** The comment expresses support for maintaining the existing million annual passenger limits and does not raise an environmental issue; therefore, no further response is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

From: Kathleen Thode-Ferris <kathodeferris@gmail.com>
Sent: Tuesday, July 08, 2014 9:34 AM
To: EIR, Draft
Subject: Expansion of John Wayne Airport

I live in Villa Park, Ca under the flight landing approach for the John Wayne Airport.
I am totally opposed to expanding the John Wayne Airport with more flights.
It's too noisy as it is!

} 1

Thank you, Kathleen Thode-Ferris
10232 Flintridge Dr.
Villa Park, CA 92861

**Response to Comment Received from
Kathleen Thode-Ferris
Dated: July 8, 2014**

Response 1: The County of Orange acknowledges your opposition to any further expansion at John Wayne Airport. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Subject: FW: No Expansion of Orange County Airport

From: Weaver, Casey@Energy [mailto:Casey.Weaver@energy.ca.gov]
Sent: Monday, June 02, 2014 2:57 PM
To: EIR, Draft
Subject: No Expansion of Orange County Airport

Dear Sir/Madam,

Our family have been residents of Newport Beach since 1957.

The house in which I was raised my mother still resides. That address is 1112 Dover Dr. In the early years of the development of the airport, the planes were prop driven and were a curiosity when one flew by. Then the "jet age" began and the commercial fleet gradually converted to jet propelled.

In 1964 O C Supervisor Thomas Riley, while standing on the cliffs of Galaxy Park in Newport Beach, proclaimed that "jets will never fly out of Orange County." I was there. I heard it. Obviously just another sound bite with no reality in his words.

Sense then, the jet fuel exhaust must be washed off the patio, fences and vegetation on a regular basis. The sound from the jets is ridiculous. No way can you have the windows open! Conversation on the phone must stop and if you are watching television or listening to music, you need a remote control to compete with the deafening roar of the aircraft.

Why are the residents of Newport Beach subjected to such adverse impacts of a an expanding airport? Why do we have to carry the burden of adverse effects on our backs for an airport that serves the entire county and beyond?

I'm sure if an environmental impact statement was developed today for new construction of the existing airport, the consensus would be denial of the project. It is the wrong facility in the wrong place.

But here we are. It does exist and we have to mitigate its existence on the surrounding neighborhoods. Why hasn't a study been done on the harmful effects of disrupted life on residents, schools and libraries, to name a few, that are in the impact zone of landings and take-offs. What about lung and overall health studies of the impacted residents? The amount of PM 10 and PM 2.5 particulate pollution falling from the sky into our neighborhoods is a carcinogenic health hazard. The deafening noise drastically reduces our quality of life and affects our property value.

It is sad when you can't open your windows or converse outside with your neighbors or enjoy a quiet neighborhood without jets constantly flying overhead. It starts before 7am and continues well into the night.

A mitigating compromise would be to limit and restrict the noise generated by commercial and private jets and restrict their hours of operation. In the year 2014, why are excessively loud jets allowed to fly over residential communities? The quiet technology is there, so we ask (if we must be subjected to the irritating chronic flyovers) why can't the quiet versions of these aircraft be utilized and the noisy ones be prevented from using JWA? In other words, don't allow noisy aircraft to fly into or out of JWA, and reduce the number of flights per day, NOT EXPAND THEM.

It is amazing that our elected leaders and citizens don't due more to restrict the expansion of this airport. Enough is enough. Let us have our neighborhoods back and allow us to leave in peace just like every other neighborhood in Orange County. Please do the right thing and stand-up against the forces who want to expand this airport. They are selfish and greedy and they have no place in our community.

} 1
}
} 2
}
} 3
} 4

Thank you,

Casey Weaver
1112 Dover Dr.
Newport Beach, CA
92660

**Responses to Comments Received from
Casey Weaver
Dated: June 2, 2014**

Response 1: This comment is an introduction to comments that follow. However, it should be noted, the analysis in the Draft Environmental Impact Report (“EIR”) addresses the impacts associated with the Proposed Project on all the affected communities in both the approach and departure paths. Please see Topical Response 1, which addresses black carbon.

Response 2: The comment addresses two general subject areas (i.e., health risk and noise), which are extensively analyzed in the Draft EIR in Section 4.1 (Air Quality) and Section 4.6 (Noise).

Health risk is addressed in Section 4.1.6 of the Draft EIR and Section 5.4 of the *Air Quality Technical Report* (Appendix D). In addition, Topical Response 1 addresses black carbon. It also should be noted that particulate matter emissions from aircraft are expected to decrease under all three phases of the Proposed Project, as compared to existing conditions, due to decreasing general aviation aircraft operations (Draft EIR, Table 4.1-8, page 4.1-29).

Section 4.6 (Noise) of the Draft EIR summarizes the applicable regulatory setting; provides qualitative and quantitative information regarding the existing noise environment; quantifies and identifies the incremental increase in noise attributable to the Proposed Project; and discloses the significance of that incremental increase by reference to noise thresholds established by the Federal Aviation Administration, the County of Orange, and the City of Newport Beach. Where significant impacts are identified, Section 4.6 also proposes feasible mitigation to address such impacts. Ultimately, Section 4.6 concludes that the Proposed Project would result in unavoidably significant noise impacts due to the incremental increase in noise from increased aircraft operation levels under the Proposed Project.

For additional information, please see Topical Responses 5 and 6 (Effects on Property Value and Quality of Life, respectively).

The comment does not raise any specific issue regarding the analysis provided in Sections 4.1 (Air Quality) or 4.6 (Noise) and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

Response 3: Your support for the introduction of quieter aircraft is noted; however, the County of Orange cannot mandate the type of aircraft used at the Airport (see Draft EIR pages 4.6-17 through 4.6-18 and 4.6-93 through 4.6-95). The Draft EIR assumes the continuation of the existing fleet mix, but identifies that, given the length of the 15-year planning timeframe for the Proposed Project (2015–2030), it is reasonable to assume the newer and next generation aircraft, such as the 737-900ERW, 787, 737-MAX or comparable aircraft by other manufacturers may

be incorporated into the fleet mix at John Wayne Airport (“JWA”) at some point in the future. These newer aircraft may generate less noise and have fewer air emissions compared to the current fleet at JWA. In addition, since these aircraft accommodate more passengers than aircraft in the current fleet, it may be possible to serve more passengers (within the million annual passengers [“MAP”] cap) with fewer operations. The issue of the introduction of newer and next generation aircraft is discussed on pages 1-17, 3-26, 4.1-13, 4.3-16, 4.6-44, and 4.6-80 of the Draft EIR, as well as in the *Capacity Analysis Technical Report* (provided in Appendix F) in the section entitled “Aircraft in Development that Will Replace Aircraft Currently Operating at John Wayne Airport.” However, as indicated in the Draft EIR, the timing of changes to the fleet mix cannot be known at this time and California Environmental Quality Act (“CEQA”) does not allow speculation. In order to be conservative, the environmental analysis presented in this EIR assumes that the Project would maintain the Airport’s existing fleet mix, thereby likely presenting a maximum environmental impact assessment of air quality (Section 4.1), greenhouse gases (Section 4.3), and noise (Section 4.6).

Response 4: The County of Orange acknowledges your input and comment. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project. No further response is required.

From: Portia Weiss <portiaweiss@gmail.com>
Sent: Monday, July 07, 2014 11:52 AM
To: EIR, Draft
Subject: COMMENT-JWA Settlement Agreement Amendment Draft Environmental Impact Report 617

Ms. Lea Choum,

The Draft Environmental Impact Report 617 findings confirms the certain degradation of our quality of life that the proposed increase in MAP at John Wayne Airport will cause Newport Beach and the surrounding communities. I am explicitly concerned about the EIR findings that environmental pollution will increase along with the MAP increase. Yes, the alarming increase in potentially harmful exhaust particles which will further blanket us is unacceptable for residents to consider supporting. We must heed the impending short and long term risks associated with more air traffic.

If more than a handful of residents were informed about this issue, there airport expansion would have been approved-- particularly with runways sitting idle at Ontario Airport which would welcome the increase in passengers. The accompanying increase in construction and corresponding traffic necessary to accommodate the proposed increase in flights makes this proposal even more frightening.

We residents expect our elected officials and agencies to protect us from these threats to our existence, let alone our coastal quality of life. Airport profits should not take precedence over our health. The alarming recent findings of the magnitude of hazardous ultra-fine jet exhaust particles emitted by takeoffs and landings should halt the proposal to increase flights at John Wayne Airport. It is not just the black, oily matter on our white picket fences and patio furniture that concerns us. It is the chemical pollution which we cannot see, yet the epidemiologists can measure.

Thank you for giving me the opportunity to comment upon the DEIR findings.

Portia Weiss

Newport Beach Resident

} 1
}
} 2

**Response to Comment Received from
Portia Weiss
Dated: July 7, 2014**

Response 1: The County of Orange acknowledges your opposition to the Proposed Project, which will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project. Additionally, please note that no construction activities are required at the Airport in order to accommodate the Proposed Project's increased operations levels. Finally, your comments regarding air pollution are addressed in Topical Response 1 on black carbon and Topical Response 2 on the LA Times/USC Study on ultrafine particles.

Response 2: Please see Topical Response 1 on black carbon and Topical Response 2 on the LA Times/USC Study on ultrafine particles.

From: Prkrngbo2@aol.com [mailto:Prkrngbo2@aol.com]
Sent: Friday, May 23, 2014 4:20 PM
To: Requestion, Info [JWA]
Cc: Spitzer, Todd; Moorlach, John; Bates, Pat; Nguyen, Janet; Nelson, Shawn;
DKiff@city.newport-beach.ca.us; rhill@newportbeachca.gov; council@city.newport-beach.ca.us; slgenis@stanfordalumni.org; leecefam@sbcglobal.net; CMCouncil@ci.costa-mesa.ca.us; council@surfcity-hb.org; council@katrinafoley.com; alaffer@laffer.com
Subject: JWA Settlement Agreement....meeting scheduled for May 28th - Spitzer

*Those concerned;

We will be unable to attend the meeting scheduled for May 28th, but thought it was important that a couple of items be addressed and hopefully considered by the FAA, the major airlines and of course the JWA Administration, the cities involved and OC Board of Supervisors:

(1) We believe strongly that the amount of additional passengers for the next 10 years be limited unless two issues are addressed: (a) Open the North Side Terminal Area to Regional Commercial use, including a new parking structure and a minimum of three departure/arrival gates.

(b) the major runway be extended over the 73 Freeway to insure safe departure traffic during the summer and other warmer days ahead during the next 10 years. (b-1) Currently, hot weather is requiring weight restrictions on departure traffic of both passengers and cargo. Hot days require longer runway contact before rotation. Weight Restricted Flights cost both time and money.

(2) There are some residents of Newport Beach that are not happy with the current departure pattern on the westerly departure route. This current route is both effective and efficient. It ensures the safest possible routes. The residents of Dover Shores want the flight departure plan aimed further south and over the Harbor Ridge and Spyglass Hill. We believe that departure route would be unsafe and in the event of any engine failure could be catastrophic. There are cell towers and other elevation issues which we suggest require the current flight departure routes to remain in place without change. They have been working for many years and require no alteration.

Thank you for taking our comments into consideration. As you can see, we are not adverse to improved service or activity at John Wayne Airport. We are however, very concerned about safety to the flying public and the residents of Newport Beach.

With sincere concern,

Ron & Anna Winship
428 Seaward Rd.
Corona del Mar, CA 92625-2616

949.759.1868

} 1
} 2
} 3
} 4

**Responses to Comments Received from
Ron and Anna Winship
Dated: May 23, 2014**

- Response 1:** This comment is an introduction to comments that follow; however, it should be clarified that the Federal Aviation Administration (“FAA”), airlines, and John Wayne Airport (“JWA”) administration are not decision makers for the Proposed Project. As discussed in Section 2.2 (Environmental Review Process) of the Draft Environmental Impact Report (“EIR”), the Orange County Board of Supervisors is the decision-making body for the Project. The Board of Supervisors will consider whether to certify the EIR and to adopt findings relative to the Project’s environmental effects. It will then take action to recommend outright approval, conditional approval, or denial of the Project. The County’s approval of the Project would be contingent upon the City Council of Newport Beach and the governing boards of Stop Polluting Our Newport (“SPON”) and Airport Working Group (“AWG”) approving and executing the agreed upon amendment to the Settlement Agreement. The FAA will not provide approvals, but rather provide advice and opinion regarding the application of established statutory and regulatory laws to the Project. No FAA approvals or federal funding are required to implement the Project.
- Response 2:** The Project does not propose any improvements or modifications to the Airport facilities. No further response is required given that the comment does not address or question the content of the Draft EIR. However, the comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.
- Response 3:** This issue of the flight path is beyond the scope of the Proposed Project. The FAA and the pilot-in-command of each aircraft have sole jurisdiction and responsibility for flight paths. Accordingly, only the FAA has enforcement capability over these issues. The County of Orange, as the proprietor of JWA has no authority or control over aircraft in flight. Please see Topical Response 3 (Commercial Aircraft Flight Path Issues). All FAA safety procedures are enforced at the Airport and safety would be the utmost priority when FAA considers any proposed modification to the flight path. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.
- Response 4:** The comment is a summation of the comments provided and no further response is required given that the comment does not address or question the content of the Draft EIR.

From: Gary [mailto:ussalesgw@socal.rr.com]
Sent: Tuesday, July 08, 2014 3:54 PM
To: EIR, Draft
Subject: RE: Additional air traffic

Good afternoon and thank you for allowing more note and comments this late date. I am very concerned that not all of the ramifications of the impact on the surrounding full time residents has been considered so that is the main point of my comments.

1. Adding more air traffic from the plus side

- A. More visitors
- B. More lading fees
- C. More revenue to the county
- D. Additional temporary money being spent on business and pleasure by travelers

2. Adding more air traffic on the negative side

A. More flights mean more noise over local neighborhoods. Right now we are in the lower air altitude of the direct landing pattern for what seems to be all west bound flights. The noise is so loud that we can not hear the TV when are regular sound levels when a plane comes by. This is not good for the local residents.

B. Additional flights will mean more noise more frequently and some additional exhaust waste over neighborhoods. Dirt and air quality needs to be considered. Will this lead to more sickness?

C. More flights will mean fewer homes will be resold at current or (hopefully) higher values leading to lower taxes collected.

D. Lower residential prices means lower county taxes will be collected

E. Lower residential home prices will contribute to lower income residence which will affect the monies being spent on home improvements which will affect retail and again taxes paid.

F. Lower residential home values will also mean the residence will possibly not be able to do other outside entertaining such as attend movies and concerts. Again fewer taxes collected. Some businesses will not prosper and some will leave with landlord left holding property with no income.

Now, if you can justify the temporary income added by the temporary (assuming the economy gets better) over the losses that will be realized by the added traffic and noise and lower taxes collected then you have a good reason for moving forward. However, as has been demonstrated by the airlines in recent years, when there business gets bad the can do two things which you have no control over. First they can cut the number of flights and second, they can pull out an airport if the revenues do not exceed the costs. In the end you are not in charge of anything but the hope that things will magically work out.

There are two possibilities I can think of quickly to help resolve this real silent problem. First make it mandatory that every plane coming and going has to be only the quietest ones available on the market. No future promises from airlines, just do it or don't come. Silent planes will solve many of these issues.

Second, Remind the airlines that Orange County already has a very successful business and basically satisfied residences and, based on our situation, we really don't need more traffic to add to our already very busy roads and freeways

Gary Wright



**Responses to Comments Received from
Gary Wright
Dated: July 8, 2014**

Response 1: This comment, after identifying some of the economic benefits attributable to expansion of John Wayne Airport (“JWA”), is an introduction to comments that follow. No further response is required.

Response 2: The County of Orange acknowledges your input and comment. The comment addresses a general subject area (e.g., noise), which is extensively analyzed in the Draft Environmental Impact Report (“EIR”) in Section 4.6. The section of the Draft EIR summarizes the applicable regulatory setting; provides qualitative and quantitative information regarding the existing environment; and quantifies and identifies the incremental increases attributable to the Proposed Project.

The comment does not raise any specific issues regarding the analysis provided in the Draft EIR; therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

Response 3: The comment addresses a general subject area (i.e., aircraft exhaust emissions) that received extensive analysis in the Draft EIR in Section 4.1 (Air Quality) and Section 4.3 (Greenhouse Gas Emissions). Both of these Draft EIR sections summarize the applicable regulatory setting; provide qualitative and quantitative information regarding the existing environment; quantify and identify the incremental increase in criteria air pollutants, toxic air contaminants, and greenhouse gas emissions attributable to the Proposed Project; and disclose the significance of that incremental increase by reference to applicable thresholds established by the South Coast Air Quality Management District and criteria in the State California Environmental Quality Act (“CEQA”) Guidelines. Where significant impacts are identified, Sections 4.1 and 4.3 also propose feasible mitigation to address such impacts.

The comment does not raise any specific issues regarding the analysis provided in the Draft EIR; therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

Response 4: The comment expresses the opinions of the commenter and raises economic, social, or political issues that do not appear to relate to any physical effect on the environment. Because the comment does not raise an environmental issue, no further response is required. However, a discussion of property values is provided in Topical Response 5 (Property Values). The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

Response 5: The County of Orange cannot mandate the type of aircraft used at the Airport. (See Draft EIR Section 4.6.7 (Mitigation Program). Though there is no such thing as a “silent plane”, the structure of the Settlement Agreement encourages the airlines

to fly quieter aircraft out of John Wayne Airport (“JWA”) because there are not restrictions on the number of Class E flights. However, the number of passengers on Class E flights does count toward the maximum million annual passengers (“MAP”) allowed by the Settlement Agreement. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

Response 6: The County of Orange acknowledges your input and comment. Potential impacts to roads and freeways are extensively analyzed in the Draft EIR in Section 4.8 (Transportation/Traffic). As noted in Section 4.8 (page 4.8-158), JWA currently serves approximately 9.2 million annual passengers (“MAP”). Allowing an increase in MAP to only 10.8 MAP (the No Project Alternative) likely would cause Orange County residents to divert to other airports in the region to satisfy their air travel needs. This diversion of workers and residents to other facilities—such as Los Angeles International Airport (“LAX”), Long Beach Airport, or Ontario Airport—likely would result in additional travel on the regional roadway system, which could result in additional congestion, vehicle miles traveled (“VMT”) and emissions for these longer distance trips. As such, by increasing the MAP limit at JWA, the Proposed Project would likely eliminate the need for a certain number of air passengers to travel to another airport, thereby reducing congestion on the regional freeway system. This is further discussed in the *Capacity Analysis Technical Report* (see Section 7), which is provided in Appendix F of the Draft EIR.

3.6 COMMENTS FROM PUBLIC MEETINGS

The County of Orange conducted two public meetings during the public review period on the Draft EIR. The first meeting was held on May 28, 2014, in the City of Tustin at Hewes Middle School. There were 12 speakers who made a total of 26 comments. The second meeting was held on May 29, 2014, in the City of Costa Mesa at the John Wayne Airport Commission Hearing Room. There were a total of 4 speakers who made a total of 16 comments.

Transcripts were made of the recorded comments made by the public at both meetings. As with the comment letters, the transcripts are bracketed and numbered to identify each comment, with the corresponding responses provided after the transcript. The name of the speaker is listed under the response number.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

JOHN WAYNE AIRPORT
PUBLIC MEETING

Public meeting on:) CD NO.
) JWA Draft EIR
Draft Environmental Impact Report 617) Meeting Recording
for the John Wayne Airport) 05/28/14
Settlement Agreement Amendment)
(PUBLIC COMMENTS SECTION))
<hr/>)

Transcription of digitally recorded
public meeting on
Draft Environmental Impact Report No. 617
for the John Wayne Airport Settlement Agreement Amendment
(PUBLIC COMMENTS SECTION)
Transcribed By Elma Reyes

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

JOHN WAYNE AIRPORT
PUBLIC MEETING
JWA Draft EIR Meeting Recording 05/28/14

PUBLIC COMMENTS: START AT 57 MIN. 14 SEC.

WAYNE SILZEL, VILLA PARK: I'm Wayne Silzel from Villa Park. I just wanted to, I've already submitted my remarks in writing which I urge you all to do. And my comment tonight is, it is now 7:25. One minute per person permits 35 of you 60 people to speak. We didn't need an hour and a half of instructions before this hearing. We haven't heard from you (referring to community) in an hour and a half. So, I think, that's the first thing I'd like to put into recording. Thank you.

JOHN STANGWICH, ORANGE: My name is John Stangwich. I'm resident in Orange, up on the hill over there right over the flight pattern on that thing. I am concerned about the noise. The future of the environment in this area here everything the increase flight on that thing like this. I am not against flying in and out of Orange County, I do a lot of flying myself. I've got two of my kids are pilots you know, so I'm not against prosperity but at the same time I'd like to protect our value of our home because you have to (incomplete audible), you have to notify the people who are buying your place that airplanes noise and we did not get any relief from the county tax wise or on anything because you live under the



1 pattern of the flight down here. I'd like to make a comment
2 on that thing like this meeting as far as I am concern is not
3 properly handled because people should have been notified who
4 lives under either the flight pattern that thing like this we
5 can have a bigger participation on this thing because they got
6 a lot of peoples life going to be impacted. There are
7 four/five schools right in the road under the zone of the
8 flight pattern over there and those kids going to be impacted
9 in the near future with the (inaudible) pollution. Thank you
10 very much I surely appreciate you.

4

5

11 TIM GANCY, TUSTIN: Hi. I am Tim Gancy and I live in Tustin. I
12 am pretty much under the ILS path myself. Of all the
13 alternatives, the one that that's proposed I guess is the
14 least amount of increase in noise but I don't think any of us
15 are happy about that. I'd like to instead of letting it go
16 from 10.8 to 12.8, I propose that we keep it at 10.8. In fact,
17 I remember when the new expansion or what the expansion was
18 about five years ago whenever it went in, I think I remember
19 Alan Murphy saying it was just meant to meet the 10.8 million
20 annual requirement passenger limit. And so, now we are
21 talking about not expanding but letting it go up to 12.8 that
22 original expansion was only meant to go to 10.8 but second, I
23 may be wrong about my facts there Mr. Murphy, but second if
24 this proposed measure the proposed project does go through
25 which of course is the least amount of increase in the

6

7

8

3

1 passengers I would ask Supervisor Spitzer separately to
2 specifically focus on who is being harmed the most, who's
3 paying the biggest price, which to the man who was just here a
4 second ago, it's the people under the ILS. What are we going
5 to do to help them because they are the ones that are going to
6 pay the biggest price and...

7 KARI RIGONI: Please wrap it up.

8 TIM GANCY, TUSTIN: ...then we need to talk about which paths we
9 can change to.

10 KARI RIGONI: Thank you sir.

11 GARY HOUSEHOLDER: Evening. I'm Gary Householder. I live on
12 Clarissa at the nine mile marker the turn marker. Not unlike
13 any of you here, we all have concerns but I think what I am
14 going to do today is, in a very short time, I am gonna do two
15 things. First, I am gonna suggest to our representative, Mr.
16 Spitzer, Honorable Spitzer that more than anything we're going
17 to walk away today with information. We need answers and I
18 don't believe the EIRs are cast in stone. They never have
19 been. They're here for public review and input and change.

20 CEQA can oversee change we have to address it at a much higher
21 level sometimes. Sometimes it's an interest we need to step
22 forward and actually be part of in the EIR. It is the bible
23 of change. We have a long history of change with the EIR in
24 north Tustin. I've been involved since the early 80s and EIRs
25 have been changed because of us. We are the most active

8
cont.

9

10

1 environmental group in all of Southern California. Roger
2 Stanton once said... 10 cont.
3 KARI RIGONI: Please wrap up sir.
4 GARY HOUSEHOLDER: Excuse me?
5 KARI RIGONI: Please wrap up sir.
6 GARY HOUSEHOLDER: Ok, well, Roger Stanton once said, he would 11
7 champion anything for us because he loved us dearly. He is not
8 with us anymore but I'm gonna ask Honorable Spitzer to
9 champion this cause not just be concerned about it. Kay?
10 KARI RIGONI: Thank you sir.
11 GARY HOUSEHOLDER: Thank you.
12 PETER PANRAMHILLS: Hi I am Peter Panramhills. I can stand in
13 my yard and watch the flights how high and how fast. There are
14 three types. One they are going slow. They appear like they
15 are hanging in the air they are obviously going to John Wayne.
16 Sometimes, several times at much, there are simply going way 12
17 too high and too fast to be landing there. I call the John
18 Wayne people, they say "oh that's going to Long Beach and not
19 us." Third one is, from time to time they are ones going even
20 higher and faster they appear to be going out over the ocean.
21 All this was a great deal quieter when they just went over the
22 freeway. Seems to me we have been able to change that for the
23 last half a dozen years and have them go back over the freeway 13
24 where they were. It would be a great advantage.
25 KARI RIGONI: Thank you sir.

1 listen to it every day and evening as they come in. I live
2 right next to the 55 corridor the 5 corridor right there in
3 old town. Yes, we get a lot of background noise from the
4 freeway. The noise we get from the airplanes impacts that as
5 well. So, again this is more all the FAA but in getting more
6 flights in there we are all going to get more noise wherever
7 it is directed. The 55 corridor has a lot of housing next to
8 it. I am part of it, there are apartments down there. So,
9 it's not necessarily the source of solution for everyone.
10 Because by the time they get down to us, they are flying lower
11 and it's nosier. Thank you.

17
cont.

12 KARI RIGONI: Thank you mam.

13 DON LARSEN: Don Larsen, I live on Brennan Way just up north of
14 Seventeenth Street. I'm directly below the flight line. I've
15 been there for 35 years to 40 years. I've seen the planes come
16 in at various levels. I've seen them come in at various sound
17 levels all I am saying is that there is a tremendous
18 difference of a plane coming directly over you then say just
19 three blocks over. There is a big difference. Now all I am
20 saying as I see the variance of these planes coming in and at
21 a higher altitude and some at a lower altitude there is no
22 question in my mind that there could be some adjustment made
23 that the person that gets 90 percent of them directly above
24 could be relieved a little bit, maybe for a month, maybe just
25 having them over three blocks. Lots of time they are way over,

18

1 maybe two miles and they make their correction and then they
2 come into land. Even coming in from the north and even from
3 the south but all I am saying I do believe there can be some
4 variance made and still be completely safe.

18
cont.

5 KARI RIGONI: Thank you sir.

6 DICK BARRETT: I'm Dick Barrett and some of you may know me.
7 I've lived here for over 50 years. Just a stone's throw up the
8 street here and I have the privilege of having every damn one
9 of those things come right over my head and when it's lousy
10 visibility they're even lower. I just can't see them and I
11 stood at a meeting down at the airport that perhaps was
12 arranged by you supervisor similar to this and I stood up at
13 that meeting and I said to that man, "Why can't we go back the
14 way it used to be?" Now, I just told ya I've lived fairly
15 close to here for 50 years. I had a bad case of ruptured
16 appendix and I spent quite a bit of time in the hospital right
17 there next to the freeway and I remember so intently every
18 single flight came right over the hospital which is right next
19 to the freeway..

19

20 KARI RIGONI: excuse me sir please wrap up your comments

21 DICK BARRETT: ...and so I at the meeting we had at the airport I
22 said to the gentleman, "Why can't we go back the way it used
23 to be?" with every flight coming in right over the freeway
24 until it gets right down there by the old sugar factory and
25

1 then they put a dog leg into it line with the freeway and come
2 in.

3 KARI RIGONI: Thank you sir.

4 DICK BARRETT: He made a fool of me. He said "What's wrong
5 with you? The flight plan has never ever been over the
6 freeway." Well, that just shows what a fool he was because
7 I've been here. I laid in that hospital bed recovering from
8 my ruptured appendix and every damn one of those flights went
9 right over the hospital...

10 KARI RIGONI: Sir...

11 DICK BARRETT: ...which was right next to the freeway

12 KARI RIGONI: Sir, could you please wrap up your comments?

13 Thank you.

14 DICK BARRETT: Thank you.

15 AMY JOHN, NORTH TUSTIN: My name is Amy John. I live on Brenan
16 Way just south of Seventeenth Street and we're also right
17 directly in the path and I just wanted to echo what another
18 person already said about the outdoor noise. I bought my home
19 15 years ago and I've raised my family there and we spend and
20 have spent we bought in that neighborhood because of the large
21 lots and the more rural feeling we spend a lot of time
22 outdoors and the stress level and the quality of life is
23 significantly impacted all the time with the constant noise
24 and sound. I think that there's you know we don't even know
25 what's happening to our nervous system when our body is trying

19
cont.

20

1 to process that every seven minutes or whatever during the
2 peak time. The other question I have is I have never lived
3 anywhere except for this house where our swing set or our
4 patio cover whatever has this black gunk that drips down. I
5 don't know if it's some byproduct of what you know happens in
6 the flight path. I've been told that's discharged unused fuel.
7 I've been told all kinds of different things but I see it and
8 I can only imagine what is happening breathing it and having
9 it in the swimming pool and everything else for the kids and
10 the family. Thank you.

} 20
cont.

11 KARI RIGONI: Thank you. We have a few more minutes. If
12 anyone would like to come back up to the microphone please do
13 so. In about 5 minutes we will invite Supervisor Spitzer back
14 up here to make any closing remarks that he might have.

} 21

15 HAL MARSHALL: Hi. I'm Hal Marshall. I am with FCA and I am
16 also the Airport Committee Chairman on that. We've been
17 fighting this thing since 2008 and I'd like to say that I read
18 through this report as best I could in the three days and I
19 find that you do not address this issue that everybody here is
20 talking about at all. There is some generalities on what
21 happens to annoyances and that's what we are talking about
22 here is annoyances. But the fact is, that all you do is
23 recognize that there are no noise control over north Tustin
24 and that you just simply ignore this situation. You should at
25

} 22

1 take the form of double or triple pane windows. Well, a few
2 years ago because of energy incentives, I replaced about half
3 of the windows in my house partly because the wooden ones, the
4 original ones wouldn't work with double pane vinyl windows.
5 It's very quiet on that side of that house and the other side
6 of the house, I still have some fairly massive glass aluminum
7 sliders. My house probably wouldn't qualify for that. In
8 fact, with this climate around here in my family and others
9 may have a different preferences, I don't think I run my
10 central air for a total of two weeks solid throughout the year
11 because of this climate. You don't have to. You may be out
12 in your backyard but even when I am in the house. This time
13 of year, we've got windows cracked all the time as I am sure
14 most of you do. So, before you start saying well we you might
15 qualify for noise remediation consider that that remediation
16 will only be effective if those windows are closed and when
17 that happens now you've got to run your air conditioning.
18 You've got increased utility costs and we all know where
19 that's going to go when under AB32. Ok. And that's going to
20 increase the individual homeowners carbon footprint and if
21 that aspect of the mediation potential remediation hasn't been
22 determined both respect to the potential applicability within
23 the north Tustin and surrounding areas as well as the energy
24 cost that will accrue to the residents then this EIR is
25 incomplete.

26
cont.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

KARI RIGONI: Thank you sir.

**Responses to Comments from the
May 28, 2014 Community Meeting
Hewes Middle School, Tustin**

Response 1: The comments regarding the format of the public meeting are noted. Because the comment does not raise an environmental issue, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.
Wayne Silzel

Response 2: The comment raises a general subject area (i.e., noise) that receives extensive analysis in Section 4.6 (Noise) of the Draft Environmental Impact Report ("EIR"). Section 4.6 (Noise) of the Draft EIR summarizes the applicable regulatory setting; provides qualitative and quantitative information regarding the existing noise environment; quantifies and identifies the incremental increase in noise attributable to the Proposed Project; and discloses the significance of that incremental increase by reference to noise thresholds established by the Federal Aviation Administration, the County of Orange, and the City of Newport Beach. Where significant impacts are identified, Section 4.6 also proposes feasible mitigation to address such impacts. Ultimately, Section 4.6 concludes that the Proposed Project would result in unavoidably significant noise impacts due to the incremental increase in noise from increased aircraft operation levels. Because the comment does not raise any specific issue regarding that analysis, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.
John Stangwich

Response 3: Please see Topical Response 5, which addresses the effects on property values.
John Stangwich

Response 4: The comment regarding the adequacy of notification of the public about the Proposed Project is noted. The Notice of Availability of the Draft EIR and the two public meetings were noticed in *The Orange County Register* on May 23, 2014, as well as posted on the John Wayne Airport and City of Newport Beach's websites. A notice was also posted at the Orange County Clerk Recorder on May 22, 2014. Notices were also sent (via U.S. mail or email, dependent on the contact information provided) to attendees of the public scoping meeting or parties that had requested the Airport add their contact information to the mailing list. In addition, Supervisor Spitzer included information on the meeting in his Third District Newsletter dated May 23rd, Volume 2 Issue 20; and in his May 30th newsletter (Issue 21), he provided more information on where the public can access the Draft EIR.
John Stangwich

The meetings were held early in the public review process, which extended through July 8, 2014. There will also be additional opportunities for public comment at the Airport Commission, Planning Commission, and Board of Supervisors hearings. Because the comment does not raise an environmental issue, no further response is required. The comment will be included as part

of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Response 5:
John Stangwich

The comment addresses a general subject (i.e., noise impact pertaining to schools), which is extensively analyzed in Draft EIR Section 4.6 (Noise). The 65 Community Noise Equivalent Level ("CNEL") contour is used to assess compatibility with schools (see pages 4.6-18 and 4.6-20 in the Draft EIR). Currently, there are six schools within the 60 to 65 CNEL contour and no schools within the greater than 65 CNEL contour (see page 4.6-31 of the Draft EIR). The Proposed Project's potential impact to schools is addressed in the Draft EIR under Threshold of Significance 4.6-2 (see pages 4.6-67 through 4.6-70). As discussed therein, the Proposed Project would not result in impacts to schools/educational facilities. This issue is also discussed in the *Noise Analysis Technical Report* (Appendix C of the Draft EIR). The comment does not raise any specific issue regarding the analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Response 6:
Tim Gancy

Practically speaking, the environmental ramifications of an alternative maintaining the existing operational restrictions, subject to an extended term, were considered fully in the Draft EIR. More specifically, the No Project Alternative analysis assumed the continued implementation of the existing operational restrictions (see Draft EIR Table 1-1, page 1-3), as established by the Settlement Agreement's 2003 amendments, even though the Agreement would expire in 2015 under the No Project Alternative and the County of Orange would have full discretion to modify the existing operational restrictions, subject to compliance with all applicable laws (such as the California Environmental Quality Act ["CEQA"]). As summarized in Draft EIR Table 1-3 (pages 1-22-1-38), the No Project Alternative would result in unavoidably significant impacts to air quality, greenhouse gas emissions, land use and planning, and noise. The alternative supported by this comment would result in the same unavoidably significant impacts.

Additionally, the alternative identified by the comment may jeopardize the Settlement Agreement's "grandfathered" status under the Airport Noise and Capacity Act of 1990 ("ANCA;" 49 U.S.C. §§47521-47533) (For more information on ANCA, see Draft EIR pages 4.6-17 to 4.6-18). As previously explained in the Draft EIR, ANCA circumscribes the ability of the County of Orange to impose operational restrictions at JWA without federal approval. The Settlement Agreement's operational restrictions currently, however, are exempt from ANCA because the Agreement is an "intergovernmental agreement" that pre-dated ANCA's enactment in 1990. (49 U.S.C. §47524(d)(3).)

A "subsequent amendment to an airport noise or access agreement or restriction in effect on November 5, 1990," such as that contemplated by the Proposed Project, only is exempt from ANCA if it "does not reduce or limit aircraft operations or affect aircraft safety" (49 U.S.C. §47524(d)(4)).

Extending the term of the Settlement Agreement's 2003 amendments without decreasing the rigor of those amendments' operational restrictions, as proposed in the comment, arguably could "reduce or limit aircraft operations" in violation of ANCA by extending the term and duration of those restrictions (Ibid.). As such, this alternative could threaten the Settlement Agreement's "grandfathered" ANCA status, exposing the County of Orange to potential adverse action from the FAA, commercial air carriers, and other interested parties that seek to have JWA operate without its current limitations (e.g., MAP and Class A ADD caps).

An airport that endeavors to impose operational restrictions in violation of ANCA would be (1) in violation of federal law (i.e., ANCA); (2) in breach of its federal grant assurances (if a federally obligated airport due its receipt of federal grant funding); (3) precluded from receiving federal funding in furtherance of its aviation mission; and (4) prohibited from imposing passenger facility charges (49 U.S.C. §47526) absent the speculative success of a Part 161 application to the FAA (See generally 14 C.F.R. §§161.1-161.505; see also 14 C.F.R. §161.3(b)⁸⁴). (For additional information on the Part 161 requirements, please see Topical Response 7.)

The alternative identified in this comment also would fail to meet the basic Project Objectives as explained below:

1. To modify some existing restrictions on aircraft operations at JWA in order to provide increased air transportation opportunities to the air-traveling public using the Airport without adversely affecting aircraft safety, recognizing that aviation noise management is crucial to continued increases in JWA's capacity.

This type of alternative would not provide "increased air transportation opportunities" at JWA, but would instead maintain the existing operational restrictions for an extended period of time. Additionally, this type of alternative could threaten the implementation status of JWA's "aviation noise management" regulations if other interested parties successfully argue that the amendment does not adhere to ANCA's limitations.

2. To reasonably protect the environmental interests and concerns of persons residing in the vicinity of the JWA, including their concerns regarding "quality of life" issues arising from the operation of JWA, including but not limited to noise and traffic.

This type of alternative could threaten the implementation of JWA's current efforts to "protect the environmental interests and concerns of

⁸⁴ "This part also applies to airports enacting amendments to airport noise and access restrictions in effect on October 1, 1990, but amended after that date, where the amendment reduces or limits aircraft operations or affects aircraft safety" (Draft EIR pages 4.6-93 to 4.6-95). Only two airports have successfully processed Stage 2 aircraft restrictions under Part 161; all other proposals have been abandoned based on FAA comments or voluntary agreement between the airports and airlines, or denied by the FAA. Please also refer to Draft EIR pages 4.6-93 to 4.6-95.

persons residing in vicinity of JWA” due to the potential loss of the Settlement Agreement’s “grandfathered” status under ANCA. Absent such status, the County’s ability to protect the community and environment would be constrained by ANCA and subject to the County’s ability to successfully process a Part 161 application with the FAA, for which there is a low demonstrated probability of achievement.

3. To preserve, protect, and continue to implement the important restrictions established by the 1985 Settlement Agreement, which were “grandfathered” under ANCA and reflect and accommodate historical policy decisions of the Orange County Board of Supervisors regarding the appropriate point of balance between the competing interests of the air transportation and aviation community and local residents living in the vicinity of the Airport.

This type of alternative could potentially result in JWA’s Settlement Agreement and the related restrictions losing their “grandfathered” status under ANCA, depending on the ability of other interested parties to secure a judicial order or other regulatory directive to that effect.

4. To provide a reasonable level of certainty to the following regarding the level of permitted aviation activity at JWA for a defined future period of time: surrounding local communities; Airport users (particularly scheduled commercial users); and the air-traveling public.

This type of alternative may not provide a “reasonable level of certainty” regarding the level of permitted aviation activity for a defined period of time if other interested parties secure a judicial order or other regulatory directing finding the restrictions violate ANCA, absent the County’s ability to successfully process a Part 161 application with the FAA.

5. To consider revisions to the regulatory operational restrictions at JWA in light of the current aviation environment; the current needs of the affected communities; and industry interests represented at JWA.

This type of alternative, which would maintain existing, permitted operations levels, would not be consistent with the currently anticipated demand for aviation services at JWA, as forecast by the FAA and air carriers operating at the Airport. (See Draft EIR Table 1-1, page 1-3, Alternative A (up to 12.8 MAP and 135 Class A ADDs) was delineated based on the FAA’s Terminal Area Forecast Detail Report (January 2013) and Alternative B (up to 15.0 MAP and 115 Class A ADDs) was delineated based on input from JWA’s commercial air service providers.)

In light of the information above, and in accordance with Section 15126.6(c) of the State CEQA Guidelines, this EIR does not give further consideration to any alternative maintaining the operational restrictions of the Settlement

Agreement's 2003 amendments while extending the term of those restrictions.

Response 7: Since 1985, the Settlement Agreement has established operational parameters at the Airport that have safeguarded community concerns while allowing needed improvements and capacity increases to be implemented. The 2003 Settlement Agreement Amendment established 10.8 million annual passengers ("MAP") as the maximum passenger level allowed through 2015. It did not represent the highest passenger levels that would be served at JWA beyond 2015.

Tim Gancy

The current amendment is proposed in order to ensure that the types of noise and access restrictions established by the 1985 Settlement Agreement remain grandfathered under ANCA, while allowing the Airport to accommodate forecasted demand through 2030. The Proposed Project would allow up to 12.5 (not 12.8) MAP.

Response 8: The Draft EIR addresses the potential environmental impacts associated with the Proposed Project. Specifically, the Draft EIR addresses impacts on ten environmental topics. Section 4.5 (Land Use) depicts the existing and projected 60, 65, 70, and 75 Community Noise Equivalent Level ("CNEL") contours for each of the three phases of the Proposed Project. Section 4.6 (Noise) of the Draft EIR summarizes the applicable regulatory setting; provides qualitative and quantitative information regarding the existing noise environment; quantifies and identifies the incremental increase in noise attributable to the Proposed Project; and discloses the significance of that incremental increase by reference to noise thresholds established by the Federal Aviation Administration, the County of Orange, and the City of Newport Beach. Section 4.6 also provides information on the Single Event Noise Equivalent Level ("SENEL").

Tim Gancy

Response 9: This comment is an introduction to comments that follow. No further response is required.

Gary

Householder

Response 10: The comment expresses the opinions of the commenter about the importance of full participation by the community in the California Environmental Quality ("CEQA") process, but does not raise a specific environmental issue. Therefore, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

Gary

Householder

Response 11: The comment, which is directed to Supervisor Spitzer, is noted. No further response is required given that the comment does not address or question the content of the Draft EIR.

Gary

Householder

Response 12: This comment is an introduction to comments that follow. No further response is required.

Peter

Panramhills

- Response 13:** Please see Topical Response 3 (Commercial Aircraft Flight Path Issues).
Peter
Panramhills
- Response 14:** This comment is an introduction to comments that follow. No further response is required.
David Martin
- Response 15:** The comment addresses a general subject (i.e., noise impact pertaining to schools), which is extensively analyzed in the Draft Environmental Impact Report (“EIR”) in Section 4.6 (Noise). The 65 Community Noise Equivalent Level (CNEL) contour is used to assess compatibility with schools (see pages 4.6-18 and 4.6-20 in the EIR). Currently, there are six schools within the 60 to 65 CNEL contour and no schools within the greater than 65 CNEL contour (see page 4.6-31 of the EIR). The Proposed Project’s potential impact to schools is addressed in the Draft EIR under Threshold of Significance 4.6-2 (see pages 4.6-67 through 4.6-70). As discussed therein, the Proposed Project would not result in impacts to schools/educational facilities. This issue is also discussed in the *Noise Analysis Technical Report* (Appendix C of the Draft EIR). The comment does not raise any specific issue regarding the analysis and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.
David Martin
- Response 16:** Please see Topical Responses 5 (Effects on Property Values) and 6 (Quality of Life).
David Martin
- Response 17:** The County of Orange acknowledges your input and comment regarding the potential effects associated with directing aircraft to the State Route 55 corridor. The Project does not propose any modifications to the flight path, which is outside the jurisdiction of the County of Orange. However, the comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.
Lynn Smith
- Response 18:** Please see Topical Response 3 (Commercial Aircraft Flight Path Issues).
Don Larson
- Response 19:** Please see Topical Response 3 (Commercial Aircraft Flight Path Issues).
Dick Barrett
- Response 20:** Please see Topical Response 6 (Quality of Life).
Amy John
- Response 21:** The comment addresses general subject areas, which received extensive analysis in the Draft EIR in Section 4.1, Air Quality and Section 4.6, Noise. Regarding air quality, the Proposed Project’s particulate matter concentrations are presented in Draft EIR Tables 4.1-13 (page 4.1-38) and 4.1-14 (page 4.1-40), and health risk is addressed in Section 4.1.6 of the Draft EIR and Section 5.4 of the *Air Quality Technical Report* (Appendix D). In addition, Topical Response 1 addresses black carbon. It should be noted that

the particulate matter emissions from aircraft are expected to decrease during all three phases of the Proposed Project, as compared to existing conditions, due to decreasing general aviation aircraft operations (Draft EIR, Table 4.1-8,, page 4.1-29). Future improvements in engine performance (which conservatively are not quantitatively incorporated in the Draft EIR because the International Civil Aviation Organization/Emissions Dispersion and Modeling System [“ICAO/EDMS”] database does not include them) also will likely further decrease aircraft emissions. If the reduction in general aviation activity and engine performance improvements were modeled, the Proposed Project’s particulate matter concentrations would be lower than those identified in the tables referenced above. The comment does not raise any specific issues regarding the analyses and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

The potential health effects of noise exposure are discussed in Section 4.6.1 of Section 4.6 (Noise) of the Draft EIR and in more detail in Section 2.3 of *Noise Analysis Technical Report* (Appendix C of the Draft EIR). While research indicates a correlation between community noise exposure, hypertension, and ischemic heart disease, this association has not been quantified, nor has a causal relationship been determined. The County, City of Newport Beach, and Federal Aviation Administration (“FAA”) noise standards and the significance thresholds were established primarily to address annoyance and are assessed in the Draft EIR. Based on current research, considerable health effects of noise would only be expected from noise exposures considerably greater than the County, City, and FAA noise standards. In addition, please see Topical Response 1 (Black Carbon).

Response 22: Please refer to Topical Response 4 (Arrival Corridor Noise Impacts) for a detailed discussion of the noise impacts, both single event and cumulative, from Airport operations and the Proposed Project along the arrival corridor that passes over the City of Tustin, the community of North Tustin, and the eastern edge of the City of Orange. This discussion focuses on the City of Tustin because it is subject to the highest aircraft arrival corridor noise levels in residential areas.
Hal Marshall

Response 23: This comment is an introduction to comments that follow. No further response is required.
Marsha Cook

Response 24: The comment addresses a general subject (i.e., noise impact pertaining to schools), which is extensively analyzed in the Draft Environmental Impact Report (“EIR”) in Section 4.6 (Noise). Section 4.6.1 presents background information regarding noise impacting schools (Page 4.6-12). This section concludes that adverse schoolroom effects are expected only if interior noise levels exceed 65 Community Noise Equivalent Level (“CNEL”) and/or single event noise levels exceed 85 A-weighted decibels (“dBA”) Single Event Noise Equivalent Level (“SENEL”). As structures provide approximately 12 decibels (“dB”) of outdoor-to-indoor noise reduction with windows open, outdoor

noise levels would need to exceed 77 CNEL or 97 dBA SENEL for these interior noise levels to be exceeded.

The 65 Community Noise Equivalent Level (“CNEL”) contour is used to assess compatibility with schools (see pages 4.6-18 and 4.6-20 in the EIR). Currently, there are six schools within the 60 to 65 CNEL contour and no schools within the greater than 65 CNEL contour (see page 4.6-31 of the Draft EIR). The Proposed Project’s potential impact to schools is addressed in the Draft EIR under Threshold of Significance 4.6-2 (see pages 4.6-67 through 4.6-70). As discussed therein, the Proposed Project would not result in impacts to schools/educational facilities. This issue is also discussed in the *Noise Analysis Technical Report* (Appendix C of the Draft EIR). Please refer to Topical Response 4 (Arrival Corridor Noise Impacts) for a detailed discussion of the noise impacts, both single event and cumulative, from Airport operations and the Proposed Project along the arrival corridor that passes over the City of Tustin, the community of North Tustin, and the eastern edge of the City of Orange. This discussion focuses on the City of Tustin because it is subject to the highest aircraft arrival corridor noise levels in residential areas.

The comment does not raise any specific issue regarding the analysis in the Draft EIR and, therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

Response 25: Please see Topical Response 5 (Effects on Property Values).
Marsha Cook

Response 26: The noise reduction provided by a structure is dependent on the noise reduction provided by the building elements (e.g., doors, windows, walls, roof/ceiling). Typically, windows are the “weak link” and are the primary determinant of the noise reduction provided by the structure. Older aluminum sliders provide approximately 20 decibels (“dB”) of noise attenuation, while acoustically designed windows can achieve noise reductions as high as 30 to 35 dB. However, when a window is open, the noise reduction provided by the open area drops to 0 dB and the noise reduction provided by the whole window assembly drops to near 0 dB independent of the noise reduction provided by the window when it is closed. The overall noise reduction of the structure is reduced to between 10 dB and 15 dB with windows open regardless of the noise reduction provided with windows closed. There is really no way to increase the noise reduction provided by the structure except by closing the windows.

However, in order for windows to be able to remain closed, air conditioning is not required. The building must only provide adequate ventilation, which is defined in the Uniform Building Code. This is often satisfied with air conditioning, but mechanical ventilation (i.e., a fan and ducting) can be used

by itself to satisfy the requirement. In fact, this is the method used most commonly in airport sound insulation programs.

Table 4.6-29 (page 4.6-107) in Section 4.6 (Noise) shows the number of residences that would be significantly impacted under the County/FAA threshold and the “Total Not Insulated” column shows the number of dwelling units that would be eligible for sound insulation evaluation. Table 4.6-30 (page 4.6-109) shows the number of residences based on the City of Newport Beach significance thresholds. The actual number of residences that would receive insulation would depend on those homes satisfying the Federal Aviation Administration (“FAA”) criteria discussed in Section 4.6.7 of the Draft EIR.

These tables show that, under the Proposed Project, fewer than 25 homes would be eligible for sound insulation. In this case, the additional energy usage for mechanical ventilation would be negligible. However, a specific estimate for the energy usage from the mechanical ventilation equipment would be speculative as there are too many unknown variables. The energy usage would depend on the number of homes, where insulation is provided, that do not have adequate ventilation (e.g., air conditioning) already; the specific ventilation requirements of those homes; and how the ventilation is used in practice. Compared with the other greenhouse gas (“GHG”) emissions sources associated with the Proposed Project, the GHG emissions associated with providing mechanical ventilation for homes that are newly sound insulated would be expected to be minimal.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

JOHN WAYNE AIRPORT
PUBLIC MEETING

Public meeting on:) CD NO.
Draft Environmental Impact Report 617) JWA Draft EIR
for the John Wayne Airport) Meeting Recording
Settlement Agreement Amendment) 05/29/14
(PUBLIC COMMENTS SECTION))

Transcription of digitally recorded
public meeting on
Draft Environmental Impact Report No. 617
for the John Wayne Airport Settlement Agreement Amendment
(PUBLIC COMMENTS SECTION)
Transcribed By Aida Lopez

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

JOHN WAYNE AIRPORT
PUBLIC MEETING
JWA Draft EIR Meeting Recording 05/29/14

PUBLIC COMMENTS: START AT 28 MIN. 44 SEC.

PORTIA WEISS(SPELLING?), NEWPORT BEACH: Good evening. My name is Portia Weiss and I'm a resident of Newport Beach. I love living here. I feel like I'm standing here to represent the thousands of residents in our community, Newport Beach, Costa Mesa, all the cities around here. I'm - when we're looking at the proposals here, yes the proposed project looks good compared to the others I think that the groups have been negotiating when given these choices. I'd say they'd come out with some pretty good options. I have gone through the EIR. I've also read hundreds and hundreds of articles about the detrimental effects of airports. And, I think, right now if we all look at the summary here showing that the air quality, biological resources, well, Alternative C only, greenhouse emissions, land use and planning, noise and transportation traffic - the project of increasing flights, no matter how many, would have significant and unavoidable environmental impacts in these areas. I think that increasing the number of flights is going to be detrimental to all of the residents in those area - that it's not going to benefit any of us. It appears that John Wayne Airport seems to be a successful or-

} 1
}
} 2
} 3

1 entity right now, they are not going out of business and seem
2 to be doing quite well. I'd say that with the research that
3 they've done on how they're going to, decrease the amount of
4 these detrimental, areas - right now is the way to go and not
5 by increasing flights. I know we've all seen this article that
6 came out today in the, LA Times. If you haven't read it,
7 raise your hand and I'll share it with you. And talks about
8 the ultrafine particles that remitted by our airplanes and how
9 toxic and how detrimental they are, permanently they are, to
10 all our health. Not one of you here is immune to these
11 ultrafine particles. And this just, this is the most recent
12 and clear study. I've read about these studies online, in
13 Europe, all over. But it's really wonderful that this
14 research came out with these results. In closing, I was here
15 in October, and I still after looking over the draft EIR,
16 reading online more about all of the detrimental effects of
17 what an air - an increase in flights can bring, or being under
18 an airport can bring - I that it's socially, ethically and
19 morally irresponsible to increase the flights at our airport.
20 Let's make do of what we have, make-- be more efficient with
21 the research that you've done now, apply it to the current
22 flights and learn from our mistakes. Thank you.

23 JIM MOSHER, NEWPORT BEACH:My name is Jim Mosher. I'm also
24 a resident of Newport Beach. It doesn't look like we're going
25 to be overwhelmed with comments but I did have a few. First,

3
cont.

4

5

1 with, with respect to the transcript that you said that would
2 be available. I, unlike Portia, I missed the October meeting
3 - and I was looking for the transcript to that which in what I
4 looked at, of the EIR was promised to be an Appendix A - and I
5 would like to let you know, I could not find it in Appendix A
6 - and I would like to thank you for making a printed copy of
7 the very large EIR available at the library, but I could not
8 even find Appendix A at all printed. So, the electronic
9 version seems to be missing a transcript - the printed version
10 seems to be missing an entire appendix which had the original
11 comments from October. My next series of comments is about
12 the No Project Alternative that I think that we heard
13 described as having some limits but they wouldn't be really
14 limits because we couldn't have a No Project. My first
15 comment or question about that is, is that not an option that
16 the Board of Supervisors could choose to extend or make
17 permanent, the current limits that we have. Is there, I could
18 not tell in the EIR that there is some legal obstacle that
19 would prevent us from having that as an option. Second, as
20 you did present it here, in the handout and Ms. Brady
21 mentioned I think in her remarks, it says in the No Project
22 that you are studying, there is an assumption that curfew
23 would end December 31, 2020. I don't know why the curfew
24 would automatically go away and why that's an assumption.
25 Wouldn't the Board of Supervisors have to take some

5
cont.

6

7

1 affirmative actions to repeal the current noise ordinance that
2 we have. So, it seems to me, to be an incorrect assumption.
3 I did get as far as, reading through the EIR's page 1.3 and it
4 had a little footnote to the No Project Alternative. It said
5 among the assumptions was, that if we went with No Project,
6 the Board of Supervisors could increase the number of flights
7 or the MAP, subject to CEQA. I'm curious what that procedure
8 would be. What would the Board of Supervisors be doing to
9 increase it 'coz other places in the EIR, it says that we
10 think that in the absence of inter-governmental agreement,
11 that the Board of Supervisors cannot set limits. So do we
12 think that the Board of Supervisors can set limits? Or do we
13 not? And if we do think that they can set limits, you have
14 studied as big as 16.9 MAP. Would the certification of this
15 would mean that they could automatically approve that without
16 any further CEQA review? And I suspect my three minutes are
17 running out. So, my final comment is about the greenhouse
18 gases. We - we heard a short term goal called, the city has
19 or, the state has a very ambitious long-term goal, as I
20 understand it, reducing in the next 35 years, our greenhouse
21 gas emissions to fight climate change to not just the 1990
22 levels but 20% of what the level was in 1990 that we were
23 generating as a state. And I would ask the Board of
24 Supervisors, whether encouraging airport expansions and travel
25 by air is helping us to achieve that very ambitious goal or

7
cont.

8

5

1 there might be alternative modes of transportation that would
2 be more climate-friendly. I don't know the answer to that. } 8
3 But I would like, know, thank you. } cont.
4 CHARLES GRIFFIN: I'm the usual suspect, I guess, my name
5 is Charles Griffin and I am a native of Los Angeles and Orange
6 County but I also initiated the California Environmental
7 Quality Act in the Supreme Court and I also designed } 9
8 (preliminary design) of the DC9, and the DC8, DC10, and MD-
9 80's and fuddled around with that J21 stealth bombers. So, I
10 am imminently familiar with the electronics, noise, various
11 systems. New airplanes that are coming on board for our
12 airport contain, will be utilizing an engine a new engine
13 technology which will slow down the compressor and make it
14 more powerful with larger blades and thus losing, and using
15 and moving a more volume of air, which is slower and quieter
16 to muffle out the air fast air that provides sheer noise } 10
17 coming out of the a turbines. So, we need to be very in this
18 report, we need to make that available and to the public at
19 knowledge that they should insist that airplane be utilized
20 almost exclusively in the future. Plus, also the new
21 technology that utilizes satellites for navigation past
22 approaches to the runway...airport and departures is dependant
23 straight line radiation from very high frequency radio } 11
24 transmitters on the ground. Those are being eliminated
25 because we now have satellites that allow you with Google Map

1 and everything to move—to control the airplane and follow any,
2 any, any path they really can aerodynamically. And, so, it's
3 appropriate that we now no longer fly over Newport Beach at
4 all, make a turn after takeoff and avoid flying over that high,
5 very expensive property that's paying property taxes in the
6 tens of thousands every year. Down the street my house, a
7 house sold for three million dollars and that's thirty
8 thousand dollars in a year in property taxes. Imagine all
9 those 2, 3, 4, 5 thousand...3, 4, 5 million 6 million dollar
10 homes in Newport Beach. They should not be..we want to keep
11 those people there and want them paying their taxes. We don't
12 want them dying from a pollution from the airplanes. We need
13 to fly another way. We also have the new technology from
14 Tokyo to Osaka being developed by the Japanese for high speed
15 rail enclosed in a tunnel or a tube they'll go faster than the
16 airplanes are allowed to fly. Airplanes are XXX 250 miles per
17 hour under ten thousand feet. In going to San Francisco and
18 Phoenix and primarily the flights out of John Wayne they
19 aren't going that far so they very often are below ten
20 thousand feet and high speed rail..high speed controlled
21 transportation will be competitive with that service and
22 quieter and less intrusive and follow the property that we've
23 already bought with our freeways and those trains can follow
24 our freeways and ah so I think we need to really think about
25 this in the alternate plans. Thank you

11
cont.

12

13

1 NANCY ALSTON, NEWPORT BEACH: Nancy Alston, I live in
2 Newport Beach and for 12 years, I've tried to study the
3 detrimental effects of an airport and there are literally
4 hundreds and hundreds and hundreds of research from Oxford,
5 from UC from UCLA all over the world of the detrimental
6 effects of airports. Now, Portia mentioned about the article
7 in this morning's LA Times based on the latest research of
8 ultrafine particles which came out of the school of medicine
9 at USC. That follows an earlier research that was done three
10 years ago from UCLA in response to the airport at Santa Monica.

11 The Europeans have been doing this research on ultrafine
12 particles for a long, long time. And now, and this is why I
13 am commenting. Now, they have regulations that take into
14 account ultrafine particles. We don't have anything like that.

15 We don't have any regulation. So, I guess what I'm saying
16 this is a call to action somebody needs to see representatives
17 and senators, etc. And then I just want to make one more
18 little comment. Most of the people that I talk to about the
19 airport think there are 85 flights a day...150. I don't know
20 exactly how many there are this moment. I think there's about
21 117? Ok, but it goes..in the past, when we have had more map,
22 the million annual passengers, it's gone up to 150. So, don't
23 be thinking it's 85 a day because most people think that.

24 It's 85 of the noisiest and I can tell you that the non-
25 noisiest that go over my house if they're Southwest are just

14

15

1 as noisy as the noisiest. So, my comment is we really need to
2 do something about the regulation of ultrafine particles. For
3 years, we have said well, we didn't really know and we
4 couldn't tell the difference between traffic particles and jet
5 fuel particles and carb... from jet fuel but now we can. That
6 was decided through research by UCLA three or four years ago,
7 Dr. Paulson did that, so...

} 15
cont.
}
} 16
}

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

**Responses to Comments from the
May 29, 2014 Community Meeting
John Wayne Airport, Costa Mesa**

Response 1: The County of Orange acknowledges your input and comment. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.
Portia Weiss

Response 2: The comment restates information contained in the Draft Environmental Impact Report ("EIR") pertaining to the significant unavoidable impacts on air quality, biological resources (Alternative C only), greenhouse gas emissions, land use and planning, noise, and transportation/traffic. The comment does not raise an environmental issue within the context of the California Environmental Quality Act ("CEQA"). Because the comment does not raise an environmental issue, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.
Portia Weiss

Response 3: The Draft EIR, in Section 7.3 (Alternatives Considered But Not Carried Forward), discusses why an alternative that would reduce the number of allowable operations at the Airport to below existing allowable levels (i.e., 85 Class A ADDs and 10.8 MAP) was not carried forward (See Draft EIR, pages 7-5 through 7-7). As indicated in the Draft EIR, this alternative was rejected for two reasons. First, such an alternative would be legally unenforceable by the County of Orange, and is therefore infeasible (See State CEQA Guidelines, Section 15364). Any operational restrictions that are more prohibitive than the restrictions established by the 2003 amendments to the Settlement Agreement, as reflected in the environmental analysis for the No Project Alternative, would result in the County's Settlement Agreement and implementing Access Plan losing their "grandfathered" status under the Airport Noise and Capacity Act of 1990 ("ANCA"), which limits an airport operator's right to impose new restrictions on aircraft operations without obtaining federal approval. Second, any such alternative would not meet the Project Objectives set forth in Section 3.3 of the Draft EIR.
Portia Weiss

Similarly, extending the term of the existing Settlement Agreement (as amended in 2003) while maintaining the current flight and passenger limits (i.e., 85 Class A ADDs and 10.8 MAP) was also found not to be a feasible alternative. This is discussed in Response 6 to the May 28, 2014 transcript above.

Response 4: Please see Topical Response 2, which addresses the LA Times/USC Study on ultrafine particles.
Portia Weiss

Response 5:
Jim Mosher

The comment identified an accidental omission in Appendix A of the Draft Environmental Impact Report (“EIR”). The JWA website was corrected on May 30, 2014, with an updated Appendix A, which included the transcript. Additionally on May 30, 2014, overnight deliveries, which contained a letter of explanation and revised CDs with Appendix A included, were sent to all of the recipients on the mailing list for the Draft EIR.

Response 6:
Jim Mosher

Please see Response 6 to the May 28, 2014 transcript above.

Response 7:
Jim Mosher

Section 3.5.5 of the Draft EIR, which defines the No Project Alternative, assumes the Settlement Agreement would be allowed to expire on December 31, 2015. The Draft EIR (see page 3-12) indicates that, with the No Project Alternative, “upon expiration of the Settlement Agreement, the normal legislative discretion of the Board, as the owner and operator of JWA, to consider possible expansion of facilities or operations at JWA would, once again, be unconstrained by any judicial order.” Therefore, “the Board would be able to consider increasing the permitted levels of commercial operations. The Board would also be able to consider elimination of other restrictions on JWA operations including, but not limited to, the preexisting nighttime flight restrictions (curfew) independent of the City of Newport Beach, SPON [Stop Polluting Our Newport], and AWG [Airport Working Group].”

However, as also indicated in Section 3.5.5 of the Draft EIR, none of those things would happen automatically without further express action of the Board. Rather, any of those actions would be “projects” within the meaning of CEQA and would require CEQA (and perhaps National Environmental Policy Act [“NEPA”]) compliance before they could be approved and implemented. Therefore, consistent with Section 15126.6(e)(3)(A) of the State CEQA Guidelines, the No Project Alternative assumes the “continuation of the existing plan, policy or operation into the future.”

Though the Draft EIR assumes the continuation of the terms of the Settlement Agreement consistent with the CEQA requirements, the No Project Alternative discussion does inform the reader that other parties may argue that the existing restrictions violate the Airport Noise Capacity Act (“ANCA”) and take action against the County seeking to eliminate the restrictions. The text provided on page 3-12 of the Draft EIR, as part of the No Project Alternative description, is hereby amended in the Final EIR to reflect the changes noted in bold and strike-out text:

With expiration of the 1985 Settlement Agreement (as amended) under the No Project Alternative, and irrespective of whether the County exercises its discretion to modify JWA’s existing noise and access restrictions (e.g., ~~curfew~~ and Class A ADD [Average Daily Departure] **and MAP** limitations), other interested parties – such as the FAA [Federal Aviation Administration] and commercial air carriers – may argue that the restrictions violate ANCA and take action against the County seeking to eliminate the restrictions. (See 49 U.S.C. [United States Code] Section

47254(d)(3) [restrictions are exempt from ANCA to the extent an intergovernmental agreement is in place].)

The protection of the curfew under ANCA, separate from the Settlement Agreement, is acknowledged. Specifically, pursuant to 49 U.S.C. §47533(1), ANCA does not affect a “law in effect on November 5, 1990, on airport noise or access restrictions by local authorities.” JWA’s curfew is contained in a codified ordinance that originally was adopted by the County’s Board of Supervisors in 1987 (See Orange County Municipal Code, Title 2 [Public Facilities], Division 1 [Airports], Article 3 [Noise], §§2-1-30.1 through 2-1-30.14). As the adoption of the curfew via ordinance occurred before November 5, 1990, and because that ordinance is grandfathered under ANCA independent of the Settlement Agreement, the expiration of the Settlement Agreement under the No Project Alternative would not automatically result in expiration of the curfew. Rather, under the No Project Alternative, additional discretionary action would need to be taken by the County’s Board of Supervisors to modify the parameters of the curfew after December 31, 2020. (Note that the legal basis for the grandfathered status of the Settlement Agreement itself is different from that of the curfew ordinance. Specifically, the Settlement Agreement is grandfathered under 49 U.S.C. §47524(d)(3), as an “intergovernmental agreement including an airport noise or access restriction in effect on November 5, 1990,” and 49 U.S.C. §47524(d)(4), as a “subsequent amendment to an airport noise or access agreement or restriction in effect on November 5, 1990, that does not reduce or limit aircraft operations or affect aircraft safety.”)

Finally, in the absence of an intergovernmental agreement that is grandfathered under ANCA, the County would be placed in the difficult position of processing a Part 161 application with the FAA seeking permission to regulate aircraft in a manner otherwise disallowed by federal law. The success, to date, of other airport proprietors in processing Part 161 applications is limited and subject to very long processing timeframes. The Part 161 regulations are discussed in Topical Response 7.

Response 8:
Jim Mosher

The Draft EIR evaluates the Project relative to the state’s greenhouse gases (“GHG”) reduction mandate for 2020 (as established by Assembly Bill 32) and the state’s reduction goal for 2050 (as identified in California Executive Order S-3-05). The Draft EIR shows that the Project would emit a significant quantity of GHG emissions and thus the EIR includes all feasible mitigation measures to reduce those emissions (see Section 4.3.7). John Wayne Airport has also already incorporated many features to help reduce air quality (and GHG) emissions as shown in Table 4.1-6 (page 4.1-23) of the Draft EIR. Also of note, the Draft EIR analysis does not incorporate various expected changes (e.g., the further improvement in efficiency of aircraft engines). If such changes were able to be incorporated, the Project’s GHG emissions may be less than significant.

Response 9:
Charles Griffin

This comment is an introduction to comments that follow. No further response is required.

Response 10: Charles Griffin Though the Draft EIR assumes the continuation of the existing fleet mix, the Draft EIR does identify that, given the length of the 15-year planning timeframe for the Proposed Project (2015–2030), it is reasonable to assume that there will be interest in introducing newer and next generation aircraft. These newer aircraft, such as the 737-900ERW, 787, 737-MAX, or comparable aircraft by other manufacturers may be incorporated into the fleet mix at JWA at some point in the future. These newer aircraft may generate less noise and have fewer air emissions compared to the current fleet at JWA. In addition, since these aircraft accommodate more passengers than aircraft in the current fleet, it may be possible to serve more passengers (within the million annual passengers [“MAP”] cap) with fewer operations.

The issue of the introduction of newer and next generation aircraft is discussed on pages 1-17, 3-26, 4.1-13, 4.3-16, 4.6-44, and 4.6-80 of the Draft EIR, as well as in the *Capacity Analysis Technical Report* (provided in Draft EIR Appendix F) in the section entitled “Aircraft in Development that Will Replace Aircraft Currently Operating at John Wayne Airport.” However, as indicated in the Draft EIR, the timing of changes to the fleet mix cannot be known at this time and the California Environmental Quality Act (“CEQA”) does not allow speculation. In order to be conservative, the environmental analysis presented in this EIR assumes that the Project would maintain the Airport’s existing fleet mix, thereby likely presenting a maximum environmental impact assessment of air quality (Section 4.1), greenhouse gases (Section 4.3), and noise (Section 4.6).

Additionally, as discussed in Section 4.6.7 (Mitigation Program) of the Draft EIR, the Airport Noise and Capacity of 1990 severely constrains the ability of airport proprietors, such as the County, to impose noise restrictions that are more onerous than the standards imposed by federal law. As such, the County is not legally authorized to hand select the type of aircraft that operate at the Airport beyond the current restrictions established by the Settlement Agreement and curfew, as grandfathered under ANCA. It should be noted that the Settlement Agreement includes single event noise limits that limit the aircraft that can operate at the Airport. This provides the manufacturers and airlines a strong incentive to build and buy aircraft that can meet the JWA noise limits.

Response 11: Charles Griffin The Draft EIR addresses the impacts associated with the Proposed Project. Issues such as flight path or use of new technology navigational aids are outside the scope of this EIR and beyond the jurisdiction of the County or the other parties to the Settlement Agreement. Departure procedures are solely under the jurisdiction of the Federal Aviation Administration (“FAA”) and are not a component of the Settlement Agreement.

However, Draft EIR Section 1.9 (Other Airport-Related Issues Not Associated with the Settlement Agreement Amendment) does identify that the City of Newport Beach has requested that the FAA authorize a new departure procedure for use at JWA. The requested procedure would utilize satellite guidance to more accurately direct aircraft down the middle of Upper Newport Bay. The FAA has indicated that the City of Newport Beach’s request will be considered at a later time. If approved, it is anticipated that implementation of Newport Beach’s

proposal could result in minor modifications to the noise contours provided in this EIR.

Response 12: The comment is noted. No further response is required given that the comment does not address or question the content of the Draft EIR.
Charles Griffin

Response 13: The comment is noted. However, the comment is unrelated to the Project or the CEQA process. No further response is required given that the comment does not address or question the content of the Draft EIR.
Charles Griffin

Response 14: Please see Topical Response 2, which addresses the LA Times/USC Study on ultrafine particles. In addition, the comment generally references research regarding the effects of airports on air quality. This same commenter previously provided several research references during the public comment period on the Notice of Preparation and Initial Study, which were reviewed and considered in preparation of the Draft EIR. Since this comment does not provide specific citations to particular pieces of research, the studies that were previously provided by the commenter are discussed below, as it is assumed that the comment encompasses the previously cited research.
Nancy Alston

Evaluating Particulate Emissions from Jet Engines: Analysis of Chemical and Physical Characteristics and Potential Impacts on Coastal Environments and Public Health. (Karleen Boyle, 1996)

The study addresses a general subject area (i.e., aircraft exhaust particles), which received extensive analysis in the Draft EIR in Section 4.1, Air Quality. The study indicates that “the range of size of particulate emissions from some jet engines cluster below 1.5 μm and that the emissions contain metals.” It also indicates that “sediment samples taken at coastal wetlands near airports indicated the presence of the same heavy metals as those found in jet exhaust samples.” The jet engines sampled included the TF-30-P-414-A and the F110-GE-400, which are used for military aircraft. The Goleta Slough, near the Santa Barbara Regional Airport, and the Ballona Wetlands, near the Los Angeles International Airport were used as sample sites for sediments.

The test engines are fairly specific test sources and are not necessarily representative of the emissions that may be emitted from aircraft at JWA or the conditions of wetlands located near JWA. As referenced above, the Draft EIR evaluates the potential emissions from aircraft and the water quality in nearby areas is discussed in Section 4.10. An additional response regarding aircraft emissions impacting Upper Newport Bay is included in the response to comments. In addition, please refer to responses to Dr. Millard MacAdam.

Aircraft Emission Impacts in a Neighborhood Adjacent to a General Aviation Airport in Southern California. (Hu et al., 2009)

The study discusses an analysis that used spatial measurements to deduct potential contributions of ultrafine particles from vehicles and aircraft. The findings of this study appear to be specific to the site discussed in the paper (i.e., Santa Monica Airport).

The study addresses a subject area (i.e., ultrafine particles), which was addressed in the Draft EIR in Section 4.1, Air Quality, and Topical Response 2, which addresses the LA Times/USC Study on ultrafine particles. In addition, please refer to Response 15 below.

Research Needs Associated with Particulate Emissions at Airports. (Airport Cooperative Research Program, 2008)

This 2008 report, prepared by the Airport Cooperative Research Program (“ACRP”), addresses a subject area (i.e., particulate emissions), which was addressed in the Draft EIR in Section 4.1, Air Quality. The report evaluated data gaps and prioritized research needs related to particulate matter (“PM”) emissions from airports. Five areas of investigation for additional work were identified in the report: (1) “expand the current database of aircraft emissions to capture data on current advanced technology engines;” (2) “develop a deeper understanding of the evolution of PM, especially the volatile component, as it moves from the engine exit to the point of impact;” (3) “improve the characterization of PM emissions from APUs, GSE, and aircraft brakes and tires to enable source apportionment of airport PM inventories;” (4) “develop measurement methods to improve the characterization and understanding of PM from the various airport sources, especially volatile components;” and (5) “expand current understanding of health impacts of PM emissions, especially for fine and ultrafine particles.” Research projects for the ACRP to pursue were prioritized taking into consideration other research initiatives that are planned or currently underway. The research priorities for the ACRP are topics #3, #2, and #4 above (in that order), with the assumption that topics #1 and #5 are already being addressed by FAA, NASA, DOD, USEPA, public health researchers, and other research organizations. The ACRP report acknowledged that EDMS is the preferred model used to assess air quality at civilian airports and military air bases.

The Draft EIR takes into account the current state of the science for airport emissions and air dispersion modeling by using the FAA-preferred model EDMS for its PM calculations, as well as using USEPA-approved emission factors for all of its emission sources. Note at the time of the 2008 ACRP publication, EDMS did not include PM emission factors for all of the sources of emissions detailed in #3 above (including, of significance, APUs and GSE). However, in the current version of EDMS (5.1.4.1) used for the subject Draft EIR, PM emissions are included for APUs and GSE to form a comprehensive emissions inventory for all of JWA’s emission sources.

Summarizing and Interpreting Aircraft Gaseous and Particulate Emissions Data. (ACRP et al., 2008)

This ACRP report also addresses a subject area (i.e., particulate matter), which was addressed in the Draft EIR in Section 4.1, Air Quality. This report “provides a summary of a series of government-sponsored aircraft emissions tests that were undertaken to gain a better understanding of gaseous and particulate matter (PM) emissions from aircraft engines.” This report also includes a primer on PM and Hazardous Air Pollutant (“HAP”) emissions from aviation. Data in this report

includes results from the Aircraft Particulate Emissions eXperiment (“APEX”) tests and Delta Atlanta Hartsfield test. “This report summarizes the extensive data and analyses of the test results to provide clarification for the airport community and general public on how the data can and cannot be used in the development of local air quality analysis.” Based on the results of the participating studies, particulate matter number and mass concentrations have been normalized to produce emission indices that allow the quantification of emissions per kilogram of fuel burned. “The mass-based emission indices can be used to develop emission inventories for the aircraft and engines studied. The PM First Order Approximation ..., which is implemented in the FAA’s [EDMS], is an application of this technique.” According to the ACRP Report, “prior to the APEX studies, it was not possible to compute an emissions inventory of aircraft PM that was representative of current and future aircraft fleets.”

Since the publication of this report, FAA has continued to improve its aircraft PM emission inventory within the EDMS and AEDT models, starting with EDMS Version 4.3. Furthermore, this report reinforces the emission indices used for other pollutants within EDMS. The participating studies discussed in this report provide a robust framework for emission factor development for aircraft (and associated airport sources) from 2005 to present. As discussed in this report, “Researchers use an FAA-developed, EPA-approved tool known as EDMS to estimate PM emissions from aircraft main engines, GSE, on-road vehicles, and stationary sources. The required tool for assessing the changes to local air quality resulting from airport projects is EDMS.” As stated in the ACRP Report, “The EDMS tool estimates primary PM emissions for ICAO-certified aircraft main engines with a smoke number using FOA 3.0a for U.S. airports...the FOA 3.0a method is accepted by the Committee on Aviation Environmental Protection (CAEP), and FOA 3.0a has been approved by the EPA. Together, they represent the latest methods approved by these groups to approximate primary PM emissions from aircraft.” Moreover, the estimate of non-volatile PM emissions is based on smoke number, where the estimates of volatile PM are based on unburned hydrocarbons, fuel sulfur content, and lubricating oil.

The Draft EIR discusses this subject area (i.e. criteria pollutant aircraft emissions).

Monitoring and Modeling of Ultrafine Particles and Black Carbon at the Los Angeles International Airport. (Fanning et al., 2007)

The study addresses subject areas (i.e., ultrafine particles and black carbon), which were addressed in the Draft Environmental Impact Report (“EIR”) in Section 4.1, Air Quality. Please also see Topical Responses 1 and 2, which address black carbon and the LA Times/USC Study on ultrafine particles, respectively. The study monitored and modeled ultrafine particles (“UFP”) and black carbon at and in the vicinity of Los Angeles International Airport, and was “designed to capture the highly time-varying nature of ultrafine particle emission from aircraft by using near real time instruments.” The study found that “the results of the project demonstrate that in-use commercial aircraft at LAX emit large quantities of UFP at the lower end of currently measurable particle size ranges. 10-20 nm particles

emitted from aircraft are also present at relatively high number concentrations in an adjacent community but an expanded and more in-depth study is needed to determine whether aircraft are indeed the source. In addition, toxicological research on aircraft emitted particulate matter is needed to characterize the potential public health impacts, and a complete chemical characterization of aircraft emitted PM is important to enhance understanding of exposure and public health implications.” The study also indicates that black carbon concentrations “did not indicate elevated exposures in the community.”

The Draft EIR and the topical responses discuss the subject areas (i.e., ultrafine particles and black carbon).

Response 15:
Nancy Alston

As background, 85 Average Daily Departures (“ADDs”) by regulated Class A commercial passenger flights currently are permitted at the Airport. In addition, up to 4 ADDs for cargo are permitted. As noted on page 2-5 of the Draft Environmental Impact Report (“EIR”), at the time the Settlement Agreement was entered into, the ADDs at JWA were divided into three “classes” based on the noise characteristics of the aircraft on departure. The Class A flights are the noisiest. The next quietest class of ADDs is designated as Class AA. The quietest class is Class E.

The Class E flights do not have a maximum number of flights allowed because they are below the regulatory noise levels established in EIR 508 (86.0 decibels [“dB”] on the Single Event Noise Equivalent Level [“SENEL”]). However, the number of passengers on Class E flights does count toward the maximum million annual passengers (“MAP”) allowed by the Settlement Agreement.

The *Aviation Forecasts Technical Report* (Appendix B of the Draft EIR) identifies the operation levels between 2003 and 2013 (see Table 4-1 in the technical report). The highest number of MAP occurred in 2007. In that year, there were 92,601 operations (each arrival and departure is counted as a separate operation). Averaging this over the year would result in approximately 127 ADDs.

With the MAP cap, the load factor is also an important consideration. As noted on page 3-24 of the Draft EIR, the 2013 passenger level of 9.2 MAP is very close to the 2004 level of 9.27 MAP; yet, due to increased load factors and fleet mix size, there were more than 4,000 fewer flights in 2013 than in 2004.

Section 3.7 (Aviation Analysis Assumptions) of the Draft EIR provides the assumptions regarding the fleet mix; the distribution of the increased flights throughout the day; and the load factors used in the analysis. The timing of the flights in each phase for the Proposed Project is graphically depicted in Exhibit 3-9. This information is discussed in more detail in the *Aviation Forecasts Technical Report* (Appendix B of the Draft EIR). Tables 5-1 through 5-3 in the *Aviation Forecasts Technical Report* provide detailed information on the average hourly commercial passenger and cargo activity for the Proposed Project during the Average Day Peak Month (“ADPM”), which represents the maximum number of flights per day.

Response 16: Please see Topical Response 2, which addresses the LA Times/USC Study on ultrafine particles. The comment refers to a UCLA study that is not clearly identified. An independent review, however, of Paulson’s studies identified one which discussed an analysis that used spatial measurements to deduct potential contributions of ultrafine particles from vehicles and aircraft.⁸⁵ The findings of this study appear to be specific to the site discussed in the paper (i.e., Santa Monica Airport). The referenced topical response discusses the subject area (i.e., ultrafine particles) of this Paulson study as referred to in the comment.

⁸⁵ Hu et al. Aircraft Emission Impacts in a Neighborhood Adjacent to a General Aviation Airport in Southern California. *Environ. Sci Technol.* 2009, 43, 8039-8045.

3.7 COMMENTS RECEIVED AFTER THE PUBLIC REVIEW PERIOD

After the public review period ended on July 8, 2014, the County received seven additional comment letters. Though the State CEQA Guidelines do not require that the County respond to these late comments, the County has elected to prepare written responses because they were received within the timeframe when responses were being prepared. The comments are organized the same as those received within the public review period—the organization is listed first, followed by individuals, listed in alphabetical order by last name. Late comments were received from the following organization and individuals:

STATE AGENCIES

State Clearinghouse

ORGANIZATION

Unity of Tustin

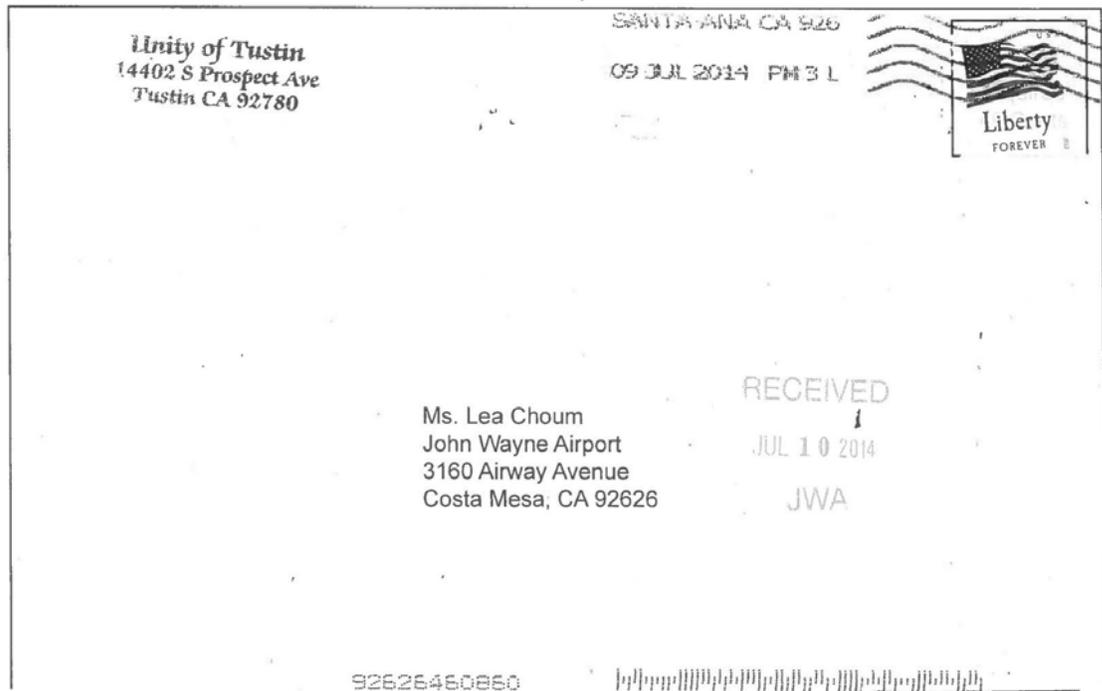
INDIVIDUALS

Bruce Brunda
Diane and Bob Glassman
Larry Goldberg

Dita Vaughn
Gail York

3.7.1 RESPONSES TO LATE COMMENT LETTERS

 COMMENT 	
John Wayne Airport Settlement Agreement Amendment Draft Environmental Impact Report 617	
Name <u>Gail Hamley</u>	Phone <u>714-730-3444 X101</u>
Group/Organization/Jurisdiction <u>Unity of Tustin</u>	
Address <u>14402 S. Prospect Tustin 92780</u>	Email <u>gail@unitytustin.org</u>
Comments: <u>Please do not extend flight parameters at John Wayne airport as the physical, mental and spiritual health of the communities affected. These are far more important than the economic or financial "benefits" which you identify. Please consider the quality of life and peace of mind of the affected people who live in this flight path. Thank you!</u>	
Please return comment card during this public meeting or mail to John Wayne Airport at the address on the reverse of this card. Comment cards are due by July 8, 2014.	



**Response to Comment Received from
Unity of Tustin
Dated: July 10, 2014**

Response 1: The County of Orange acknowledges your input and comment. The comment raises economic and social issues that do not appear to relate to any physical effect on the environment. Because the comment does not raise an environmental issue, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

From: Bruce B. Brunda <bbrunda@stetinalaw.com>
Sent: Friday, July 18, 2014 11:08 AM
To: EIR, Draft
Subject: FW: Bruce B Brunda has forwarded a page to you from Aviation Week

The attached article references aircraft noise standards at London airports, which are becoming stricter.

I thought you might be interested in this. When airports at places like London set a higher standard, it generally becomes the defacto standard everywhere, as most major airlines fly into London-- similar to California's adoption of more stringent emission standards.

Also, I assume that you are aware that the new Pratt & Whitney geared turbo fan engine, which will be the sole engine used in all new Airbus single aisle aircraft, is expected to reduce noise by 75%, over current models. Boeing uses GE/CFM engines which are not geared, and will be noisier, though the new engines will still be quieted than current Boeing engines.

} 1

Regards,

Bruce B. Brunda
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, California 92656
Phone: (949) 855-1246
Facsimile: (949) 855-6371

This communication is for its intended recipient only, and contains information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient or the employee or agent responsible for delivering this communication to the intended recipient, you are hereby notified that any unauthorized use, dissemination, distribution or copying of this communication is strictly prohibited. Further, if you are not the intended recipient you should not open any attached document(s) or further distribute this communication or the attached document(s). If you have received this communication in error, please notify us immediately by telephone (949-855-1246) or e-mail reply, delete it from your system, and destroy any hard copy you may have printed. Thank you.

ATTORNEY-CLIENT AND/OR WORK PRODUCT PRIVILEGED COMMUNICATION

This communication is protected by the attorney-client and/or the work product privilege and should be treated in a confidential manner. Any disclosure to other than key management personnel on a need-to-know basis may jeopardize the privilege and require disclosure to adverse parties in litigation.

From: webmaster@info.aviationweek.com [mailto:webmaster@info.aviationweek.com]
Sent: Friday, July 18, 2014 10:24 AM
To: Bruce B. Brunda
Subject: Bruce B Brunda has forwarded a page to you from Aviation Week



Aviation Week

[Bruce B Brunda](#) thought you would like to see this page from the Aviation Week web site.

Rolls Details Trent 7000 Plans For A330neo

Latest 787 and XWB engine technology provides jumping-off point for seventh Trent variant

[Click here to read more on our site](#)

Report as inappropriate: http://aviationweek.com/mollom/report/mollom_captcha/1407182f2bc7737bb6

**Response to Comment Received from
Bruce Brunda
Dated: July 18, 2014**

Response 1: London airports have strict noise rules. While their structure is not identical to the rules at JWA, their intent is similar. The London airports permit night time operations but have rules in place to reduce noise through operational (pilot) procedures. The contention in the comment is that because these rules are in effect at London they carry over to other airports. That is not necessarily the case. The airlines have procedures they use at London, in particular Heathrow, that are not used elsewhere. Similar is true for JWA, the departure procedures used here are not used at other airports. In any event, the JWA rules are substantially stricter than the rules in London. JWA does not permit commercial night operations at all, except for the permitted arrivals from 10pm to 11pm. London as 24 hour operations and in fact is very busy during the night hours. There are many aircraft operating in London that would not be able to meet the JWA noise limits. Even if JWA had a longer runway, the large widebody aircraft that operate daily in London would not even come close to meeting the JWA noise limits.

The comment concerning the geared turbofan is correct. It is proving to be very quiet and fuel efficient and will likely be a very successful engine family. But there are competing technologies for fuel efficiency and noise reduction beyond the geared turbofan. This competition among engines is healthy and the result is a continuing technology improvement. The Boeing 737Max series uses CFM Leap engines. According to Boeing “The 737 MAX will incorporate the latest quiet engine technology to reduce the operational noise footprint of the airplane by up to 40 percent”.⁸⁶ Since the noise on the ground is a function of both performance and noise emissions the actual on ground noise level difference between the geared turbofan and Leap engine may not be as large as the commentor suggests. We will know that answer when we have actual in flight data.

⁸⁶ Boeing. 2014. 737 Family. Chicago, IL: Boeing.
<http://www.boeing.com/boeing/commercial/737family/737max.page>.

From: Dianne Glassman <tustinmom@yahoo.com>
Sent: Wednesday, July 09, 2014 8:57 AM
To: EIR, Draft; Spitzer, Todd [HOA]
Subject: Draft EIR comments

Monday, July 7, 2014

Ms. Lea Choum:

We are home owners in a small tract called Tustin Oaks, in Tustin, CA. We moved to this home 24 years ago and truly enjoy our small community. We know that because of Orange County's continued growth we must allow for change. We appreciate the fact that we live 10 minutes from John Wayne Airport when we travel. We don't appreciate however a continuous flow of air traffic over our home. My two year old granddaughter loves to watch the planes fly over our house. We as adults get very tired of the continuous noise and pollution from the planes.

} 1

We would love to have you visit us from 7:00am to 11:00pm daily, so you too could appreciate the noise coming continuously over our home. When there is a marine layer, and the flights need to fly even lower, I'm sure you would be even more impressed with how loud the planes are. We have lived in this area for 36 years and there were no planes flying over our home for many years.

} 2

We know we are now directly in the flight path for John Wayne Airport, however it would be nice to share the noise and pollution with Irvine, Santa Ana, Orange, Garden Grove, other areas of Tustin, and the 55 Freeway. We hope the 7:00am to 11:00pm curfews are continued until 2050 with the renewal of the present contract.

} 3
} 4

We have made all the improvements to our home to reduce the noise level. There is nothing left for us to do but move and we love our home. There is nothing we can do about all the pollution. The FAA needs to be encouraged to disperse the many flights to the 55 Freeway and to our neighboring cities.

} 5

We attended the meeting at Hewes Middle School to gain more information about the flights to John Wayne Airport. We became even more concerned about what will be happening in the future with the airplane noise and pollution. We know John Wayne will become even busier but please share the noise and pollution with other cities around us.

Thank you.

Dianne and Bob Glassman
14461 Galy Street
Tustin, CA 92780

**Responses to Comments Received from
Dianne and Bob Glassman
Dated: July 9, 2014**

Response 1: The comment provides background information on the commenting parties. No further response is required given that the comment does not address or question the content of the Draft Environmental Impact Report (“EIR”).

Response 2: Section 4.6 (Noise) of the Draft EIR summarizes the applicable regulatory setting; provides qualitative and quantitative information regarding the existing noise environment; quantifies and identifies the incremental increase in noise attributable to the Proposed Project; and discloses the significance of that incremental increase by reference to noise thresholds established by the Federal Aviation Administration (“FAA”), the County of Orange, and the City of Newport Beach. Where significant impacts are identified, Section 4.6 also proposes feasible mitigation to address such impacts. Ultimately, Section 4.6 concludes that the Proposed Project would result in unavoidable significant noise impacts due to the incremental increase in noise from increased aircraft operation levels that would occur with the Project.

The comment does not raise any specific issue regarding the analysis provided in Section 4.6 (Noise); therefore, no more specific response can be provided or is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

Response 3: Changes to the flight path are outside the scope of the Proposed Project. The FAA and the pilot-in-command of each aircraft have sole jurisdiction and responsibility for flight paths. Accordingly, only the FAA has enforcement capability over these issues. As the proprietor of the Airport, the County of Orange has no authority or control over aircraft in flight. In addition, please see Topical Response 3 (Commercial Aircraft Flight Path Issues).

Response 4: The Proposed Project would extend the protection of the Airport’s curfew/hours of operation through 2035. Your comment expressing support for protecting the curfew through 2050 is noted and will be made available to the County’s Board of Supervisors prior to a final decision on the Project.

Response 5: The comment expresses the opinions of the commenter and does not raise an environmental issue; therefore, no further response is required. The comment will be included as part of the record and made available to the County’s Board of Supervisors prior to a final decision on the Project.

From: Larry Goldberg <goldberglarry@earthlink.net>
Sent: Friday, July 11, 2014 11:50 PM
To: EIR, Draft
Subject: John Wayne Airport Settlement Agreement

Dear Ms. Lea Choum:

I have some thoughts re. the John Wayne Airport Settlement Agreement and would like to hear your comments. I realize that the deadline for receipt of public comments has passed but I would appreciate your comments either by e-mail, phone or letter.

} 1

Basically my thought is to use noise as the criteria in place of both MAP and ADD. At least to me, and I believe to most residence of the area, noise is the predominant disturbance and the other 9 factors are secondary. The use of noise would simplify the analysis and would be easier to quantify. Also it would allow adjustment of MAP and ADD (or what ever these parameter are called) if and when the airlines and cargo carriers used quieter aircraft. It would also give the airlines an insinuation to utilize the quieter aircraft at John Wayne.

} 2

I would appreciate your comments.

Larry Goldberg

306 Avenida Carlos
Newport Beach - CA - 92660

949-760-1175 goldberglarry@earthlink.net

**Responses to Comments Received from
Larry Goldberg
Dated: July 11, 2014**

- Response 1:** The comment provides an introduction to the comment that follows. No further response is required given that the comment does not address or question the content of the Draft Environmental Impact Report (“EIR”).
- Response 2:** The type of rule you are referring to is called a noise budget. In a noise budget a maximum allowable noise is set in terms of a cumulative noise exposure like CNEL. The number of flights is then regulated so that the budget is met. While on the surface this kind of rule seems reasonable it is very tricky to implement and may create unwanted results. The CNEL calculations include a times 10 penalty at night and a times 3 penalty during the evening, that is a flight at night counts as though it were 10 daytime flights. Move one night flight (such as the permitted arrivals from 10 pm to 11 pm) and you can add 10 daytime flights. What happens with budget type noise limits is that as aircraft have become quieter, the number of flights allowed can grow dramatically. For example, departure noise has been reduced by over 10 dB since the 1980s (the time of the settlement agreement). A budget based on CNEL would allow 10 times more flights based on the logarithmic basis for calculating decibels. If this kind of rule had been adopted in 1980s the 100 or so flights permitted in the 1980s would have grown to over 1000 flights permitted today (well over the airport capacity). The problem is a math problem. A 3 decibel reduction in noise would allow a doubling of the number of flights (10 times the logarithm base 10 of 2 is 3, where 2 is the ratio of change in number of operations and 3 is the change in decibels. Since people are sensitive to the number of flights, this tradeoff would not be in the residents favor. For these reasons the settlement agreement rules specifically and intentionally avoided the noise budget strategy.



The UPS Store™

The UPS Store #6203 - LOCATED IN THE BAYSIDE CENTER
1024 BAYSIDE DRIVE
NEWPORT BEACH, CA 92660
Tel: (949) 706-0808 Fax: (949) 706-2828
Email: store6203@theupsstore.com
Mon-Fri: 8:30am - 6:30pm Sat: 9:00am - 5:00pm

Fax Transmission

To: Lea Chaum From: Dita Vaughn
Admin Mgr. for Land Use & Facilities
Date: 7/8 Pages: 7/8
Fax #: (949) 252-5278 Phone #: _____
Subject: _____

I'm rushing for you to receive another "comment." I live in Bayside Village, 276 residents off Bayside Drive toward The Back Bay & most of us in our community hope the FAA will stay on "the limited Settlement Agreement" Respectfully,
Dita Vaughn #128

HOW CAN WE HELP YOU?

- Volume Black & White Copying
- Color Copying
- Finishing Services
- Office Supplies

- Packing & Shipping Services
- Mailbox Services
- Fax Sending & Receiving

- Postal Services



**Response to Comment Received from
Dita Vaughn
Dated: July 9, 2014**

Response 1: The comment expresses the opinions of the commenter and does not raise an environmental issue; therefore, no further response is required. The comment will be included as part of the record and made available to the County's Board of Supervisors prior to a final decision on the Project.

It should be clarified, however, that the Federal Aviation Administration ("FAA") is not the decision maker for the Proposed Project. As discussed in Section 2.2 (Environmental Review Process) of the Draft Environmental Impact Report ("EIR"), the Orange County Board of Supervisors is the decision-making body for the Project. The Board of Supervisors will consider whether to certify the EIR and to adopt findings relative to the Project's environmental effects. It will then take action to recommend outright approval, conditional approval, or denial of the Project. The County's approval of the Project would be contingent upon the City Council of Newport Beach and the governing boards of Stop Polluting Our Newport ("SPON") and Airport Working Group ("AWG") approving and executing the agreed upon amendment to the Settlement Agreement. The FAA will not provide approvals, but rather provide advice and opinion regarding the application of established statutory and regulatory laws to the Project. No FAA approvals or federal funding are required to implement the Project

From: gybberry@gmail.com on behalf of Gail York <GailYork@coldwellbanker.com>
Sent: Monday, July 14, 2014 3:33 PM
To: EIR, Draft
Subject: JWA - Flight Path

Ms. Choum,

Regarding JWA Flight Path.

With the increase in traffic, is it possible to change takeoff/landing patterns with the time of day as is done at other major airports such as JFK. My understanding is it is possible as long as winds are 15 knots or less. Some takeoffs would then go out over Irvine. This would be the fair thing to do. Redistribute the noise. } 1

Thank you,

Gail York

**Response to Comment Received from
Gail York
Dated: July 14, 2014**

Response 1: Changes to the flight path are outside the scope of the Proposed Project. The Federal Aviation Administration (“FAA”) and the pilot-in-command of each aircraft have sole jurisdiction and responsibility for flight paths. Accordingly, only the FAA has enforcement capability over these issues. The County of Orange, as the proprietor of the Airport, has no authority or control over aircraft in flight. In addition, please see Topical Response 3 (Commercial Aircraft Flight Path Issues).



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

August 13, 2014

Lea Choum
Orange County
3160 Airway Avenue
Costa Mesa, CA 92626

Subject: John Wayne Airport Settlement Agreement Amendment
SCH#: 2001111135

Dear Lea Choum:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on July 7, 2014. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2001111135) when contacting this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Morgan".

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

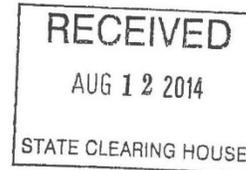
DEPARTMENT OF TRANSPORTATION

DISTRICT 12
 3347 MICHELSON DRIVE, SUITE 100
 IRVINE, CA 92612-8894
 PHONE (949) 724-2086
 FAX (949) 724-2592
 TTY 711
 www.dot.ca.gov

LATE
 7/7/14
 <



Serious drought.
 Help save water!



July 7, 2014

Ms. Lea Choum
 County of Orange/John Wayne Airport
 3160 Airway Avenue
 Costa Mesa, CA. 92626

File: IGR/CEQA
 SCH#: 200111135
 Log #: 955 I
 I-405, SR- 73

Dear Ms. Choum:

Thank you for the opportunity to review and comment on **Draft Environmental Impact Report for the John Wayne Airport Settlement Agreement**. This EIR has been prepared to address the potential environmental impacts associated with contemplated amendments to the terms and conditions of the Stipulation for Entry of Final Judgment by Certain Settling Parties that resolved the litigation entitled *County of Orange v. AirCal*. (USDC Case No. CV 85-1542 TJH [MCx]) (Settlement Agreement 1985).

The Project would be implemented at John Wayne Airport, Orange County ("JWA" or "the Airport") in an unincorporated area of the County. Although the Airport encompasses approximately 504 acres, the aviation activities at JWA are located on approximately 400 acres. The site is south of Interstate ("I") 405, north of State Route ("SR") 73, west of MacArthur Boulevard, and east of Red Hill Avenue. The Airport property, owned by the County of Orange, includes the airfield; the terminal; maintenance buildings; surface level and parking structures; the administrative building; property leased for aviation support uses; and a portion of the Newport Beach Golf Course. The Project area is surrounded by the cities of Newport Beach, Irvine, and Costa Mesa, as well as several unincorporated County islands.

The signatories have identified the following Project objectives:

1. To modify some existing restrictions on aircraft operations at JWA in order to provide increased air transportation opportunities to the air-traveling public using the Airport without adversely affecting aircraft safety, recognizing that aviation noise management is crucial to continued increases in JWA's capacity.
2. To reasonably protect the environmental interests and concerns of persons residing in the vicinity of JWA, including their concerns regarding "quality of life" issues arising from the operation of JWA, including but not limited to noise and traffic.

*"Provide a safe, sustainable, integrated and efficient transportation system
 to enhance California's economy and livability"*

Ms. Lea Choum
June 30, 2014
Page 2

3. To preserve, protect, and continue to implement the important restrictions established by the 1985 Settlement Agreement, which were “grandfathered” under the Airport Noise and Capacity Act”) of 1990 (“ANCA”) and reflect and accommodate historical policy decisions of the Orange County Board of Supervisors regarding the appropriate point of balance between the competing interests of the air transportation and aviation community and local residents living in the vicinity of the Airport.

4. To provide a reasonable level of certainty to the following regarding the level of permitted aviation activity at JWA for a defined future period of time: surrounding local communities; Airport users (particularly scheduled commercial users); and the air-traveling public.

5. To consider revisions to the regulatory operational restrictions at JWA in light of the current aviation environment; the current needs of the affected communities; and industry interests represented at JWA.

The Department of Transportation (Department) is a commenting agency on this project and has the following comments for your consideration.

1. Table 4.8-6, (CALTRANS INTERSECTION LEVEL OF SERVICE: EXISTING (2013) CONDITIONS) indicates a level of service “C” for both MacArthur Blvd. and Jamboree Rd. Ramps. These ramps are signalized and do not represent the actual demand and flow. Visual observation of these ramps clearly shows a much lower level of service at these locations.
2. The Threshold 4.8-10, 4.8-11, 4.8-12, and 4.8-13 indicate that the Project- generated trips will cause LOS at all Caltrans study area to be degraded to a LOS “F” regardless of their existing condition.
3. Table 4.8-13 (CALTRANS INTERSECTION OPERATING AT A DEFICIENT LEVEL OF SERVICE: EXISTING PLUS PROPOSED PROJECT) indicates a LOS “C” for PM peak for both “Existing” and “Existing Plus Proposed Project” which is not an accurate analysis of the current condition.
4. The “Impact Conclusion” of all three alternatives indicates a “Significant Cumulative Impact” on Caltrans freeway facility.
5. No specific mitigation program is identified for Caltrans facility being impacted by project alternatives.

*“Provide a safe, sustainable, integrated and efficient transportation system
to enhance California’s economy and livability”*

Ms. Lea Choum
June 30, 2014
Page 3

6. Include ramp intersection analyses at on and off ramps for SR-55 and SR-73 in the report, unless they are justified to be out of study boundary.
7. The report only listed freeway facilities that would be adversely impacted by the proposed operational expansion of the airport. Where are the mitigation measures? The report need to identify mitigation measures first and discuss whether they are feasible or not.
8. Section 5.1.4.2 (Threshold T-12, Page 68): Please delete "by 2 percent or more, and" from the sentence associated with the Section. Per Caltrans' Guide for the Preparation of Traffic Impact Studies, any adverse impacts degrading the level of service from acceptable (A, B, C or D) to Unacceptable (E or F) must be mitigated for bringing them back to acceptable levels.

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Aileen Kennedy at (949) 724-2239.

Sincerely,



MAUREEN EL HARAQUE
Branch Chief, Regional-Community-Transit Planning
District 12

c: Jose Hernandez, Traffic Operations South
Saied Hashemi, Traffic Operations North
Scott Morgan, Office of Planning and Research

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

**Office of Planning and Research
State Clearinghouse and Planning Unit
Dated: August 13, 2014**

Response 1: The comment the letter transmitted the comment letter from the California Department of Transportation (“Caltrans”), which the State Clearinghouse had received a comment after the end of the public review period. The Caltrans letter was also transmitted to the County directly and has been responded to in Section 3.3. No further response to this comment letter is required.