

# 7.0

## RESPONSE TO COMMENTS ON THE DRAFT EIR

LAWA received comments on the Draft EIR from eight agencies, five organizations, and nine individuals during the circulation period. This chapter presents copies of the comment letters, pursuant to Section 15132(b) of the State CEQA Guidelines, with the responses to the comments following each individual letter, pursuant to Section 15132(d) of the State CEQA Guidelines. The comment letters appear alphabetically within three categories: Agencies and Jurisdictions, Organizations, and Individuals. Each letter is assigned a number, and each comment within each letter is also assigned a number to aid in the organization and identification of the responses that follow the letters. Table 7-1 provides a list of the parties commenting on the Draft EIR, pursuant to Section 15132(c) of the State CEQA Guidelines.

**Table 7-1.** List of Parties Commenting on the Draft EIR

<b>Letter No.</b>	<b>Commenting Party</b>	<b>Letter Date</b>
<i>Agencies and Jurisdictions:</i>		
1.	Governor's Office of Planning and Research	12/02/08
2.	Antelope Valley Air Quality Management District	10/09/08
3.	Burbank-Glendale-Pasadena Airport Authority	11/25/08
4.	City of Burbank	11/19/08
5.	City of Chino	11/25/08
6.	City of El Segundo	11/25/08
7.	County of San Bernardino Department of Airports	11/24/08
8.	Ventura County Air Pollution Control District	12/03/08
9.	County of Ventura Department of Airports	10/31/08
<i>Organizations:</i>		
10.	Aircraft Owners and Pilots Association	11/17/08
11.	Encino Neighborhood Council	11/13/08
12.	Los Angeles International Airport Advisory Committee	10/10/08
13.	National Business Aviation Association, Inc.	12/01/08
14.	Valley Industry & Commerce Association	11/25/08
<i>Individuals:</i>		
15.	Bilski, Jonathan	12/02/08
16.	Howell, David	12/01/08
17.	Karczag, Brenda	12/01/08
18.	Olivarez, Richard & Toni	12/01/08
19.	Prisk, Daniel	11/08/08
20.	Scarcelli, Ernie	12/01/08
21.	Sheeran, Phil	12/01/08
22.	Zlotorynski, Rita	12/01/08
23.	[No signature]	12/01/08

**Comment Letter 1, Governor's Office of Planning and Research**



ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

December 2, 2008

Karen Hoo  
Los Angeles World Airports  
7301 World Way West, 3rd Floor  
Los Angeles, CA 90045

Subject: Van Nuys Airport Phaseout of Noisier Aircraft  
SCH#: 2007101110

Dear Karen Hoo:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on December 1, 2008, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

1-1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts  
Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044  
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Comment Letter 1**

**Document Details Report  
State Clearinghouse Data Base**

<b>SCH#</b>	2007101110		
<b>Project Title</b>	Van Nuys Airport Phaseout of Noisier Aircraft		
<b>Lead Agency</b>	Los Angeles World Airports		
<hr/>			
<b>Type</b>	<b>EIR</b>	Draft EIR	
<b>Description</b>	Los Angeles World Airports (LAWA) proposes to establish a maximum noise level for aircraft arriving at and departing from Van Nuys Airport. This would be accomplished by gradually phasing out aircraft that generate noise in excess of the established level of 77 dBA, beginning with the noisiest aircraft and periodically lowering the maximum noise level. The project proposes no physical development or change in land use, only operational modifications at the existing facility.		
<hr/>			
<b>Lead Agency Contact</b>			
<b>Name</b>	Karen Hoo		
<b>Agency</b>	Los Angeles World Airports		
<b>Phone</b>	310-646-3853 x 1003	<b>Fax</b>	
<b>email</b>			
<b>Address</b>	7301 World Way West, 3rd Floor		
<b>City</b>	Los Angeles	<b>State</b>	CA <b>Zip</b> 90045
<hr/>			
<b>Project Location</b>			
<b>County</b>	Los Angeles		
<b>City</b>	Los Angeles, City of, Van Nuys		
<b>Region</b>			
<b>Lat / Long</b>			
<b>Cross Streets</b>	Roscoe Boulevard and Balboa Boulevard		
<b>Parcel No.</b>	2205-010-905		
<b>Township</b>	<b>Range</b>	<b>Section</b>	<b>Base</b>
<hr/>			
<b>Proximity to:</b>			
<b>Highways</b>	I-405		
<b>Airports</b>	Van Nuys Airport		
<b>Railways</b>	SPRR / MTA		
<b>Waterways</b>	none		
<b>Schools</b>	various		
<b>Land Use</b>	GP land Use; Light Industrial Zoning: [Q]M2-1VL; [T][Q]M2-1VL (Heavy Manufacturing)		
<hr/>			
<b>Project Issues</b>	Air Quality		
<hr/>			
<b>Reviewing Agencies</b>	Resources Agency; Department of Fish and Game, Region 5; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 7; Air Resources Board, Airport Projects; Regional Water Quality Control Board, Region 4; Native American Heritage Commission		
<hr/>			
<b>Date Received</b>	10/01/2008	<b>Start of Review</b>	10/01/2008 <b>End of Review</b> 12/01/2008

Note: Blanks in data fields result from insufficient information provided by lead agency.

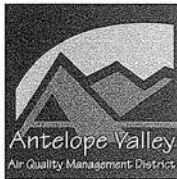
## **Response to Comment Letter 1, Governor's Office of Planning and Research**

### **Response to Comment 1-1**

This is not a comment but an acknowledgement that no State agencies submitted comments on the Draft EIR during the public review process. No response is necessary.

**Comment Letter 2, Antelope Valley Air Quality Management District**

OCT 15 AM 10:20 CR



Antelope Valley Air Quality Management District  
43301 Division St., Suite 206  
Lancaster, CA 93535-4649

661.723.8070  
Fax 661.723.3450

Eldon Heaston, Executive Director

October 9, 2008

Karen Hoo  
Los Angeles World Airports  
Environmental Planning  
7301 World Way West, 3<sup>rd</sup> Floor  
Los Angeles, CA 90045

**Subject Project: Van Nuys Airport Phaseout of Noisier Aircraft**

Dear Ms. Hoo:

The Antelope Valley Air Quality Management District (AVAQMD) has received the Notice of Availability and Public Meeting on Draft EIR for the Van Nuys Airport Phaseout of Noisier Aircraft Project. The project entails establishment of a maximum noise level for all aircraft arriving at and departing from Van Nuys Airport by gradually phasing out aircraft that generate noise in excess of the established level of 77 dBA. The project proposes no physical development or change in land use, only operational modifications at the existing facility. It is anticipated that aircraft unable to comply with the noise restrictions would most likely divert to one of the following airports: Bob Hope (Burbank), Los Angeles International, Camarillo, Chino, and William J. Fox Airfield.

We have reviewed the project and, based on the information available to us at this time, we have no comments. **2-1**

Thank you for the opportunity to review this planning document. If you have any questions regarding this letter, please contact me at (760) 245-1661, extension 6726, or Tracy Walters at extension 6122.

Sincerely,

Alan J. De Salvio  
Supervising Air Quality Engineer

TW/AJD

VNA Phaseout

Printed on recycled paper



## **Response to Comment Letter 2, Antelope Valley Air Quality Management District**

### **Response to Comment 2-1**

LAWA appreciates Antelope Valley Air Quality Management District's participation in the environmental review process for this project.

**Comment Letter 3, Burbank-Glendale-Pasadena Airport Authority**

**McDermott  
Will & Emery**

Boston Brussels Chicago Düsseldorf Houston London Los Angeles Miami Munich  
New York Orange County Rome San Diego Silicon Valley Washington, D.C.  
Strategic alliance with MWE China Law Offices (Shanghai)

Thomas A. Ryan  
Attorney at Law  
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November 25, 2008

Karen Hoo  
Los Angeles World Airport  
7301 World Way West, 3rd Floor  
Los Angeles, California 90045

Re: Draft Environmental Impact Report  
Van Nuys Airport Noisier Aircraft Phaseout

Dear Ms. Hoo:

This firm represents the Burbank-Glendale-Pasadena Airport Authority (“Airport Authority”), the owner and operator of the Bob Hope Airport. The Airport Authority has requested that we forward this letter on its behalf, setting forth its comment on the City of Los Angeles Draft Environmental Impact Report (“DEIR”) for the proposed phaseout of certain jet aircraft at the Van Nuys Airport (the “Project”). On November 3, 2008, the Authority adopted Resolution 420 opposing the Project as it is currently proposed. (Copy of Resolution 420 attached).

1. The Project

We understand the Project, as currently defined in the DEIR, would authorize Los Angeles World Airports (“LAWA”) to ban Stage 2 and certain Stage 3 aircraft from taking off or landing at Van Nuys Airport per the following schedule:

- January 1, 2009 — Aircraft at or above 85 dBA takeoff noise;
- January 1, 2011 — Aircraft at or above 83 dBA takeoff noise;
- January 1, 2014 — Aircraft at or above 80 dBA takeoff noise; and
- January 1, 2016 — Aircraft at or above 77 dBA takeoff noise.

In short, in less than 60 days, LAWA will attempt to ban a number of aircraft which LAWA describes as “Noisy” from using the Van Nuys Airport.

U.S. practice conducted through McDermott Will & Emery LLP.

2049 Century Park East, Suite 3800 Los Angeles, California 90067-3208 Telephone: 310.277.4110 Facsimile: 310.277.4730 www.mwe.com  
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2. LAWA's Project Will Shift Noise In The Valley

First, as LAWA's DEIR acknowledges, the defined Project will cause primarily Stage 2 aircraft operations to shift from Van Nuys Airport to the Bob Hope Airport, which is less than nine miles away. Given this shift, the Airport Authority is surprised that LAWA is pushing ahead with the Project when only 5 months ago LAWA publicly criticized the Airport Authority's draft Part 161 Application, which would essentially make the current voluntary nighttime curfew for Stage 3 aircraft operations at the Bob Hope Airport mandatory. At that time, LAWA objected to the Airport Authority's draft Part 161 Application, in part, by contending that a mandatory curfew would divert operations from a noise problem airport, the Bob Hope Airport, to another noise problem airport, the Van Nuys Airport, and would merely shift noise and not reduce noise. LAWA further criticized the Airport Authority for "ignoring" its "critical" role in the regional air transportation system by ignoring its obligation to accommodate its share of operations. (A copy of the LAWA comment is attached).

3-1

3. LAWA's Unilateral Act To Shift Noise In The Valley Violates Federal Law

Placing aside the above inconsistency, LAWA's Project appears to violate federal law.

3-2

A. Airport Noise and Capacity Act of 1990 ("ANCA")

LAWA's website and its DEIR both make reference to the fact that the Project is "grandfathered" under the Airport Noise and Capacity Act of 1990, currently codified at 49 U.S.C. Section 47521 *et seq* and implemented through regulations set forth in 14 F.A.R. Part 161 ("Part 161"). In support of its claim, LAWA references an August 1997 letter from the Federal Aviation Administration ("FAA") (a copy of which is attached).

The August 1997 letter does not, however, say the project at issue here – a phase out – is grandfathered. Rather, the August 1997 FAA letter deals with a non-addition rule and an extension of hours to its existing curfew. This letter followed prior correspondence between LAWA and the FAA during which LAWA asserted that while it claimed grandfathered status for these two proposed restrictions, it had complied with the procedural requirements of ANCA for a Stage 2 restriction, including preparation of a cost benefit analysis.<sup>1</sup> (See copy of August 1997 LAWA letter).

<sup>1</sup> It should be noted that the LAWA economic analysis of those restrictions concluded that economic losses would be significant and could approach \$200 million. No such analysis has yet been made available by LAWA to the public concerning the current Project.

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In an earlier April 14, 1997 letter to the FAA, the City specifically represented that for the curfew extension, the non-addition rule, and a single-step phase out project different from the Project studied in the DEIR it had already complied with the procedural requirements of ANCA:

3-2  
(cont'd)

“It should be noted, notwithstanding the claim of grandfather status, that the City has fully completed the procedural requirements stated in Section 47524 (1) through (4) above, thus entitling it to adopt its regulation without further compliance with federal statutory or regulatory procedure.”

Moreover, when LAWA actually wrote the FAA in 2000 inquiring whether a phase out rule was actually grandfathered, the FAA expressly said no. In an April 17, 2000 letter, the FAA stated that the single-step phase out rule then contemplated by LAWA was not grandfathered and that any different proposed phase out (such as the four-step Project at issue here) should be forwarded to the FAA for review with respect to ANCA and other applicable federal laws. (Copy of FAA letter attached).<sup>2</sup> In particular, the FAA stated that:

“Such restrictions must be fair and reasonable, may not be unjustly discriminatory, and may not impose an undue burden on interstate commerce. Based upon the information available, FAA has serious concerns about the ability of the “phase-out” rule to meet those requirements.” (Emphasis supplied).

B. The Airport and Airway Improvement Act of 1982

3-3

As also indicated in the FAA’s April 2000 letter, federal law, independent of ANCA, is a bar to the Project. See also the Airport and Airway Improvement Act of 1982, 49 U.S.C. Section 47107, *et seq*; City of Naples Airport Authority v. FAA, 409 F.3d 431 (D.C. Cir. 2005) (stating that notwithstanding compliance with ANCA, the FAA has the ability to review and disapprove a noise restriction it deems unreasonable). The Naples decision makes clear that a proposed Stage 2 operational restriction can be unreasonable and/or discriminatory and thus violate federal law and grant assurance independent of ANCA. The Project cannot be deemed “reasonable” without some indication that its benefits bear some reasonable relationship to its costs. No such indication has yet been provided by LAWA for the proposed four-step phase out Project.

<sup>2</sup> The actual correspondence between the City of Los Angeles and FAA is also relatively clear that a restriction on Stage 3 aircraft operations of the form proposed by LAWA would never be deemed “grandfathered” by the FAA.

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4. LAWA'S Unilateral Act to Shift Noise In The Valley Also Violates California State Law

The DEIR acknowledges that the Project will cause a shift of primarily Stage 2 aircraft operations from Van Nuys Airport (and the resulting noise impacts on Los Angeles residents who live near that airport) eastward to the Bob Hope Airport (and the Burbank and Los Angeles residents who live near it). However, the DEIR is nonetheless misleading as to the actual extent aircraft operations and thus noise and air pollution will shift eastward and thus violates the California Environmental Quality Act, codified at California Public Resource Code Section 21000 *et seq* and implemented through regulations set forth at Title 14, California Code of Regulations Section 15000 *et seq* (collectively, "CEQA"). The Airport Authority, pursuant to CEQA Sections 15087 and 15088, therefore hereby submits the following comments as to how the DEIR is legally inadequate.

3-4

First, the DEIR improperly defines the Project and/or improperly segments the Project in violation of CEQA Section 15124. It is a matter of public record, as posted on the LAWA website, that LAWA is currently pursuing the adoption of nine identified noise abatement measures at the Van Nuys Airport, including, but not limited to, the phase out studied in the DEIR. They are: (1) incentive/disincentives in differential rental rates; (2) incentive/disincentives in differential landing fees; (3) establishing maximum daytime noise limits for all aircraft of 77 dBA; (4) establishing a limit on Stage 3 based jets; (5) establishing a cap or phase-out of helicopters; (6) phase-out of Stage 2 aircraft, (7) extending the current curfew to 9 a.m. on weekends and holidays; (8) establishing fines for violations of VNY Noise Abatement Policies; and (9) expansion of the VNY curfew to include non-emergency jets and helicopters.

3-5

The DEIR as currently written improperly segments out some of these measures for analysis with the effect of minimizing the overall noise shifting and air pollution shifting impact of the actual total contemplated Project. The omission of these measures from discussion in the DEIR not only renders the Project definition inaccurate, it also renders the alternative analysis of the DEIR inadequate, thus violating CEQA Section 14124. Similarly, it renders the mitigation analysis flawed, violating CEQA Section 15065. In short, either the other measures are part of the Project or possible alternatives to the Project are ways to mitigate the noise shifted to Bob Hope airport.

3-6

Finally and most importantly, the DEIR violates CEQA Sections 15126, 15126.2 and 15126.4 in that it fails to adequately disclose the actual environmental impacts of the improperly segmented Project.

3-7

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This failure is based on a systemic under-disclosure of the real shift in the number of jet operations to the Bob Hope Airport that will be caused by the Project.

3-7  
(cont'd)

A. Untenable Assumption

For example, the DEIR assumes at 6.5% growth rate in jet operations between now and 2014, significantly less than the 10.5% growth rate forecast by the FAA or the historical rate for Van Nuys Airport in jet operations. The DEIR justifies this assumption due to a spike in fuel prices earlier this year. This assumption is not defensible in light of recent events. Since the price of jet fuel reached approximately \$140 per barrel earlier this year, it has fallen to almost \$60 a barrel. To deviate from the historical rate of growth of jet activity, based on a spike in jet fuel prices that has already ended violates CEQA.

3-8

B. The Retreat Assumption

Next, the DEIR simply “assumes away” more than 75% of the noise likely to be shifted from Van Nuys Airport to Bob Hope Airport by assuming that the 50 loudest aircraft impacted by the proposed Project will be retired, retrofitted or replaced, rather than shift operations less than nine miles away. Unbelievably, this claim is apparently made without LAWA asking the owners and operators of the aircraft whether this assumption is accurate. LAWA also makes this assumption despite the substantial economic disincentive for the owners of these Stage 2 jets to retire, retrofit or replace those jets to meet the new noise limit. Simply put, the aircraft won’t “retire” or become less “noisy”-- they will likely fly less than nine miles to the east and use the Bob Hope Airport.

3-9

C. The Camarillo Assumption

Finally, after first assuming away close to 50% of the historical growth rate of jet operations, and then more than 75% of the remaining jet operations, the DEIR assumes that more than a third of the jets which will not retire or become less noisy will choose to fly 39 miles to the west of Van Nuys, and outside the Valley and into another county, rather than flying less than nine miles east to Bob Hope Airport. The DEIR assumes an unbelievable 34% of aircraft operations will shift to Camarillo instead of to Bob Hope Airport. To support this counter-intuitive assumption, LAWA again apparently did not ask the owners and operators of these aircraft where they would fly, but instead assumed that as drive times during congested hours is only twice that between Van Nuys and

3-10

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Camarillo as it is between Van Nuys and Bob Hope Airport, that a third would go to Camarillo and two-thirds to Bob Hope. This is not realistic. The passengers on those jets live and work in Los Angeles, not Ventura. They will choose Bob Hope Airport. Likewise, the pilots of those jets will choose the higher level of air traffic control services of Bob Hope Airport over Camarillo. Finally, the owners of the jets will likely choose the secure, guarded facilities at the air-carrier certified Bob Hope Airport, rather than the lower-security general aviation-certified Camarillo Airport. That is why historically, only 7% of jet traffic in the area uses Camarillo – a far cry from the 34% assumed by the DEIR.

↑  
3-10  
(cont'd)

5. The City Should Seek Federal Approval of Nighttime Noise Relief For All Its Valley Residents

Despite the plethora of noise abatement measures that the City of Los Angeles is proposing through the four step phase-out of Stage 2 jets and the nine various measures contemplated by the LAWA Part 161 study, none of these measures implements what hundreds of Los Angeles and Burbank residents told the Airport Authority is their greatest concern about noise—achieving meaningful nighttime noise relief. The extensive outreach that has accompanied the Airport Authority’s eight-year effort to seek a curfew on Stage 3 nighttime aircraft operations at Bob Hope Airport has yielded that clear mandate from affected residents. The Airport Authority believes that all residents of the San Fernando Valley should enjoy the benefits of meaningful nighttime noise relief.

3-11

Accordingly, the Airport Authority believes that LAWA should redirect its efforts to study, and implement, a nighttime curfew on Stage 3 operations at Van Nuys Airport, just as the Airport Authority is pursuing at Bob Hope Airport. Had LAWA conducted and completed a comprehensive Part 161 Study before proposing the Project that is the subject of the DEIR, LAWA would undoubtedly have received the same type of public input that the Airport Authority received, and could have acted accordingly.

3-12

In closing, there are a myriad of legal problems with LAWA’s Project and the DEIR. If LAWA believes that the Project really has merit, it should comply with federal law and seek FAA approval for its restrictions, as the Airport Authority is doing with its ongoing Part 161 study and it should be prepared, as the Airport Authority is, to show in its Part 161 Application that the benefits to the entire Valley outweigh the costs to the entire Valley of a noise restriction. Indeed, the Airport Authority would support LAWA

3-13  
↓

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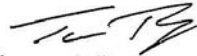
Comment Letter 3

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seeking through a Part 161 Application the same nighttime noise relief that the Bob Hope Airport is seeking for residents of the Valley.

↑ 3-13  
(cont'd)

Sincerely,



Thomas A. Ryan

TAR/jp

Enclosures

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**Comment Letter 3**

**3-14**

**RESOLUTION NO. 420**

**A RESOLUTION OF THE  
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY  
OPPOSING THE LOS ANGELES WORLD AIRPORTS'  
VAN NUYS AIRPORT NOISIER AIRCRAFT PHASEOUT PROJECT  
AS IT IS CURRENTLY PROPOSED**

WHEREAS, pursuant to the Airport Noise and Capacity Act of 1990 ("ANCA") and Federal Aviation Administration ("FAA") regulations codified at 14 C.F.R. Pt. 161 ("Part 161"), airport operators must satisfy certain procedural and substantive requirements prior to adopting new noise restrictions on aircraft;

WHEREAS, the Burbank-Glendale-Pasadena Airport Authority ("Authority") is the owner and operator of the Bob Hope Airport ("BUR");

WHEREAS, the Authority has a pre-ANCA mandatory 10 p.m. to 7 a.m. curfew at BUR for stage II aircraft and strictly enforces such curfew; and

WHEREAS, the Authority has a long-standing voluntary 10 p.m. to 7 a.m. curfew at BUR for stage III jets; and

WHEREAS, the Authority has devoted more than eight years and spent more than \$6 million complying with ANCA and the Part 161 regulations in an attempt to obtain meaningful nighttime noise relief for Burbank and Los Angeles residents who live in the vicinity of BUR; and

WHEREAS, Los Angeles World Airports ("LAWA") is the owner and operator of Van Nuys Airport ("VNY"); and

WHEREAS, LAWA has a long-standing 10 p.m. to 7 a.m. departure curfew at VNY on aircraft whose takeoff noise exceeds 74 A-weighted decibels; and

WHEREAS, LAWA is proposing a Van Nuys Airport Noisier Aircraft Phaseout Project ("Phaseout Project") that circumvents ANCA and seeks to implement, beginning January 1, 2009, a four-phase around-the-clock (24 hours-per-day) elimination from VNY of older, noisier stage II aircraft and some stage III aircraft; and

WHEREAS, LAWA has circulated for public review a draft environmental impact report ("EIR") for its proposed Phaseout Project; and

WHEREAS, LAWA's draft EIR makes erroneous assumptions regarding the number of aircraft expected to be impacted by the proposed Phaseout Project and the number of stage II aircraft expected to be shifted, during daytime hours, to BUR and other airports in the Southern California area, and



Comment Letter 3



3-14  
(cont'd)

WHEREAS, BUR already fulfills its regional role with respect to the acceptance of stage II jets during daytime hours; and

WHEREAS, the Commission believes it is appropriate for LAWA to pursue the same nighttime noise relief measures for VNY neighbors that the Authority is seeking for BUR neighbors; and

WHEREAS, the Commission does not believe it is appropriate for LAWA to implement noise relief measures at VNY that violate federal law and exacerbate daytime noise exposure at BUR from stage II jets.

NOW, THEREFORE, THE COMMISSION RESOLVES AS FOLLOWS:

Section 1. The Commission opposes the effort by LAWA to circumvent the provisions of ANCA and improperly "grandfather" a phased elimination from VNY of older, noisier stage II aircraft.

Section 2. The Commission opposes any effort by LAWA to shift older, noisier stage II jets from VNY to BUR.

Section 3. The Commission encourages and would support an effort by LAWA to pursue meaningful nighttime noise relief at VNY in the form and manner that the Authority is currently pursuing for BUR, and in strict compliance with ANCA requirements including a demonstration of a positive benefit-cost ratio.

Section 4. The Commission directs staff to provide written comments to LAWA on the draft EIR for the proposed Phaseout Project. At a minimum, such comments shall challenge (i) the basis for a grandfathered phase out of noisier jets; and (ii) the assumptions made regarding the numbers of stage II aircraft that could shift operations to BUR during daytime and evening hours.

ADOPTED this 3<sup>rd</sup> day of November 2008.

Bill Wiggins, President  
Burbank-Glendale-Pasadena Airport Authority

Attest:

  
Rafi Manoukian, Secretary

Resolution No. 420



**Comment Letter 3**

STATE OF CALIFORNIA        )  
COUNTY OF LOS ANGELES    )

I, Dan Feger, do hereby certify that the foregoing resolution was duly and regularly adopted by the Commissioners of the Burbank-Glendale-Pasadena Airport Authority at the Authority's regular meeting on November 3, 2008, by the following vote:

AYES:       Commissioners Brown, Lombardo, Quintero, Streater,  
              Holden, Manoukian, Logan and Wiggins

NOES:       None

ABSENT:     Commissioner Povilaitis

  
Dan Feger  
Assistant Secretary

Resolution 420



Los Angeles World Airports

May 29, 2008

JUN 11 2008

RECEIVED

Part 161 Study Comment Docket  
Burbank-Glendale-Pasadena Airport Authority  
Bob Hope Airport  
2627 Hollywood Way  
Burbank, CA 91505

LAX

LA/Ontario

LA/Palmdale

Van Nuys

City of Los Angeles

Antonio R. Villarraigosa  
Mayor

Board of Airport  
Commissioners

Alan I. Rothenberg  
President

Valeria C. Velasco  
Vice President

Joseph A. Aredas  
Michael A. Lawson  
Sylvia Patsouras  
Fernando M. Torres-Gil  
Walter Zifkin

Gina Marie Lindsey  
Executive Director

Re: Los Angeles World Airports Comments on the Bob Hope Airport Part 161 Study Draft Application

To Whom It May Concern:

Los Angeles World Airports (LAWA) appreciates this opportunity to comment on the Part 161 Study draft application by the Burbank-Glendale-Pasadena Airport Authority (Authority) for a proposed curfew at Bob Hope Airport (BUR). LAWA owns and operates four airports in Southern California, including Los Angeles International Airport (LAX), LA/Ontario International Airport (LA/ONT), LA/Palmdale Regional Airport and Van Nuys Airport (VNY).

LAWA has reviewed the draft application and offers the following comments, which fall into three primary areas:

- 1. The benefit-cost ratios calculated for the proposed restriction and alternatives are based on a significant overstatement of benefits, by taking credit for noise reduction around BUR resulting from the diversion of operations to other noise-sensitive airports.

One of the principal conditions that Part 161 sets for demonstrating the lack of undue burden on commerce is verifying 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."

The draft Part 161 application estimates the net present value, in 2006 dollars, of the benefits and costs from 2008 to 2015 for each of the three nighttime restrictions under consideration. In response to FAA comments (May 2004) on the Authority's draft "Evaluation" document (October 2003), the draft Part 161 "monetizes" benefits, based on estimates of increased residential property values and reduced acoustical treatment expenses, for comparison to estimated costs to passengers, airlines, and general aviation users. All three alternatives are shown as having benefit-cost ratios greater than one. The proposed full curfew has the lowest benefit-cost ratio (1.21, slightly lower than the 1.22 ratio for the noise-based curfew, but less than half the 2.54 ratio for the departure curfew).

However, all of these benefit-cost ratios are overstated, because all three alternatives would divert operations to VNY and LAX, and two of the three would

<sup>1</sup> 14 C.F.R. Part 161.305(e)(2)(ii)(A)(1)

divert operations to LA/ONT. These three LAWA-operated airports – like BUR – are designated as "noise problem airports" under Section 5012 of Title 21, Subchapter 6 of the California Code of Regulations (Noise Standards). LAWA operates these airports under variances granted by the Caltrans Division of Aeronautics conditioned on LAWA's commitment to reduce the noise impact area to zero. The Authority operates BUR under a similar variance.

A restriction at BUR that diverts operations to other problem airports represents a *shifting* of the noise impact – not a *reduction* in the noise impact. The BUR Part 161 application should not count benefits from operations shifted to other problem airports.

The draft Part 161 application predicts that the proposed full curfew will divert a total of approximately 62.7 daily operations to other airports in 2015: 33.2 to VNY, 16.3 to LA/ONT, 5.1 to LAX, 6.2 to Whiteman, 1.3 to Long Beach, and 0.6 to Camarillo. A majority of the diverted operations – 87% – are to LAWA-operated noise problem airports; and since Long Beach also is a noise problem airport, approximately 89% of the diverted operations are to noise problem airports overall. Discounting the benefits of the proposed curfew to reflect this shift in impact would be likely to result in a benefit-cost ratio significantly below 1.0 and potentially close to zero.

**2. The draft submission ignores the critical role that BUR fills in the Los Angeles regional air transportation system and BUR's obligation to accommodate its share of commercial air transportation.**

A review of the Authority's website home page states that the Authority's mission is: "To provide state of the art regional airport facilities and related services which are efficient, safe, convenient, and user friendly; while being a good neighbor."

While LAWA appreciates the Authority's commitment to using a regional strategy to meet Southern California's demand for air transportation services, we find it discouraging that BUR's proposed curfew conflicts both with this regional strategy and with the Authority's mission statement by shifting commercial air carrier operations from BUR to LAX, LA/ONT, and other commercial airports in the region during the noise sensitive curfew hours.

The Southern California Association of Governments has recently completed the 2008 Regional Transportation Plan (RTP). This plan reinforces the established regional aviation policy supporting a decentralized regional aviation system and the growth of outlying airports in the region. The aviation policy's guiding principles include recognition of environmental justice and local quality of life considerations affecting surrounding communities. We believe that the Authority has failed adequately to take these factors into account in the draft Part 161 application in proposing to divert air traffic to LAWA's noise problem airports.

Chapter 10 of the draft Part 161 application addresses the effect of the proposed curfew and alternatives on the national aviation system. Consistent with the theme of regionalization, the analysis focuses entirely on assessment of operations shifted from BUR to other airports in the Los Angeles region. However, the analysis is very limited; in effect, it concludes that there is no effect on the "aviation system" because the operations projected to be shifted to other airports represent a small percentage of forecast activity at those airports. This simplistic approach ignores issues related to BUR's role in the regional airport system, and the Authority's commitment to fulfilling that role.

3. The proposed restriction represents a "discretionary action" that meets the definition of a project under the California Environmental Quality Act (CEQA), for which the Authority is obliged to analyze and disclose potential effects on the environment and to allow public participation in the environmental review process.

According to the Part 161 Application, the proposed restriction would be adopted as an Airport Noise Rule by resolution of the Authority. Adoption of such resolution is a discretionary action that meets the definition of project under CEQA. Accordingly, the Authority must provide environmental analysis of the proposed restriction, consistent with CEQA, to evaluate the potential noise and air quality impacts that may occur as a result of the project. Even if the Authority is successful in obtaining FAA approval of its application for a full curfew, completion of the Part 161 process does not release the Authority from its obligations under CEQA. The Authority has already recognized that the diverted operations have the potential to result in environmental impacts at other affected airports, including LAWA-owned airports. In an email dated May 10, 2007, one of the lead authors of your Part 161 application (Mr. Mark Johnson of Jacobs Consultancy) contacted LAWA with an extensive request for information on LAWA airports, "to enable us to complete our analysis of the potential effects on other airports, and the costs to BUR airport users, of implementing a curfew (and two less restrictive alternatives) at BUR." LAWA responded to that request to the maximum feasible extent, including provision of extensive noise-related information for LAX, LA/ONT, and VNY. To the best of our understanding, the Authority was satisfied by our response. Despite LAWA's cooperation with that request, the Part 161 application does not include noise analysis for any of the affected LAWA-owned airports.

Further, failure to analyze noise impacts at other affected airports results in an incomplete Part 161 application. Required analysis and conditions for approval of proposed restrictions on Stage 3 operations includes "[a]n adequate environmental assessment of the proposed restriction or adequate information supporting a categorical exclusion in accordance with FAA orders and procedures regarding compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321)," (14 C.F.R. 161.305(c).) The Part 161 application does not meet this requirement as it does not provide any environmental assessment of noise or air quality impacts at affected LAWA-owned and other airports. We acknowledge that the application states that the Authority will prepare a categorical exclusion for the proposed restriction. However, approval of a Part 161 restriction may only be excluded under FAA Orders 1050.1E and 5050.4B if it does not cause a significant noise impact at the airport seeking the restriction or at other airports serving the restricted aircraft. (FAA Order 5050.4B, Table 6-1; FAA Order 1050.1E, Part 307u.)

In contrast, LAWA is addressing its obligations under CEQA in connection with the proposed "phaseout of noisier aircraft operations" at VNY. LAWA is in the process of preparing an Environmental Impact Report (EIR) under CEQA for that project. LAWA completed a scoping process for that project on November 30, 2007. As part of the scoping process, a "Notice of Preparation" for the EIR was sent via certified mail to the Authority's Executive Director.

CEQA requires a thorough and rigorous analysis of the potential noise and air quality impacts of BUR's proposed restriction. LAWA looks forward to the opportunity to review such an analysis when the Authority makes it available. Please ensure that LAWA receives notice of the Authority's CEQA-compliant environmental review and a copy of any environmental document prepared as part of this review.

**Comment Letter 3**

Thank you for this opportunity to provide comments. Please contact Mr. Roger A. Johnson, Deputy Executive Director, at (310) 417-0693 if you require clarification of the issues raised in this letter.

Sincerely,

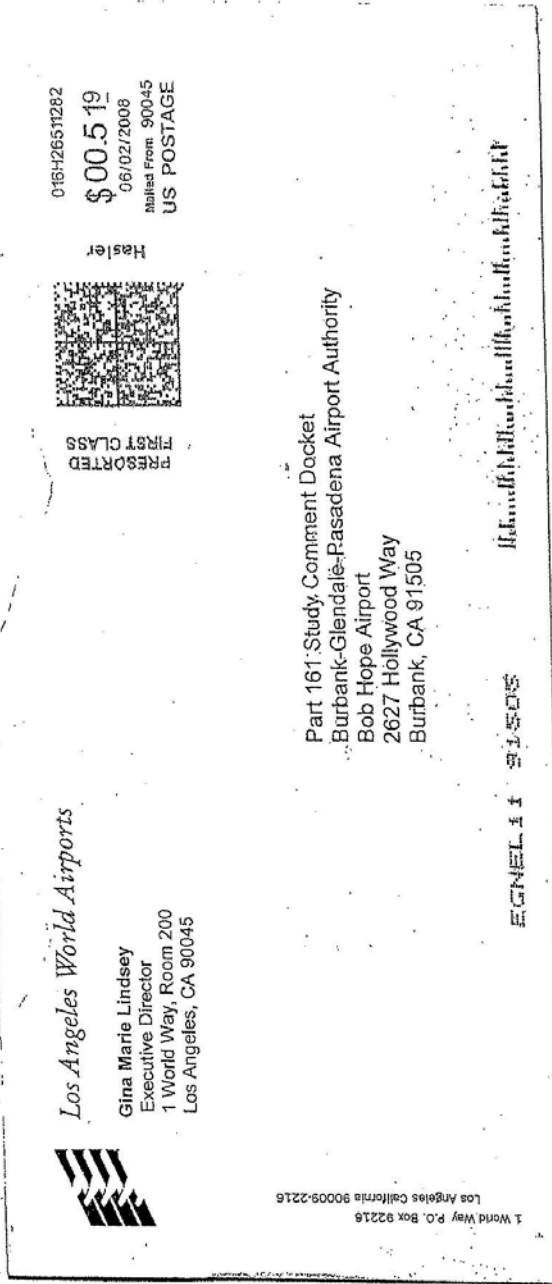


Gina Marie Lindsay  
Executive Director

- GML:RJ:rbh

CC: R. Johnson

Comment Letter 3





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

Aug 28, 1997

Mr. Breton K. Lobner  
Senior Assistant City Attorney  
Office of the City Attorney  
1 World Way  
P.O. Box 92216  
Los Angeles, CA 90009-2216

Dear Mr. Lobner:

This responds to your May 2 letter concerning curfew, non-addition, and helicopter regulations at Van Nuys Airport (VNY).

I appreciate your sincere and vigilant efforts over the past several months to resolve the concerns of the Federal Aviation Administration (FAA) before the City Council took action on Resolution 19529. Since June 1990, when the city made its first curfew and non-addition proposals, FAA officials have been informally working with you and other city officials to address various proposals to amend the 1981 VNY Noise Control Regulation. The curfew and non-addition regulations and the proposed new helicopter regulations are addressed below.

In your May 2 letter, you explained the city's latest proposals to revise its Noise Control Ordinance. You provided a draft ordinance for our consideration as an attachment to an earlier letter dated April 14. Based upon our review of all information provided, action by the city of Los Angeles, as owner of VNY, to extend application of the decibel limit on nighttime departures by 1 hour from 11 p.m. to 10 p.m. and to adopt a non-addition rule on operations by Stage 2 aircraft, as described in the draft ordinance and revised according to your May letter, would be exempt from the notice and analysis requirements of 14 CFR Part 161 and the former Airport Noise and Capacity Act of 1990 (ANCA), as recodified at 49 U.S.C. 47521 et seq. Specifically, the Stage 2 restrictions in the proposal would be exempt under 49 U.S.C. 47533. Further, the approach that you have outlined to address operations by Stage 3 aircraft would satisfactorily resolve the concerns expressed in the FAA's letter to the President of the City Council, John Ferraro, dated July 17, 1996. Detailed comments on the draft ordinance, as revised by letter dated May 2, are enclosed.

## Comment Letter 3

2

You also provided a draft helicopter curfew regulation and requested clarification regarding the applicability of ANCA and Part 161 to such regulations. Enclosed is a copy of a letter that the FAA recently sent to the Helicopter Association International. In that letter, we clarified that ANCA applies to proposed restrictions on helicopters as Stage 2 aircraft.

This is not an opinion concerning the ability of an airport user adversely affected by any amendment to challenge any aspect of it, except as to one aspect relating to unjust discrimination, nor is it an appealable final agency order within the meaning of 49 U.S.C. 46110. The information submitted by the city does not disclose a complete analysis or conclusions regarding effects of the curfew or non-addition rule on operators at VNY. We note that any proposals to "grandfather" Stage 2 aircraft based at VNY and "exempt" Stage 2 aircraft that visit the airport for major repairs and refurbishment should enhance the reasonableness of the proposal under other applicable Federal laws and requirements. As a matter of policy, the FAA does not consider the use of aircraft stage designations in combination with single event noise limits to be unjustly discriminatory per se. Properly-comparing aircraft between stages means comparing aircraft of similar gross takeoff weights and, for a given weight, a Stage 3 aircraft will always be quieter than a Stage 2 aircraft based upon the classifications in the FAA Advisory Circular 36 series.

I hope this letter is helpful. The FAA pledges its continued support to the city in its efforts to develop balanced programs to improve airport noise compatibility.

Sincerely,

Susan L. Kurland

Associate Administrator for Airports

Enclosures





U.S. Department  
of Transportation  
Federal Aviation  
Administration

Apr 17, 2000

Mr. Breton K. Lobner  
Senior Assistant City Attorney  
Office of the City Attorney  
1 World Way  
P.O. Box 92216  
Los Angeles, CA 90009

Dear Mr. Lobner:

This is a follow-up to my February 18 letter regarding Van Nuys Airport. I am responding to the following question that was posed in your January 27 letter; your other questions were addressed in my February 18 response. You asked:

"Whether the grandfather authorization granted by the FAA for the non-addition rule at Van Nuys Airport pertains to the proposed 1990 phase-out rule or whether the 1990 proposed Van Nuys phase-out is also grandfathered under the provisions of ANCA and 14 CFR Part 161?"

Your question focuses on whether the "phase-out rule" proposed in 1990 is grandfathered under the Airport Noise and Capacity Act of 1990 (ANCA), an issue the FAA has not specifically addressed to date. Section 47533(2) of ANCA provides that, except as provided in Section 47524, the statute "does not affect... any proposed airport noise or access restriction at a general aviation airport if the airport proprietor has formally initiated a regulatory or legislative process before October 2, 1990." (Section 47524 applies to airport noise and access restrictions proposed after October 1, 1990, with exceptions not here relevant.)

The proposed 1990 "phase-out" rule (section 3 of Exhibit D to your January 27 letter) would have "phased out" Stage 2 aircraft exceeding certain takeoff noise levels in four phases over a period of seven years beginning in 1991. At the end of this period, all aircraft with certified takeoff noise levels of 77 dB A or higher would have been prohibited from operating at VNY. The originally proposed phase-out dates have now passed (the last was January 1, 1998). As you stated in your January 27 letter, adoption of the phase-out rule now "would prohibit the operation at Van Nuys Airport of all aircraft exceeding 77 dBA." No such immediate ban was proposed in 1990. Thus, immediate implementation of a 77 dBA

noise limit is, in effect, a very different "proposal" than was in the proposed 1990 "phase-out" rule. As a result, it is not exempt or grandfathered under Section 47533(2) of ANCA.

The current proposed rule is not comparable to the staged airport noise and access programs that are exempt under Section 47524(d)(6) of ANCA. As we have previously notified airport proprietors, a proposal would have to be essentially the same as originally proposed or less restrictive than originally proposed to retain its grandfather status under ANCA. If the City elects to reconsider the proposed 1990 "phase-out" rule along these lines, then the FAA would review such a proposal together with the City's reasons that would support a finding that the proposal qualifies for grandfathering and is indeed essentially unchanged or less restrictive.

This is not an appealable final agency order within the meaning of 49 U.S.C. 46110. This letter focuses upon the applicability of ANCA to the proposed "phase-out" rule. In addition to ANCA, airport noise and access restrictions must also meet standards under pre-existing federal law, including federal grant obligations. Such restrictions must be fair and reasonable, may not be unjustly discriminatory, and may not impose an undue burden on interstate or foreign commerce. Based upon the information available, FAA has serious concerns about the ability of the "phase-out" rule to meet these requirements. The City of Los Angeles would have to thoroughly examine these requirements as part of the local process to consider its adoption. A determination of noncompliance would affect the eligibility of the City of Los Angeles to continue to receive grants of federal funding at all airports owned by the City.

hope this letter is responsive to your request. This response has been coordinated with our Office of the Chief Counsel. As an alternative to mandatory restrictions, we encourage the City to pursue discussions with airport users about potential voluntary measures to obtain desired noise reductions at Van Nuys Airport. The FAA would be happy to assist in voluntary discussions and answer any additional questions you or the City Council may have on this matter.

Sincerely,

Woodie Woodward  
Acting Associate Administrator for Airports

## **Response to Comment Letter 3, Burbank-Glendale-Pasadena Airport Authority**

### **Response to Comment 3-1**

As shown in Table 2-5 of the EIR, the project is anticipated to result in diversion of 193 annual general aviation jet operations from VNY to BUR in 2014, the year of the greatest effect of the proposed ordinance. (Please note that this table has been revised in the Final EIR to correct minor clerical errors realized after publication of the Draft EIR.) The breakdown of the aircraft types that are anticipated to divert to BUR and their number of operations is shown in Table 4.2-46. Please also note that BUR is identified in Section 2.2.2 of the Draft EIR as a noise-problem airport as defined by the provisions of the California Airport Noise Standards. The Airport Authority's opinion on the project in light of BUR's Part 161 study is noted and will be forwarded to the project decision makers for their consideration. This is a comment directed at LAWA's airport policies, and it does not specifically address the project's significant environmental issues or the adequacy of the EIR. Therefore, no additional response is required.

### **Response to Comment 3-2**

LAWA will comply with ANCA to the extent required by law. It should be noted that the April 17, 2000, letter from the FAA that is referenced in this letter did not address grandfathering of the project as currently proposed. Rather the letter addressed an "immediate ban." This comment will be forwarded to the project decision makers for their consideration; however, no further response is necessary as this comment does not address the project's significant environmental issues or the adequacy of this EIR.

### **Response to Comment 3-3**

LAWA will comply with ANCA to the extent required by law. This comment will be forwarded to the project decision makers for their consideration; however, no further response is necessary as this comment does not address the project's significant environmental issues or the adequacy of this EIR.

### **Response to Comment 3-4**

The environmental analysis presented in the EIR is based on diversion estimates performed by qualified professionals utilizing the best available data. The environmental analysis of the proposed project was properly conducted, adequately portrays the potential impacts of implementing the project, and was incorporated into Chapters 4 and 5 of the Draft EIR in an appropriate manner. Therefore, the Draft EIR is legally adequate. Responses to subsequent, more specific comments from this letter are provided below.

### **Response to Comment 3-5**

Chapter 2 of the Draft EIR includes all relevant project description information required under California Code of Regulations, Title 14, Chapter 3, (“State CEQA Guidelines”) Section 15124, including the precise location and boundaries, a statement of the project objectives, a description of the project characteristics, and a statement of the EIR’s intended uses. Therefore, the Draft EIR does not violate State CEQA Guidelines Section 15124. The project at issue in the EIR is accurately and properly defined in Section 2.1.1 of the Draft EIR as—in summary—a gradual phaseout of noisier aircraft operations from VNY, with several exemptions.

The other noise-abatement measures listed in this comment are part of the noise phaseout program that LAWA is studying pursuant to the FAA’s Part 161 process, and are not a part of the project for which this EIR has been prepared. Accordingly, the other noise-abatement measures are not listed as part of the project in Section 2.1. The proposed project analyzed in the EIR has independent utility from the Part 161 process and does not commit LAWA to adoption of the measures listed in the comment letter. Furthermore, at this point in time it is too speculative to analyze the environmental effects of any noise-restriction program which may or may not be adopted through the ongoing Part 161 study because of the variety and complexity of the program under review. The Part 161 study is examining a series of nine restrictions, which are properly listed in this comment. The study results will provide benefit-cost information for each restriction. The BOAC will use that information to determine which of the restrictions under consideration will be pursued in a formal submission to the FAA, including, potentially, all nine of the measures. At this time, LAWA cannot predict what combination of measures will be selected, nor can LAWA gauge FAA’s eventual response to the proposed restrictions or predict with certainty which restrictions ultimately will be implemented. Analyzing the full extent of the environmental effects of implementing all nine alternatives might identify impacts that were unrealistically high and speculative; similarly, analyzing the effects of some smaller combination of certain of the measures would be speculative. For the reasons discussed above, the EIR does not improperly segment out the project from a larger program, and, accordingly, impact analysis was properly conducted in the EIR.

### **Response to Comment 3-6**

As stated in the response to comment 3-5, Section 2.1.1 of the Draft EIR presents an accurate description of the project under consideration by LAWA. This accurate project description frames the environmental impact analysis presented in the EIR, including the identification of significant impacts and the conclusion that there are no feasible mitigation measures available to reduce the impacts to less-than-significant levels. Therefore, the Draft EIR’s “mitigation analysis” is proper and not flawed, as suggested in this comment. Conclusions as to the project’s impacts were properly made based upon substantial evidence.

The EIR's proper account of the project description also adequately informs the discussion of the range of reasonable alternatives that are presented and analyzed in the Draft EIR (see the summary of alternatives presented in Section 2.1.2, and the full alternatives analysis presented in Section 5.1). (It should be noted that the Draft EIR included a typographical error on page 5-1 that omitted the header for Section 5.1; this has been corrected in the Final EIR.) Therefore, the Draft EIR is in compliance with State CEQA Guidelines Section 15126.6. Furthermore, the noise abatement measures that are listed in comment 3-5 and that are the subject of comment 3-6 would not reduce or avoid impacts of the proposed project. As summarized in Section 4.3.6 of the EIR, the project would result in significant air quality impacts at CMA; and, as stated in Section 5.1.3 of the EIR, the project would result in cumulatively considerable contributions to significant air quality impacts at CMA and WJF. None of the measures being examined in the Part 161 study would reduce emissions at CMA and WJF and, therefore, they are not required to be considered as alternatives for the purposes of CEQA compliance pursuant to State CEQA Guidelines Section 15126.6.

### **Response to Comment 3-7**

As discussed in the response to comment 3-4, the environmental analysis presented in the EIR is based on diversion estimates performed by qualified professionals utilizing the best data available, and there is no "systemic under-disclosure" of impacts, as suggested in the subject comment. Subsequently numbered responses below respond to specific comments on aspects of the environmental analysis conducted for the project, and further support the conclusions of the Draft EIR.

Pursuant to State CEQA Guidelines Section 15126 and 15126.2, the Draft EIR properly analyzes and addresses the range of potential environmental impacts, with consideration for all phases of the project (i.e., the phases of reduction in the acceptable noise-level (see Chapter 4). Also pursuant to State CEQA Guidelines Section 15126 and 15126.2, the Draft EIR lists the project's significant environmental impacts (see statements in Section 4.3), lists the significant environmental impacts that cannot be avoided if the project were to be implemented (see Section 5.4), discusses the potential irreversible changes assessed to the project (see Section 5.5), discusses the project's growth-inducing impacts (see Section 5.3), discusses the lack of feasible mitigation for the project's significant impacts (see statements in Section 4.3), and analyzes alternatives to the proposed project (see Section 5.1). Therefore, the Draft EIR complies with State CEQA Guidelines Section 15126 and 15126.2. With respect to Section 15126.4, the Draft EIR discusses the lack of feasible measures available to reduce the project's significant impacts to less-than-significant levels (see pages 4.3-52 and 5-20). As stated in State CEQA Guidelines Section 15126.4(a)(2), "Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments;" because there are no enforceable measures available, the Draft EIR does not specify mitigation to reduce these impacts to less-than-significant levels. By including this

discussion, the Draft EIR complies with State CEQA Guidelines Section 15126.4.

### **Response to Comment 3-8**

As discussed on page B-21 of Appendix B, and reiterated on page 4.2-8 of the Draft EIR, the growth-rate assumptions used in the EIR's analysis are based on a review of historic trends at VNY, the general outlook for different segments of the GA market (e.g., potential future operational levels due to the viability and popularity of certain types of aircraft and aircraft activity), assumptions regarding fuel prices, and the FAA's forecast for the United States GA market—not just fuel prices. As discussed on page B-22 of Appendix B, the estimate of a 6.5% increase in business-jet operations at VNY took into account that “the rate of increase in jet operations slows significantly between 2004 and 2008 as a result of continued increases in the price of fuel but resumes the long-term historic trend of 10% per year in 2009 as fuel prices are assumed to moderate and decline slightly.” Thus, though the estimate incorporates a temporary deviation from the historical rate to reflect recognized conditions of fuel prices, the historical rate was later assumed to resume again following the temporary spike. The 6.5% annual rate of increase in business-jet operations at VNY between 2004 and 2008 is a reasonable assumption, and enabled reasonable forecasts and analysis of the project's environmental impacts. While there may be disagreement regarding the forecasts at VNY utilized in this environmental review, the calculations and assumptions provided in the Draft EIR are based on work performed by qualified professionals utilizing the best available data and are an appropriate basis for impact analysis.

### **Response to Comment 3-9**

Estimates of the number of aircraft that would be modified or replaced versus those that would divert to other airports are based in part on nine interviews with VNY operators and service providers potentially affected by the proposed phaseout, which were conducted in spring 2007. At this time additional meetings were held with representatives of three airports—CMA, CNO, and Santa Monica—to discuss the potential for the respective airports to attract project-related diversion activity. The VNY interviews were discussed on page 2-9 of the Draft EIR. Additionally, Section 2.1.4.2 has been revised in the Final EIR to provide further discussion of the interviews and clarify their relationship with the hushkitting and diversion assumptions.

Key opinions stated during the interviews include VNY's strong, positive identity as a business jet center; VNY's reputation as a popular airport for Gulfstream aircraft; and the notion that it is economically feasible to hushkit Gulfstream III aircraft, but not Gulfstream II or Lear 20 series aircraft. Operators also expressed uncertainty about the future of the economy, fuel prices, noise restrictions at other airports, and maintenance requirements. Given this uncertainty, operators were not able to definitively specify how they would react to the project-related restrictions, which would begin to

affect the greatest number of business jet operators in 2014. This lead LAWA's consultants to use their professional judgment to develop a reasonable assumption regarding which owners would install hushkits and which would divert their operations to other airports. See comment 4-9 below for additional discussion of this topic.

As to the portion of this comment that suggests project-related general aviation diversions would utilize BUR, please note that BUR was identified in the EIR as the primary recipient of these diversions. Because the interviews took place seven years before the greatest impacts of the project's proposed phaseout would be felt, in 2014, operators were unable to provide definitive answers as to which airports operators would use to carry out operations no longer permitted to occur at VNY. For this reason, an approach for identifying diversion airports and estimating diversions based on the airports' runway length and width, driving time from VNY, and operating convenience (i.e., the potential for flight delays) was used to estimate which airports would receive the diverted flights. Analysis of the costs involved in modifying or replacing noisy aircraft, including initial costs, operating cost savings, and higher residual values, support the reasonableness of the estimates that were used to generate forecasts of diverted versus modified aircraft. For the methodology used to estimate the rates at which operations would be diverted to the identified airports, please see Sections 2.1.4.3, 2.2, and 4.2.3.3 of the EIR, and Sections 7.2 and 7.3 of Appendix B.

While there may be disagreement regarding the projected diversions that would result from the proposed project, the methods, assumptions, and calculations provided in the Draft EIR are the result of work by qualified professionals utilizing the best available data, and they enable adequate analysis of the project's environmental impacts.

### **Response to Comment 3-10**

As noted in the response to comment 3-9, VNY operators interviewed for the diversion analysis were unable to provide definitive answers regarding their choice of diversion airport seven years in the future. Given that limitation, LAWA's consultants used their professional judgment to devise a reasonable methodology for determining likely diversion to nearby airports based on driving time to and operating convenience at the diversion airports, and determined that by those criteria CMA would be a likely recipient of diverted operations. While there may be disagreement regarding the number of and activity by diverted aircraft that are projected to result from the proposed project, the methods, assumptions, and calculations provided in the Draft EIR are the result of work by qualified professionals utilizing the best available data, and they enable adequate analysis of the project's environmental impacts.

**Response to Comment 3-11**

This comment is noted and will be forwarded to the project decision makers for their consideration. This is a comment directed at LAWA's region-wide airport policies and states an opinion regarding the applicability of ANCA to the proposed project. The comment does not specifically address the project's significant environmental issues or the adequacy of the EIR. Therefore, no additional response is required.

**Response to Comment 3-12**

This comment is noted and will be forwarded to the project decision makers for their consideration. LAWA will comply with ANCA to the extent required by law. This is a comment directed at LAWA's region-wide airport policies, and it does not specifically address the project's significant environmental issues or the adequacy of the EIR. Therefore, no additional response is required.

**Response to Comment 3-13**

This comment is noted and will be forwarded to the project decision makers for their consideration. This is a comment directed at LAWA's region-wide airport policies, and it does not specifically address the project's significant environmental issues or the adequacy of the EIR. Therefore, no response is required.

**Response to Comment 3-14**

Resolution 420 states an opinion that the Draft EIR makes "erroneous assumptions" regarding forecasts and diversion. Please see the responses to comments 3-8 through 3-10 for responses regarding these claims. The remainder of the resolution states opinions regarding LAWA's regional policies and compliance with ANCA, and does not specifically address the project's significant environmental issues or the adequacy of the EIR. Therefore no additional response is necessary. However, please note that this comment will be forwarded to the project decision makers for their consideration.



Comment Letter 4, City of Burbank

CITY OF BURBANK  
OFFICE OF THE CITY MANAGER

November 19, 2008

08 NOV 25 AM 11:21 CS

Ms. Karen Hoo  
Environmental Planning  
Los Angeles World Airports  
7301 World Way West, 3<sup>rd</sup> Floor  
Los Angeles, California 90045

RE: City of Burbank's Comments on Los Angeles World Airports Van Nuys Airport Noisier Aircraft Phaseout Draft Environmental Impact Report

Dear Ms. Hoo:

The City of Burbank ("City") is pleased to submit these comments on Los Angeles World Airports' ("LAWA") Draft Environmental Impact Report ("DEIR") for the proposed Noisier Aircraft Phaseout ("Phaseout") at Van Nuys Airport ("VNY"). We request that LAWA carefully consider these comments as it prepares the Final EIR.

In general, the City supports the efforts of airport proprietors to adopt appropriate noise and access restrictions to address local noise and other environmental concerns. The City recognizes that the high noise levels of Stage 2 aircraft can be particularly annoying to local residents. For this reason, the City supports a nationwide phaseout of Stage 2 aircraft, which is reflected in bills currently pending before Congress. 4-1

Notwithstanding our support for a national approach, the City recognizes LAWA's historic attention to Stage 2 aircraft, most recently reflected in the proposed ordinance that is the subject of the DEIR. Because of our responsibility to our residents, the City has focused its review of the DEIR and these comments on the predicted impacts of the proposed Phaseout within the City of Burbank. 4-2

*The City is concerned that certain key assumptions, estimates and calculations regarding the number of aircraft that will be shifted from VNY to Bob Hope Airport ("BUR") due to the Phaseout are not fully explained or supported by empirical data. As a result, the DEIR may understate the actual impacts of operations relocated to BUR.* To address this concern, Burbank recommends that LAWA reconsider the variables discussed herein, provide additional justification or revise the calculations as appropriate, and/or conduct sensitivity analyses to make clear the probable range of impacts in case LAWA's base assumptions prove to be incorrect.

In addition, the City believes the LAWA can do a better job in the EIR of making the impacts of the Phaseout understandable to the reader by: (1) providing noise contour maps for the diversion airports; (2) clarifying whether and how the Phaseout would affect helicopters; (3) providing more details regarding the ongoing VNY Part 161 Study; (4) providing additional analysis of single-event noise impacts; (4) providing information regarding possible mitigation options for 4-3

275 E. Olive Avenue · P.O. Box 6459 · Burbank, California 91510-6459 · (818) 238-5800 · FAX (818) 238-5804

Comment Letter 4

noise impacts; and (5) seeking clarification from the Federal Aviation Administration on whether LAWA is entitled to implement the restriction without conducting a study pursuant to the Airport Noise and Capacity Act of 1990 and its implementing regulations, 14 C.F.R. Part 161. Providing this additional detail would make the document more transparent to the general public and thus might help minimize public controversy. Given the intense public interest in the Phaseout, the City believes that these recommendations will help focus public discussion and enhance LAWA's efforts to address noise at VNY.

4-3  
cont'd

I. ASSUMPTIONS AND ESTIMATES RELATED TO NOISE IMPACTS

The DEIR makes a series of assumptions and estimates regarding the effect of the Phaseout in order to quantify future noise impacts. First, the DEIR projects both baseline and future forecasts at VNY and the so-called "diversion" airports (Bob Hope, Los Angeles International, Camarillo, Chino, and William J. Fox) without the Phaseout. Second, in order to project future forecasts with the Phaseout, the DEIR estimates the number of affected aircraft owners who would replace or retrofit aircraft with hushkits and those owners who would relocate their operations to another airport. Third, the DEIR identifies airports to which operators likely would divert their operations. Fourth, the DEIR forecasts future annual operations and fleet mix for VNY and the diversion airports with the Phaseout. Based on these projected operation levels and fleet mix, the DEIR projects potential noise impacts to the potentially impacted communities, including Burbank.

4-4

*Because each of these assumptions and estimates builds upon each other, it is possible that individually minor miscalculations could compound to dramatically alter the EIR's ultimate conclusions about the totality of noise impacts to Burbank residents.* The City has identified below several aspects of the analysis that LAWA should revisit in order to ensure that the ultimate conclusions of the EIR are sound.

a. Forecast Methods

The base year (2007) aircraft operations data for VNY was not developed from actual data. Instead, it was *extrapolated* from 2004 data. The trends from 2004-2007 plus "additional historic trends" were compiled to determine a 2014 and 2016 forecast.<sup>1</sup> Similarly, the 2007 VNY fleet mix was derived by "formulat[ing] an estimated 2004 fleet mix on which to determine the 2007 baseline."<sup>2</sup> This derived 2007 operations data and fleet mix was then used to project annual growth and to develop forecasts for the 2014 and 2016 planning years.<sup>3</sup> The City recommends that LAWA use the actual 2007 data in the DEIR, if now available, rather than derived data. At a minimum, LAWA should use the actual 2007 data to validate the derived data.

4-5

<sup>1</sup> Los Angeles World Airports, *Van Nuys Airport Noisier Aircraft Phaseout Draft EIR* (Sept. 2008) at p. 4.2-5 [hereinafter "VNY DEIR"].

<sup>2</sup> According to the VNY DEIR, LAWA considered the following additional information to generate numbers for 2008: tower counts, LAWA curfew counts at VNY, FAA radar data, the VNY database system, data from helicopter count surveys conducted in 2005 and 2006, the 2001 baseline fleet mix for the VNY Part 150 study, and the fleet mix used by LAWA to produce the 2002 through 2004 noise contours for VNY.

<sup>3</sup> VNY DEIR at p. 4.2-5.

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The City also is concerned with LAWA’s forecasts for BUR. While the DEIR estimates 58,629 air carrier operations at BUR in the 2007 base year, the forecast recently prepared by the Burbank-Glendale-Pasadena Airport Authority for BUR shows 71,949 air carrier operations at BUR in 2007.<sup>4</sup> The estimates of commuter and general aviation operations also are inconsistent between the DEIR and the Airport Authority’s forecast, as are estimates about operations by particular aircraft types. LAWA should use the best available data for purposes of identifying base year activity and developing forecasts of future year operations and fleet mix. For BUR, the best available data in most instances is available from the Burbank-Glendale-Pasadena Airport Authority, including its most recent forecast. Any differences in base year or forecast year operations and fleet mix from those of the airport operator should be rigorously analyzed and explained.

4-6

**b. Stage 2 Operations**

The DEIR recognizes that VNY is one of the busiest general aviation airports in the country and states that, between 2000 and 2006, business jet operations at VNY increased by an annual average of 8.1%.<sup>5</sup> Based on that historic growth, the DEIR predicts that the growth rate of business jets at VNY between 2004 and 2014 would be at least 6.5%.<sup>6</sup> The DEIR also estimates that in the 2007 baseline year, there were 4,764 Stage 2 operations at VNY (representing 9.9% of the total jet operations at VNY).<sup>7</sup> However, the DEIR then predicts that *even without the project*, the number of Stage 2 operations in 2014 would decrease to 2,301 operations (*i.e.*, only 2.8% of the total jet operations at VNY).<sup>8</sup> This represents a decrease of more than half of the Stage 2 operations in just 7 years.

4-7

This prediction is not supported adequately in the DEIR. First, the prediction is inconsistent with LAWA’s own recognition of a strong *growth* trend in business jet operations. With respect to Stage 2 operations in particular, the data in the DEIR does not support this marked decline. The DEIR reports that the active North American fleet of Learjet 24 and 25 aircraft went from 426 in 1989 to 324 by the end of 2007, *i.e.*, a decrease of roughly 25% over almost two decades. The active North American fleet of Gulfstream II and III aircraft decreased from 372 to 357 over the same time period – a decrease of 15 aircraft over 18 years, and a decline of less than one aircraft a year.<sup>9</sup> The DEIR provides no indication why the level of attrition is expected to increase so dramatically within the next few years.

Second, the forecast in the DEIR of Stage 2 operations at BUR without the Phaseout is inconsistent with the Burbank-Glendale-Pasadena Airport Authority’s forecast, as reflected in the following table:

4-8

<sup>4</sup> Compare VNY DEIR at p. 4.2-14 (Table 4.2-11) with Jacobs Consultancy, *Official Draft, FAR Part 161 Application for a Proposed Curfew, Bob Hope Airport*, (March 2008) at p. 1-5 (Table 1-1) [hereinafter “Burbank Part 161 Study”].  
<sup>5</sup> VNY DEIR at p. 3-1.  
<sup>6</sup> VNY DEIR at p. 4.2-8 (Table 4.2-5).  
<sup>7</sup> VNY DEIR at p. 4.2-7 (Table 4.2-4).  
<sup>8</sup> VNY DEIR at p. 4.2-10 (Table 4.2-8).  
<sup>9</sup> VNY DEIR at p. 1-3.

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	Lear 25		Gulfstream II		Gulfstream IIB	
	BUR Part 161 Study <sup>10</sup>	VNY DEIR <sup>11</sup>	BUR Part 161 Study <sup>12</sup>	VNY DEIR <sup>13</sup>	BUR Part 161 Study <sup>14</sup>	VNY DEIR <sup>15</sup>
2005	522		1,153		1,152	
2007		92		215		411
2008	600		1,328		1,320	
2014		35		64		262
2015	810		1,792		1,782	
2016		30		48		234

4-8  
cont'd

The two forecasts suggest the level of Stage 2 operations moving in opposite directions: the DEIR predicts a precipitous decrease, while the Airport Authority predicts a steady climb. LAWA predicts that there will be 371 operations by Stage 2 aircraft in 2014, while the Airport Authority predicts that there will be 4,384 operations by just three types of Stage 2 aircraft in 2015.<sup>16</sup>

We encourage LAWA to address these apparent discrepancies by, at a minimum, articulating the basis for its prediction that Stage 2 operations will decline dramatically even in the absence of a Phaseout. Changes in the forecast should be made as necessary or, alternatively, LAWA should conduct a sensitivity analysis to account for greater numbers of Stage 2 operations.

**c. Likelihood of Diversion**

The DEIR predicts that of the 1,989 affected operations in 2014, more than 80%, 1,620 operations, would remain at VNY because the relevant operators would prefer to purchase a replacement aircraft or install a hushkit in order to continue to operate at VNY. Thus, the DEIR concludes that only 369 (18.6 %) of operations will shift to another airport.<sup>17</sup> LAWA arrives at this estimate by assuming that *all* owners of aircraft that historically had more than 12 annual operations at VNY will replace or hushkit their aircraft in order to remain at VNY, and only those owners of aircraft with fewer operations will elect to relocate to other airports.<sup>18</sup>

4-9

This is a key assumption: such a high percentage of replaced or hushkitted aircraft significantly reduces the number of aircraft that would relocate to other airports, which in turn, diminishes the projected increases in noise and other impacts in the areas around those diversion airports. Yet LAWA does not provide any empirical data to support its assumption that any operator with more than 12 annual operations at VNY would *not* relocate. Quite clearly, aircraft operators would need to examine the cost of hushkitting or replacing their aircraft relative to the cost of

<sup>10</sup> Burbank Part 161 Study at Appendix B, p. B-6 (Table B-2) (baseline data without curfew).  
<sup>11</sup> VNY DEIR at Appendix B, pp. B-63 (Table 47) & B-79 (Table 72).  
<sup>12</sup> Burbank Part 161 Study at Appendix B, p. B-6 (Table B-2) (baseline data without curfew).  
<sup>13</sup> VNY DEIR at Appendix B, pp. B-63 (Table 47) & B-79 (Table 72).  
<sup>14</sup> Burbank Part 161 Study at Appendix B, p. B-6 (Table B-2) (baseline data without curfew).  
<sup>15</sup> VNY DEIR at Appendix B, pp. B-62 (Table 47) & B-79 (Table 72).  
<sup>16</sup> Compare VNY DEIR at p. 4.2-17 (Table 4.2-17) with Burbank Part 161 Study at Appendix B, p. B-6 (Table B-2).  
<sup>17</sup> VNY DEIR at p. 2-6 (Table 2-3).  
<sup>18</sup> VNY DEIR at p. 2-6.

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relocating to another airport. LAWA might have based its assumption on discussions with actual operators, as it did to determine the likely effects on the existing maintenance-related operations at VNY;<sup>19</sup> however, the DEIR gives no basis for this assumption. Burbank recommends that LAWA provide a more substantial empirical basis for its assumptions. Here again, LAWA might use a sensitivity analysis to illustrate the range of impacts based on varying numbers of operators who choose to remain at VNY or relocate to a diversion airport.

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cont'd

Further, there may be steps that LAWA could take to promote continued use of VNY by aircraft that comply with the noise limits imposed by the Phaseout. For example, LAWA might provide financial incentives to aircraft operators that choose to remain at VNY and/or provide temporary waivers recognizing the substantial time and cost required to replace or hush-kit an aircraft. In doing so, LAWA would not only help to ensure the accuracy of its estimates but, more importantly, avoid creating a significant noise problem at the diversion airports.

4-10

**d. Rate of Diversion to Different Airports**

The DEIR both identifies airports that would receive new operations as a result of the Phaseout and attempts to allocate operations among these diversion airports. Of the 369 operations expected to relocate to diversion airports, 192 (52%) are expected to shift to BUR, 115 (31%) are expected to shift to Camarillo Airport (“CMA”), and 62 (17%) are expected to shift to Los Angeles International (“LAX”).<sup>20</sup>

4-11

These estimates appear to be derived from just two criteria: projected drive time to a different airport and inconvenience due to delayed departures. Based on these criteria, the DEIR applied a mathematical formula to allocate traffic among the diversion airports.<sup>21</sup> While drive time and delays are important considerations, the decision on where to divert will be based on myriad other factors including, for example, available space and services at the airport, rates and charges, relationships with commercial aeronautical service providers, existence of any noise rules or access restrictions, and, perhaps most importantly, proximity to the passengers’ origin and/or destination. It does not appear that the criteria used in the DEIR fully capture these important factors, particularly as they may be experienced by individual aircraft operators at VNY. LAWA should revise its methodology for allocating operations among the diversion airports to take such factors into account, including surveys as appropriate, or document how these factors are captured in LAWA’s estimates.

**e. Diversion of 727s**

In Section 4.2, in the discussion of noise impacts, the DEIR concludes that affected Boeing 727 aircraft would only relocate to LAX, and would not shift to either BUR or CMA.<sup>22</sup> However, in Section 4.3, in the discussion of air quality impacts, the DEIR provides data showing air quality

4-12  
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<sup>19</sup> VNY DEIR at p. 2-9.  
<sup>20</sup> VNY DEIR at p. 2-8 (Table 2-5).  
<sup>21</sup> VNY DEIR at Appendix B, pp. B-47 – B-49.  
<sup>22</sup> VNY DEIR at p. 4.2-35 (Table 4.2-46).

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impacts from relocated 727s at not just LAX, but also at BUR and CMA.<sup>23</sup> Indeed, the DEIR predicts almost identical air quality impacts from 727s at LAX, BUR and CMA.

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4-12  
cont'd

LAWA should correct any such conflicting conclusions and should identify the basis for its ultimate prediction regarding the relocation of Boeing 727s.

**II. ADDITIONAL COMMENTS**

**a. Noise Contours for Diversion Airports**

While the DEIR describes and depicts impacts in terms of the noise contours at VNY, including providing detailed noise contour maps, the DEIR provides only a brief numerical table to describe the noise impacts at the diversion airports. The noise impacts at BUR are described only as “a 1.5% increase in 65 dB contour area and a 0.1 dB increase in CNEL exposure in 2014 when compared to forecast conditions.”<sup>24</sup> This information gives no indication to the public of where the contour area will grow and where the noise increases are predicted to occur. The City recommends that the EIR include noise contours at the diversion airports in order to more specifically identify the nature and location of the noise impacts.

4-13

**b. Effect on Helicopters**

It is not immediately clear to the City whether or not the Phaseout would apply to helicopters. Although the DEIR does not examine impacts to helicopters, suggesting that the intent is to exclude helicopters, the plain text of the proposed ordinance applies to “aircraft operations”, which typically would include helicopters.<sup>25</sup>

4-14

Assuming that helicopters generally are covered by the proposed ordinance, none of the exemptions would seem to apply. The proposed ordinance provides exemptions for: (1) “[a]ircraft of a type or class not included in [FAA Advisory Circular] 36-3 for which evidence has been furnished to the Board that the departure noise of the aircraft will not exceed the applicable takeoff noise level restriction set forth in Section 5.2” and also for (2) “[a]ircraft that have been identified by [FAA] in writing as having a lower takeoff noise level than ... the restriction ...”<sup>26</sup> The exemptions suggest that aircraft, including helicopters, may only avoid regulation under the proposed ordinance if the operator provides evidence that the departure noise would not exceed applicable noise restrictions, or if FAA has identified a lower takeoff noise level in writing.

Because helicopters constitute a significant portion of the VNY operations (20% in 2007<sup>27</sup> and a projected 21% in 2014<sup>28</sup>), a significant number might relocate to the diversion airports, including

<sup>23</sup> VNY DEIR at p. 4.3-47 (Table 4.3-24) (BUR); *id.* at p. 4.3-49 (Table 4.3-25) (LAX); and *id.* at p. 4.3-52 (Table 4.3-27) (CMA).

<sup>24</sup> VNY DEIR at p. 4.2-42.

<sup>25</sup> See 14 C.F.R. § 1 (“aircraft” defined as “a device that is used or intended to be used for flight in the air.”).

<sup>26</sup> VNY DEIR at Appendix A (Draft Phaseout Ordinance With Historic and Maintenance Aircraft Exemptions), at Draft Ordinance §§ 5.3(b) & (c).

<sup>27</sup> VNY DEIR at p. 4.2-7 (Table 4.2-3). By comparison, business jets represent 15% of total operations in 2007.

<sup>28</sup> VNY DEIR at p. 4.2-9 (Table 4.2-6). By comparison, business jets represent 22% of total operations in 2014.

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BUR. The City recommends that LAWA clarify the application of the proposed ordinance to helicopters and, if appropriate, analyze the impacts attributable to helicopters subject to the Phaseout.

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**4-14**  
**cont'd**

**c. VNY Part 161 Study**

As currently drafted, the DEIR includes only a brief mention of the ongoing Part 161 Study at VNY, which also includes a phaseout of Stage 2 aircraft along with several other alternatives. The DEIR does not explain whether the measures being reviewed in the Part 161 Study would be implemented in addition to the Phaseout or as an alternative.

**4-15**

Two issues are immediately apparent. First, the measures and restrictions under review in the VNY Part 161 Study might contribute *cumulatively* along with the Phaseout to noise levels at VNY and the diversion airports and therefore should be analyzed as part of the cumulative impacts assessment. Second, it may be that some elements of the VNY Part 161 Study reasonably should be deemed alternatives to the Phaseout and considered in the EIR. The City requests that LAWA provide more explanation of the interaction, if any, between the measures being examined in the pending VNY Part 161 Study and the proposed ordinance.

**d. Single-Event (“Berkeley Jets”) Noise Analysis**

As LAWA recognizes, CEQA requires a full disclosure of the potential impacts of *individual* noise events throughout the day.<sup>29</sup> In particular, CEQA requires a meaningful analysis of the existing ambient noise levels, the number of additional flights that will occur, the frequency of those flights, *and to what degree single overflights will create noise levels over and above the existing ambient noise level at a given location.*<sup>30</sup> Although the DEIR recognizes this obligation and provides some supplemental analyses for this purpose, the City believes that the DEIR analysis does not fully satisfy this obligation.

**4-16**

While the DEIR provides some relevant supplemental data, most notably the SEL values of diverted operations, it does not provide a detailed explanation of the actual noise impacts of individual noise events that would occur at the diversion airports. Most of the data is provided in terms of percentages and averages.<sup>31</sup> In particular, there is no description of how the individual noise impacts of the relocated operations may differ from existing operations at the diversion airports. The City recommends that LAWA provide additional analysis of single-event noise impacts using, for example, supplemental noise metrics such as Lmax and/or Time-Above (or Events Above) to provide a complete disclosure of the impacts of the relocated operations, particularly as compared to the existing and forecast fleet mix.

<sup>28</sup> VNY DEIR at p. 4.2-9 (Table 4.2-6). By comparison, business jets represent 22% of total operations in 2014.  
<sup>29</sup> *Berkeley Keep Jets Over the Bay Comm. v. Bd. Of Port Comm'rs of the City of Oakland*, 91 Cal. App. 4<sup>th</sup> (2001) [hereinafter “Berkeley Jets”].  
<sup>30</sup> *Berkeley Jets*, 91 Cal. App. 4<sup>th</sup> at 1381.  
<sup>31</sup> E.g., VNY DEIR at Appendix B, p. B-8.11 (Table B.8.5) (percentages of BUR departure operations distribution by aircraft group) and id. at Appendix B, p. B-8.10 (Table B.8.4) (LAX average night departures with and without diverted operations).

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**e. Mitigation**

CEQA requires examination of feasible mitigation measures that could minimize the effects of the proposed action.<sup>32</sup> The DEIR includes no discussion of potential mitigation for possible noise impacts due to its conclusion that the Phaseout would generate no *significant* noise impacts. As identified above, however, there is a real possibility that the DEIR may have underestimated the degree of potential noise impacts. Viewed differently, there are actions that LAWA could take to help to ensure the low level of diversion. Again, such measures could include programs to encourage VNY users to install hushkits or replace non-compliant aircraft instead of relocating, or programs to assist operators to relocate to the most appropriate airport for their operations, taking into account the environmental impacts of the relocation. Because of the regional nature of the impacts, some of these measures may involve inter-jurisdiction and/or regional initiatives. The City encourages LAWA to carefully consider such measures, amend the ordinance as necessary, and consult with operators of the diversion airports.

**f. ANCA Compliance**

As proposed in the DEIR, adoption of the proposed ordinance hinges on the successful application of the Airport Noise and Capacity Act (“ANCA”) grandfather clause. The City recommends that LAWA request a letter from FAA providing an official interpretation of whether or not the proposed ordinance would comply with ANCA and other federal laws applicable to the Phaseout. Absent such confirmation, the very viability of the proposed action – and any potential impacts – will remain uncertain.

**III. SUMMARY AND CONCLUSION**

In order to better inform the public of the potential environmental consequences of the Phaseout and to enable the public and decisionmakers to better understand the choices before them, the City recommends that LAWA address the following issues in the final EIR:

- Either use actual 2007 data for the baseline forecast and fleet mixes for VNY and the diversion airports or, at a minimum, use the actual data to validate the extrapolated data in the DEIR. 4-20
- Compare the forecast and fleet mix projections in the DEIR with those of the proprietors of the diversion airports, including Bob Hope Airport, and provide a basis for any different conclusions. 4-21
- Revisit or provide evidence to support the assumed decrease in the number of Stage 2 operations at VNY between 2007 and 2016. 4-22
- Provide empirical evidence (*e.g.*, results of interviews with affected operators) to support assumptions regarding the bases upon which operators will choose to replace or hushkit aircraft in lieu of relocating operations. 4-23

<sup>32</sup> CAL. PUB. RES. CODE § 21100 (b)(3); CAL. CODE REGS. tit. 14 § 15126.4 (a).



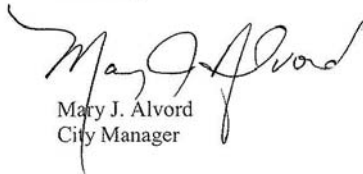
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- Revisit and revise as necessary the methodology for allocating relocated operations among the diversion airports. | 4-24
- Conduct a sensitivity analysis to consider the impacts at diversion airports using more conservative numbers for each of the key assumptions (Stage 2 forecast, hush-kit or replacement numbers, allocation of diverted operations). | 4-25
- Revise the conflicting conclusions regarding the predicted relocation of Boeing 727s. | 4-26
- Include maps of noise contours at the diversion airports in order to provide more detailed disclosure of noise impacts. | 4-27
- Clarify whether and how the Phaseout applies to helicopters, consider amending the proposed ordinance to clarify this issue, and, if subject to the Phaseout, examine the attendant impacts attributable to helicopter operations. | 4-28
- Provide a better explanation of the interaction, if any, between the measure(s) being examined in the pending VNY Part 161 Study and the Phaseout. | 4-29
- Provide additional analysis of single-event noise impacts. | 4-30
- Identify potential opportunities to mitigate the impacts of the Phaseout and/or ensure that the impacts will be less than significant. | 4-31
- Obtain a letter from FAA providing an official interpretation of whether or not the proposed ordinance would comply with ANCA and other federal laws. | 4-32

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Thank you in advance for your attention and response to the comments presented in this letter. Should you have any questions or concerns, please contact Dennis Barlow, Burbank's City Attorney, at (818) 238-5700.

Sincerely,



Mary J. Alvord  
City Manager

## **Response to Comment Letter 4, City of Burbank**

### **Response to Comment 4-1**

This comment is noted and will be forwarded to the project decision makers for their consideration. This comment does not specifically address the project's significant environmental issues or the adequacy of the EIR. Therefore, no additional response is required.

### **Response to Comment 4-2**

LAWA appreciates the City of Burbank's participation in the environmental review process for this project, and the City of Burbank's concern for the project is noted. The environmental analysis presented in the EIR is based on diversion estimates performed by qualified professionals utilizing the best available data. Assumptions and methodology for determining baseline and forecast operations at the diversion airports, including BUR are discussed in Sections 2.1.4.3, 2.2, and 4.2.3.3 of the Draft EIR and Sections 7.2 and 7.3 of Appendix B. Responses to specific comments regarding project-related diversions to BUR and other related concerns are provided below.

### **Response to Comment 4-3**

This introductory comment is noted. Responses to specific comments regarding the presentation of impacts in the EIR and other related concerns are provided below. More specifically discussion of (1) noise contours is provided in response to comment 4-13; (2) the proposed project's applicability to helicopters is provided in response to comment 4-14; (3) VNY's ongoing Part 161 process is provided in response to comment 4-15; (4) single event noise analysis is provided in response to comment 4-16; (4) [sic] noise mitigation measures is provided in response to comments 4-10 and 4-17; and (5) Part 161 compliance is provided in response to comment 4-19.

### **Response to Comment 4-4**

This comment presents a correct summary of the general methodology by which estimates of forecast operational activity were determined. The methods, assumptions, and calculations provided in the Draft EIR are the result of work by qualified professionals utilizing the best available data, and they enable adequate analysis of the project's environmental impacts.

As to the portion of the comment dealing with miscalculations, responses to specific comments regarding diversions and their environmental impacts are provided below.

### Response to Comment 4-5

This comment misinterprets the methodology used to establish the 2007 baseline used for environmental analysis in this EIR. Baseline 2007 data for VNY was indeed developed from actual operational data beyond 2004, including data for operations occurring up to September 2007. As explained on page 4.2-5 of the Draft EIR, a previously determined 2004 base was updated for this EIR analysis by “reviewing trends that occurred between 2004 and 2007.” This methodology is further explained in pages B-10 through B-12 of Appendix B to the Draft EIR, which notes that the 2007 baseline considers various FAA and LAWA curfew counts for 2004, 2006, and January–September 2006 and 2007.

### Response to Comment 4-6

The operational forecasts for BUR, CMA, CNO, and WJF are based primarily on the 2006 FAA Terminal Area Forecasts. As the FAA states on its website, “The Terminal Area Forecast (TAF) system is the official forecast of aviation activity at FAA facilities. These forecasts are prepared to meet the budget and planning needs of FAA and provide information for use by state and local authorities, the aviation industry, and the public.”<sup>1</sup> This is explained on pages B-55 through B-59 of Appendix B to the Draft EIR. The 2006 forecasts were the latest available when the analysis was conducted, and remain relevant and appropriate for use in the EIR because they offer a reasonable understanding of baseline conditions at BUR against which to analyze the project’s environmental effects.

LAWA’s consultants were working on the Draft EIR at the same time BUR’s consultants were working on the BUR Part 161 study, and LAWA’s consultants were aware that a Part 161 study was underway for BUR. LAWA’s consultants used the TAF and other published data to prepare the BUR forecast incorporated into the EIR because the Airport Authority did not provide VNY with requested forecast information. LAWA’s consultants sent a letter to the Airport Authority on November 2, 2007, as the Draft EIR was being prepared. The Airport Authority denied this request and was unable to supply the forecast cited in this comment until after the analysis was complete and the Draft EIR was circulated. Regardless, the BUR data incorporated into this EIR enables a reasonable assessment of future volumes of aircraft operations at BUR, which in turn serves as a reasonable baseline from which to analyze the project’s environmental impacts at BUR. Please note that the focus of the EIR is on the project’s direct impacts or contribution to cumulative impacts. The EIR compares project impacts to a reasonable baseline and, in this respect, the Draft EIR presents sufficient information to conclude that the diverted operations will not entail significant environmental impacts at BUR. If the project analysis were conducted using the BUR data supplied in the referenced Part 161 analysis as the baseline, the

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<sup>1</sup> Federal Aviation Administration; Operations & Performance Data website, <<http://aspm.faa.gov/getInfo.asp?id=taf>>; accessed February 2009.

number of estimated diversions to BUR and the conclusions regarding project impacts at BUR would not vary from those published in the Draft EIR and impact conclusions would remain the same.

Please also note that the Draft EIR estimate of total operations at BUR in 2007 is 120,810—only 2.2% lower than the actual 2007 value of 123,521 recorded by the Airport Authority in the Part 161 study referenced in this comment.

While there may be disagreement among experts regarding the forecast operations at diversion airports, the calculations and assumptions provided in the Draft EIR are based on work performed by qualified professionals utilizing the best available data, and they enable adequate analysis of the project's environmental impacts.

#### **Response to Comment 4-7**

The forecasted decrease of Stage 2 business jet operations at VNY that was incorporated into the environmental analysis for this EIR is based primarily on nationwide trends in the number of *operations* by Stage 2 business jets. This comment cites recent historic trends in the *number of Stage 2 business jets in the active nationwide fleet*, and not the number of operations by those aircraft. For purposes of environmental analysis it is more important to consider the number of operations, and not the number of active jets. This is an important distinction because, while these aging business jets may remain as active members of the fleet, *operations* by these aging aircraft generally decline more rapidly than the rate of the aircraft's retirement from the fleet. As aircraft age, they are used less frequently than newer models, particularly for charter service where operators report that customers prefer flying in newer aircraft. Section 2.1.4.1, 4.2.3, and 4.2.4 of the Final EIR has been revised to clarify that the anticipated decline in operations is the result not just of aircraft's retirement but also of this reduced usage.

This comment focuses on operations by three types of Stage 2 business jets: Lear 25, Gulfstream II, and Gulfstream III (please note that Gulfstream IIB is the code used in the FAA Integrated Noise Model to designate the Gulfstream III aircraft). Data compiled in the FAA Enhanced Traffic Management System Counts (ETMSC) database indicates that from 2000 to 2007 the number of Lear 25 business jet operations at US airports decreased at an average rate of 14.6% per year, Gulfstream II operations decreased at an average rate of 10.3% per year, and Gulfstream III operations decreased at an average rate of 4.5% per year. The forecast of operations at VNY by Stage 2 business jets incorporated into the Draft EIR is consistent with these national trends, and is therefore proper to use.

While there may be disagreement regarding the projected operations at diversion airports, the calculations and assumptions provided in the Draft EIR are based on estimates performed by qualified professionals utilizing the

best available data, and they enable adequate analysis of the project's environmental impacts.

#### **Response to Comment 4-8**

See the response to comment 4-7 above regarding national trends in Stage 2 business jet operations that informed the estimates used in the EIR analysis. The table presented in this comment depicts a prediction by the Airport Authority that BUR will see a future increase in operations by three types of Stage 2 jets—Lear 25, Gulfstream II, and Gulfstream III (Gulfstream IIB). ETMSC data indicates that operations by Lear 25, Gulfstream II, and Gulfstream III aircraft all decreased at Burbank between 2000 and 2007. The Airport Authority forecast does not explain why they expect the recent trend of decreasing operations by Stage 2 business jets at BUR to reverse in the future. Having reviewed the Draft EIR forecast for VNY in light of current FAA information on trends in business jet operations, LAWA's consultants believe that Stage 2 business jet operations at BUR and VNY will continue to correspond to national trends and decrease in the future, despite the projected increase in total business jet operations by all types of aircraft.

While there may be disagreement among experts regarding the projected operations at diversion airports, the calculations and assumptions provided in the Draft EIR are based on estimates performed by qualified professionals utilizing the best available data, and they inform adequate analysis of the project's environmental impacts.

#### **Response to Comment 4-9**

Estimates of the likelihood of hushkitting or replacing aircraft versus diverting to other airports reflect the results of nine interviews held in April 2007 with charter aircraft operators and fixed base operators at VNY that may be affected by the proposed project. Additional discussion of these interviews and the relationship between the interviews and the hushkitting and diversion assumptions have been added to Section 2.1.4.2 of the Final EIR.

During the interviews, operators provided information about a range of subjects that helped create a framework for estimating reactions to the phaseout. Key opinions stated during the interviews include VNY's strong, positive identity as a business jet center; VNY's reputation as a popular airport for Gulfstream aircraft; and the notion that it is economically feasible to hushkit Gulfstream III aircraft, but not Gulfstream II or Lear 20 series aircraft. Operators also expressed uncertainty about the future of the economy, fuel prices, noise restrictions at other airports, and maintenance requirements, all of which could affect the way they operate their aircraft in the future. Given this uncertainty, operators were not able to definitively specify how they would react to the project-related restrictions, which would begin to affect the greatest number of business jet operators in 2014. As a result, LAWA's consultants developed decision rules about operators'

potential responses to the phaseout, recognizing that there was no way to determine future responses with absolute certainty. Based on the general preference to continue operating at VNY expressed in these interviews, LAWA's consultants used their professional judgment to develop the reasonable assumption that owners of the aircraft affected by the proposed restrictions that averaged at least monthly flights at VNY (24 or more operations per year)<sup>2</sup> would be expected to replace or hushkit their aircraft so they can continue to operate at VNY, while less frequent operators would be expected to divert to other airports to avoid the cost of replacing or hushkitting their aircraft. Please see the revisions to Section 2.1.4.2 of the Final EIR for additional discussion of this issue.

The assumptions relied upon in the analysis presented in the EIR are based on estimates performed by qualified professionals utilizing the best available data, and they enable adequate analysis of the project's environmental impacts.

#### **Response to Comment 4-10**

Please note that significant noise impacts were not identified at any of the diversion airports as a result of the project; therefore, the measures suggested in this comment to promote use of VNY by compliant aircraft are not necessary as mitigation or project alternatives.

#### **Response to Comment 4-11**

Summaries of the rationale behind the selection of diversion airports are provided in Section 2.2 of the Final EIR. More detailed discussion is provided in Appendix B of the Draft EIR.

As discussed in Section 7.2 of Appendix B, the following factors were part of the analysis for determining the airports aircraft were likely to divert to: "The screening criteria included runway length and width, the current level of GA jet aircraft activity, the availability of jet fuel for the potentially diverted aircraft, driving distance and travel time from VNY, and the existence of any noise restrictions that would preclude diverted VNY aircraft from operating at the respective airports." As explained in Section 7.3 of Appendix B, the method for assigning operations to the identified diversion airports included assigning numerical weighing factors for driving time and the convenience of operating at the diversion airports—specifically the potential for flight delays. Each of the main diversion airports for diverted general aviation jet operations—BUR, LAX, and CMA—possess all the other attributes and amenities necessary to handle the small number of business jet operations that would be diverted from VNY as a result of the project, and employing other factors to rate these features was not deemed necessary. LAWA's consultants believe that rating for driving time and flight delays enables a

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<sup>2</sup> It should be noted that comment 4-9 misrepresents this figure as 12 operations. The figure is 24 annual operations (12 annual flights).

reasonable model for how aircraft would divert from VNY to the identified diversions airports.

Other factors were also taken into consideration. As discussed in Section 2.2.5 of the Draft EIR, “CNO was identified as a potential receptor of the project-related diversions of former military aircraft operations from VNY (when the ordinance’s proposed exemption expires in 2016) because CNO currently has two aviation museums and a number of businesses engaged in restoring old aircraft, including former military aircraft, creating an inviting atmosphere for these project-related diversions.” Additionally, airport maintenance providers and operators were consulted when identifying diversion airports, as discussed in Section 2.1.4.2 of the Final EIR, page 2-6.

The calculations and assumptions provided in the Draft EIR are based on estimates performed by qualified professionals utilizing the best available data, and they enable adequate analysis of the project’s environmental impacts.

#### **Response to Comment 4-12**

As explained on page 4.2-34 and depicted in Table 4.2-46 of the Draft EIR, all project-related diversions of Boeing 727s are expected to divert to LAX, as this aircraft type operates frequently at LAX due to the presence of runway and storage facilities that accommodate them, and because they can be more readily serviced there than other potential diversion airports. (Note that Table 4.2-46 has been revised in the Final EIR to correct typographical errors in the names shown for aircraft types.) The assumption that some diversions of 727s would also occur at BUR and CMA, in addition to LAX, was a mistake in the Draft EIR that has been corrected in the Final EIR (see Tables 4.3-21, 4.3-24, and 4.3-27 of the Final EIR. This does not result in a change in conclusions regarding the significance of impacts; a significant air quality impact is still anticipated at CMA, and the BUR air quality impact remains less than significant.)

#### **Response to Comment 4-13**

CNEL contours were not produced for the diversion airports because screening analyses prepared under the thresholds employed for the EIR, which were based on City of Los Angeles and FAA guidelines, indicated they were unnecessary. The City guidelines for conducting aircraft noise assessments under CEQA state: “A significant impact on ambient noise levels would normally occur if noise levels at a noise sensitive use attributable to airport operations exceed 65 dB and the project increases ambient noise levels by 1.5 dB CNEL or greater.”<sup>3</sup> The City’s CEQA guidelines require use of one of four recognized aircraft noise models to

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<sup>3</sup> City of Los Angeles. 2006. *L.A. CEQA Thresholds Guide*. Environmental Affairs Department. Los Angeles, CA. p. I.4-3 – I.4-5.

calculate CNEL.<sup>4</sup> Two of the models apply to airports at which operations are dominated by helicopter or military operations, and are not appropriate for the project-related noise analysis. The other two models are the FAA's Area Equivalent Method (AEM) and the Integrated Noise Model (INM), as explained in Section 4.2.2 of the EIR. Additionally, Appendix B.4 of the Draft EIR provides a detailed description of the INM and data requirements. The AEM model and user guide are available on the FAA website at: [http://www.faa.gov/about/office\\_org/headquarters\\_offices/aep/models/aem\\_model/](http://www.faa.gov/about/office_org/headquarters_offices/aep/models/aem_model/).

The City CEQA guidelines permit the use of the AEM “as a screening tool to determine whether the more sophisticated and time-consuming INM is warranted.”<sup>5</sup> This two-step process represents accepted “best-practice,” and was employed for the project analysis presented in the Draft EIR. This methodology is consistent with CEQA as it provides a level of detail appropriate for impacts determined to be less than significant, which is consistent with State CEQA Guidelines Sections 15143, 15151, and 15204(a). It should also be noted that the method is consistent with FAA policies and procedures for compliance with the National Environmental Policy Act (NEPA).<sup>6</sup> Following these guidelines, the AEM was used as a screening tool at both VNY and the diversion airports. Since the AEM analysis did not indicate that diverted operations would generate a significant noise impact at any airport, it was not necessary to conduct further analysis of noise impacts, part of which would have been preparation of CNEL contours. At BUR, the AEM analysis indicated that the worst-case diversions, occurring in 2014, would result in approximately a 0.1 dB change in CNEL (compared to the 2014 baseline), far less than the 1.5 dB threshold of significant change in CNEL. Therefore, according to the two-step method described above, the INM method is not necessary and a noise contour map is not required to be incorporated into the analysis.

#### **Response to Comment 4-14**

As noted in Section 2.1.1.1 of the DEIR, the phaseout will be implemented through an amendment to the Van Nuys Noise Abatement and Curfew Regulation (Los Angeles Ordinance 155727). Appendix B.6 presents the full text of the existing ordinance. Section 1(b) of that ordinance defines the term “Aircraft” as “All fixed-wing aircraft driven by one or more propeller, turbojet, or turbo fan engines.” Therefore, the phaseout does not apply to “rotary-wing” aircraft; e.g., helicopters. This matter has been clarified in Section 2.1.1.1, page 2-2 of the Final EIR.

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<sup>4</sup> City of Los Angeles. Op. cit. Section 2 B., p. I.4-5.

<sup>5</sup> City of Los Angeles. Op. cit.

<sup>6</sup> Federal Aviation Administration. 2004. *Environmental impacts: Policies and procedures*. [Edition]. Order 1050.1e. Washington, DC. Appendix A, Section 14.4, p. A-61 – A-63.



### Response to Comment 4-15

As discussed in Section 1.1.1 of the Draft EIR, Resolution No. 22980 instructed the Executive Director to report back to BOAC on LAWA's plan for pursuing the Stage 2 phaseout independent of an ongoing Part 161 study that was initiated in 2005 to pursue several proposed noise-based operating restrictions at VNY. Analysis pursuant to this Part 161 process is ongoing.

Section 15130(b)(1) of the State CEQA Guidelines states that an EIR's cumulative analysis should be based either on "a list of past, present, and probable future projects" or on "a summary of projections contained in an adopted general plan or related planning document." (See also Public Resource Section 21100(e).) This comment asks LAWA to examine the cumulative impacts of one project under a "list of projects" approach. As stated in Section 5.2.1 of the Draft EIR, cumulative analysis was conducted with the "projections" method, using a combination of airport operational forecasts published by the FAA and growth projections published by SCAG. Using this projections method provides a reasonable image of both the growth in operational activity at the affected airports and the general population growth that would occur throughout the region.

It should be noted that Part 161 is a process for adopting noise restrictions taking into account economic considerations and not a CEQA-related alternative analysis. The Part 161 analysis is based upon economic considerations and a cost benefit analysis (49 U.S.C. 47523(b) and 47524(b)(4)). These are not factors typically considered under CEQA (See State CEQA Guidelines Section 15131(a). and Kostka & Zischke, *Practice Under the California Environmental Quality Act* (2d ed Cal CEB, 2008, pg. 643-644, Section 13.34 [cost benefit studies not required under CEQA].)

The measures and restrictions under review in the Part 161 analysis are also not appropriate CEQA alternatives to the proposed project as defined in State CEQA Guidelines Section 15126.6. Section 15126.6 of the State CEQA Guidelines states that alternatives should "feasibly attain most of the basic objectives of the proposed project but...avoid or substantially lessen any of the significant effects of the project." Additional measures and restrictions that LAWA considers under the Part 161 study would not serve to avoid or substantially lessen the project's significant impacts because they would not reduce air pollutant emissions at CMA and WJF, as discussed above in the response to comment 3-6. Therefore, these restrictions and measures are not analyzed as alternatives to the proposed project.

### Response to Comment 4-16

The single-event noise ("Berkeley Jets") analysis presented in the Draft EIR is proper and adequate for CEQA environmental review purposes, as it sufficiently allows a more nuanced understanding of the single-event noise impacts resulting from the project than would be offered by a simple CNEL-based analysis. However, additional rationale regarding the methodology

and the level of detail used for the single event noise analysis has been added to Section 4.2.4.1 of the Final EIR.

This comment suggests that the sound exposure level (SEL) analysis provided in the EIR “does not provide a detailed explanation of the actual noise impacts of individual noise events that would occur at the diversion airports.” As discussed in the revisions to Section 4.2.4.1, “In the event the significance threshold used here is triggered, the impact analysis would provide additional detail regarding SEL and homes likely to be affected, to aid in identifying feasible mitigation measures.” The impact analysis did not identify any significant impact pursuant to this threshold; therefore, greater detail was not incorporated into Section 4.2 of the Draft EIR. Greater detail on the Berkeley Jets analysis, including discussion of SEL noise levels, is provided in Appendix B.8. SEL is the appropriate metric to use and, had additional detail been necessary, a detailed SEL impact analysis would have been performed. As noted in footnote 9 on page 4.2-41 of the Draft EIR (footnote 10 of the Final EIR), the *Berkeley Keep Jets* decision focused on nighttime noise, specifically the failure of CNEL analysis to provide “the most fundamental information about the project’s noise impacts which specifically included the number of additional nighttime flights that would occur under the project, the frequency of those flights, and their effect on sleep.”<sup>7</sup> SEL is formally recognized as the appropriate noise metric to use in sleep-related assessments. The American National Standards Institute (ANSI) recently published a standard for estimating the likelihood of awakenings in ANSI S12.9-2008, *Quantities and Procedures for Description and Measurement of Environmental Sound—Part 6: Methods for Estimation of Awakenings Associated with Outdoor Noise Events Heard in Homes*. The Federal Interagency Committee on Aviation Noise announced in December 2008 that it recommended use of this procedure, which uses SEL for estimation of awakenings. The ANSI standard presents a formula that relates indoor SEL to “the probability that a person of average sensitivity to awakening will be awakened by a single noise event.” Therefore, SEL analysis does offer a detailed explanation of project-related noise events, and the detailed statistics presented in the Draft EIR clearly demonstrate that the diverted operations are too few in number relative to existing operations of similar noisiness to identify a significant impact at BUR or any of the diversion airports. This issue is discussed in greater detail in the response to comment 6-11.

With regard to the analysis’s use of percentages and averages, the single event analysis summarized in Section 4.2.4.3 of the Draft EIR and presented in its entirety in Appendix B.8 also provides full detail on the specific *number* of day, evening, and night operations projected to be diverted on a daily basis to each diversion airport. The information is presented in graphic and tabular form. Furthermore, this information was also included Section 4.2.3.3 (“Diversion Airports: Baseline and Forecast Aircraft Operations and

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<sup>7</sup> *Berkeley Keep the Jets Over the Bay Committee v. Board of Port Commissioners of the City of Oakland*, [2001] 91 Cal. App. 4<sup>th</sup> at 1344.

Noise”). For purposes of clarification, baseline information regarding the frequency of nighttime operations, which appears in various tables in Section 4.2 of the Draft EIR, has been added to the beginning of each diversion airports “Berkeley Jets Impacts” impact analysis in Section 4.2.4.3 of the Final EIR.

With regard to how the noise associated with diverted operations compares to that associated with existing conditions, the tables and graphics in Appendix B.8 further break down the projected numbers of diverted of day, evening, and night operations into five-decibel (dB) Sound Exposure Level (SEL) intervals, and compare them to the existing day, evening, and night operations in those bands.

With regard to this comment’s recommended use of other noise metrics, such as Lmax, Time-Above, or Events Above, the graphics and tables presenting information in five-dB SEL intervals represent a form of “Events Above” analysis; by presenting the information in bands, the analysis is even more informative than simply providing a total count of “events above” a single SEL threshold.

#### **Response to Comment 4-17**

The referenced sections of the CEQA statutes and guidelines state that an EIR shall include “Mitigation measures proposed to minimize the *significant* effects on the environment...” (PRC Section 21100[b][3], emphasis added) and that “An EIR shall describe feasible measures which could minimize *significant* adverse impacts...” (CCR Title 14, Chapter 3, Section 15126.4, emphasis added). As stated in Section 4.2 of the Draft EIR, the project is not anticipated to result in any significant noise impacts; therefore, the EIR is not required to list mitigation measures that would minimize the project’s noise effects. Comments received during the public review period for the EIR have not led to the need to identify significant noise impacts and, accordingly, no additional mitigation measures have been incorporated into the Final EIR.

#### **Response to Comment 4-18**

See the responses to comments 4-4 through 4-11 above for responses regarding this comment’s suggestion that project-related diversions were underestimated and, as a result, that noise impacts were underestimated. As discussed above in the response to comment 4-17, the project would not result in significant noise impacts. Because the project would not result in any significant noise impacts, mitigation is not necessary to minimize the project’s noise impacts.

#### **Response to Comment 4-19**

LAWA will comply with ANCA to the extent required by law. This comment will be forwarded to the project decision makers for their

consideration; however, no further response is necessary as this comment does not address significant environmental issues related to the adequacy of this EIR.

**Response to Comment 4-20**

See the response to comment 4-5 above.

**Response to Comment 4-21**

See the response to comment 4-6 above.

**Response to Comment 4-22**

See the responses to comments 4-7 and 4-8 above.

**Response to Comment 4-23**

See the response to comment 4-9 above.

**Response to Comment 4-24**

See the response to comment 4-11 above.

**Response to Comment 4-25**

See the response to comments 4-11 above.

**Response to Comment 4-26**

See the response to comment 4-12 above.

**Response to Comment 4-27**

See the response to comment 4-13 above.

**Response to Comment 4-28**

See the response to comment 4-14 above.

**Response to Comment 4-29**

See the response to comment 4-15 above.

**Response to Comment 4-30**

See the response to comment 4-16 above.

**Response to Comment 4-31**

See the response to comment 4-17 and 4-18 above.

**Response to Comment 4-32**

See the response to comment 4-19 above.

**Comment Letter 5, City of Chino**

DENNIS R. YATES  
Mayor

EUNICE M. ULLOA  
Mayor Pro Tem



**CITY of CHINO**

GLENN DUNCAN  
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Council Members

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City Manager

November 25, 2008

Ms. Karen Hoo  
Los Angeles World Airports  
Environmental Planning  
7301 World Way West 3<sup>rd</sup> Floor  
Los Angeles, CA 90045

RE: Draft Environmental Impact Report for Van Nuys Noisier Aircraft Phase-Out Program – Comments from the City of Chino

Dear Ms. Hoo:

Thank you for providing the City of Chino an opportunity to review and comment on the Draft Environmental Impact Report (DEIR) for the Van Nuys (VNY) Noisier Aircraft Phase-Out Program.

Based upon staff's review of the proposed project, the City of Chino has the following comments:

A substantial number of new residential units have been and will be built near Chino Airport (CNO). The City is concerned residents near the airport may be negatively impacted by the increased aircraft operations. Furthermore, we are concerned that noisier aircraft that are no longer able to land at VNY will move to CNO, thus displacing the noise problem onto Chino's residents.

5-1

The City does not believe the DEIR is conclusive in terms of the additional aircraft operations that will occur at CNO due to the proposed phase-out program, since CNO offers a number of facilities that can accommodate larger aircraft. The City is concerned the amount of aircraft operations are grossly undercounted and the impacts to the City of Chino are not fully analyzed. It is highly recommended that further analysis is needed to assess the probable increase in future aircraft activity at CNO, due to the proposed program, as well as the resulting noise impacts.

5-2



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Comment Letter 5

LAVNY Noisier Aircraft Phase-Out Program DEIR

Page 2

November 25, 2008

Thank you again for providing the City of Chino the opportunity to comment on the VNY Noisier Aircraft Phase-Out Program DEIR. We look forward to participating in this process to assure the continued protection of the quality of life for residents surrounding the airport.

5-3

Should you have any questions, please feel free to contact me at (909) 591-9890.

Sincerely,



Brent Arnold  
City Planner

cc: Community Development Department File

## **Response to Comment Letter 5, City of Chino**

### **Response to Comment 5-1**

This comment is noted and will be forwarded to the project decision makers for their consideration. Chapter 4 of the Draft EIR presents analysis of the environmental impacts resulting from the proposed project at the identified diversion airports, including CNO. This includes analysis of impacts on residences of the City of Chino located in proximity to CNO; all project impacts at CNO were determined to be less than significant.

### **Response to Comment 5-2**

Because of its general location within the Southern California region, CNO was preliminarily included in the list of potential diversion airports for project-related general aviation aircraft diversions when the diversion analysis first began. Further screening analysis found excessive driving time between VNY and CNO, and this was considered a primary factor for eliminating CNO as a recipient of project-related diversion, other than the operations of former military aircraft in 2016. (See Draft EIR Sections 2.1.4.3 and 2.2.5, and Appendix B Sections 7.2 and 7.3 for diversion analysis.) Driving time from VNY to CNO was estimated at 1 hour and 10 minutes under uncongested traffic conditions, and was estimated to increase to 3 hours and 10 minutes with congestion—conditions that frequently exist. These times led to the conclusion that it would be unlikely that general aviation aircraft operators would choose CNO as an alternative to VNY.

The calculations and assumptions provided in the Draft EIR are based on work performed by qualified professionals utilizing the best available data. Accordingly, the estimates of diversions to CNO included in the Draft EIR were conducted with proper methodology, are appropriate for use in environmental analysis, and presented sufficient information to conclude that impacts at CNO would be less than significant. Therefore, the analysis of impacts on the City of Chino is accurate and valid, and no additional analysis is necessary.

### **Response to Comment 5-3**

LAWA appreciates the City of Chino's participation in the environmental review process for this project. As discussed in response to comments 5-1 and 5-2, the calculations and assumptions provided in the Draft EIR are based on work performed by qualified professionals utilizing the best available data, and enable adequate analysis of the project's impacts at CNO. This analysis was adequately presented in the Draft EIR, and no revisions to the EIR are necessary to address this comment.



**Comment Letter 6 , City of El Segundo**

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November 25, 2008

Karen Hoo  
Los Angeles World Airports  
Environmental Planning  
7301 World Way West, 3<sup>rd</sup> Floor  
Los Angeles, CA 90045

**Re: Comments Submitted on Behalf of the City of El Segundo on the Van Nuys Airport Noisier Aircraft Phaseout Draft EIR**

Dear Ms. Hoo:

This firm represents the City of El Segundo on matters related to Los Angeles International Airport ("LAX"). We have been asked to review the proposal by Los Angeles World Airports ("LAWA") to phase out noisier aircraft at the Van Nuys Airport ("VNY"). In the spirit of cooperation, we offer the following comments in the hope that LAWA will reconsider its plan and adopt an approach that is fair for the entire region.

The City of El Segundo is located adjacent to LAX and is directly affected by any change to the regional airport system that results in increased operations at LAX. El Segundo's primary concern is that the September 2008 Draft Environmental Impact Report ("Draft EIR") prepared for the noisier aircraft phaseout ("the Project") underestimates potential noise, air quality, and other impacts on the residents of El Segundo resulting from flight diversions from VNY to LAX.

6-1

While El Segundo certainly understands that the community surrounding VNY would like to see noisier aircraft phased out, in fairness, noise relief for one community should not come at the expense of another. In this case, it appears that implementation of the proposed Project could result in increased noise and other impacts in El Segundo. The regional decentralization approach laid out in recent planning documents such as the LAX Master Plan and the 2008 Regional Transportation Plan should guide the development of LAWA's policies with respect to VNY, thereby assuring that LAX-adjacent communities do not suffer disproportionate airport impacts.

6-2

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In order to comply with the requirements of the California Environmental Quality Act (“CEQA”), LAWA should fully analyze the impacts of diversions to LAX (including single event noise) and include mitigation measures and examine alternatives designed to decrease the shifting of noisy aircraft to other airports, particularly LAX. The EIR should also be supplemented by an analysis analogous to that presented in a Federal Aviation Administration Part 161 study. If these studies show that the costs of the Project outweigh the benefits, LAWA should not go forward with the Project. 6-3  
6-4

I. California Environmental Quality Act Issues

A. The Analysis of Diverted Flights Is Incomplete.

El Segundo is concerned that the number of aircraft operations that will move to other airports has been understated in the Draft EIR due to imperfect methodology. Given the limited and predictable number of aircraft that will be affected by the Project, LAWA analysts could interview each owner of an affected aircraft to determine what the owner would do with the aircraft if the Project is implemented. This approach would help improve the accuracy of LAWA’s assumptions regarding whether individual aircraft would be retrofitted with a hush kit, replaced, or relocated to another airport elsewhere in the region. 6-5

Instead of taking this approach, however, the Draft EIR simply assumes: “Owners of the 50 noisy aircraft that flew 12 or more flights (24 or more operations) are expected to replace or hushkit their aircraft so they can continue to operate at VNY. The others are expected to shift to other airports to avoid the cost of replacing or hushkitting their aircraft.” See Draft EIR page 2-6 and Appendix B at 42. In other words, the analysis assumes that 73% (see App. B at 43) of the noisy jet operations will not be shifted to other airports. The basis for this assumption is not made clear in the Draft EIR. Moreover, this assumption is the foundation of the noise and air pollution impact analysis that follows it. As such, the lack of substantial evidence for these numbers indicates a lack of substantial evidence for the entire Draft EIR. If this assumption proves to be wrong, LAX and other diversion airports such as Bob Hope Airport in Burbank (“BUR”) may experience many more diverted operations than are predicted by the Draft EIR, and their surrounding communities will experience more severe impacts. 6-6

B. Impacts to LAX Should Be Considered Significant.

LAX is a “noise problem airport” under Section 5000 et seq. of Title 21 of the California Code of Regulations (Noise Standards). Communities surrounding LAX, such as El Segundo, are particularly susceptible to noise and other airport impacts. While some communities near airports have the benefit of buffers that can help shield residents from the impacts of increased aviation operations, in the case of El Segundo, many residents live immediately adjacent to the airport, with no meaningful buffer to protect them. Thus, given that residents in the vicinity of 6-7

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LAX already contend with substantial noise and other impacts from existing flight operations, and are likely to experience increased impacts in the future, any additional flights at LAX may result in substantial adverse impacts.

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6-7  
cont'd

Any general aviation flights diverted to LAX from VNY would be particularly problematic for El Segundo because those flights would likely be based and serviced at the ancillary facilities located along the airport's southern boundary, adjacent to El Segundo. Additionally, although aircraft operations at LAX generally follow the airport's preferential runway policy, El Segundo has found that air cargo and other operators based in the southern area are unfortunately allowed or directed by air traffic control to deviate from this policy on a regular basis by taking off on the "outboard" runway closest to El Segundo (Runway 25L). In light of this, El Segundo is concerned that shifting flights from VNY to LAX could result in additional unnecessarily noisy operations on the south side of LAX, including more departures from Runway 25L contrary to LAX's preferential runway policy.

6-8

Furthermore, given that LAWA considers noise from the affected aircraft at VNY significant enough to warrant a proposed phaseout, the shift of those flights to LAX should also be considered significant. The Draft EIR's contrary conclusion is not supported by substantial evidence.

6-9

C. The Single Events Analysis Is Not Realistic.

The impact at LAX is further understated because the Draft EIR does not clearly explain the impact that individual diverted noisy jet operations will have on surrounding residences. How loud will these events be, and how will residents experience them? This type of analysis is particularly necessary for LAX, because citizens of El Segundo and other adjacent communities live so close to airport runways.

6-10

Recent definitive case law requires that an EIR "measure how many high noise events will take place during the noise sensitive nighttime hours [and] describe the effects of noise on normal nighttime activities such as sleep." *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1382 n. 23 ("Berkeley Jets"). The Court of Appeal in that case stressed the need to provide information in a form that is useful to help nearby residents evaluate the impact of future increased air traffic on their daily lives. In particular, the EIR must enable residents to evaluate the degree to which the "single events" of aircraft takeoffs and landings interfere with their sleep and conversation. *Id.* at 1372-83.

6-11

The Draft EIR purports to contain a thorough Berkeley Jets-style analysis in Appendix B-8 (Supplemental Berkeley Jets Analysis), with the "single events" impacts to LAX summarized on page 4.2-45 of the Draft EIR. However, the methodology of this analysis uses an averaging technique rather than disclosing the subjective experience a nearby resident will

6-12  
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have when one of the new noisy departures occurs near his home. Departures are calculated and discussed for the “average” day and night at LAX on B.8-4 to B.8-10. Because the Draft EIR predicts that new operations will occur at LAX only once every nine days, the average day is projected to bring only 1/9 of an operation, so the impact appears artificially small. A resident disturbed by a noisy jet takeoff will not discount her experience by telling herself that if the noise were averaged over the next eight nights she would not have been affected. The EIR should recognize this reality.

▲  
6-12  
cont'd

The EIR should present noise contours for each individual takeoff and landing shifted from VNY, thus giving residents important information about the noise impact of those “single events” and enabling them to evaluate the significance of that impact on sleep, conversation, and quality of life. Because LAWA knows which aircraft and operations will be affected by the Project, it would be feasible for LAWA to provide these individual noise contours. Such information would also enable LAWA to evaluate appropriate mitigation measures. Without such information, the analysis remains insufficient and the level of disclosure of impacts does not satisfy CEQA.

6-13

The significance threshold used in the Draft EIR is also unrealistic. The Draft EIR posits that the Berkeley Jets impact at LAX would only be significant if the Project were to cause a daily average of one or more additional night operations to occur at LAX. Because LAWA has assumed that the impacts do not reach this threshold, the Draft EIR deems the effects less than significant. Draft EIR at 4.2-45. The threshold should be impact-based, not frequency-based. In other words, if an operation shifted to LAX by the Project will result in a single-event noise impact for residents (e.g., interfere with sleep or conversation), that impact should be considered significant.

6-14

D. The Cumulative Impacts of the Project Should Be Examined In Context.

El Segundo is concerned that other changes underway at airports in the region could interact with this Project such that even more flights are shifted to LAX, exacerbating all the impacts discussed above. The EIR should more fully describe the present and future context for the proposed phaseout in order to adequately analyze the cumulative impacts of the Project.

6-15

First, LAWA has an ongoing Part 161 study at VNY analyzing a variety of potential noise control measures for that airport. Unfortunately this study is not mentioned in the Draft EIR and any interactions between it and the Project have been left out. El Segundo's concern is that the implementation of these measures could make VNY a less attractive airport, thus inducing aircraft to shift to LAX and elsewhere. What would be the cumulative impact of this shift combined with the shift discussed in the Draft EIR? El Segundo would like to see this relationship discussed in the EIR.

6-16

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Second, the EIR should discuss the curfew proposal at BUR. The Burbank-Glendale-Pasadena Airport Authority has recently completed a Draft Part 161 Application for a proposed nighttime curfew. That application anticipates that many flights will be shifted to VNY. Will flights anticipated to be shifted to VNY under the Burbank proposal actually end up at LAX if noisier aircraft are banned at VNY? The Burbank proposal is noted on Draft EIR page 2-11, but is never analyzed as a potential source of cumulative impacts. The EIR must analyze the impacts on communities surrounding LAX that would result if both the Project and the Burbank proposal are approved.

6-17

There may be other changes taking place at airports in the region that might interact with this Project, but none are disclosed in the Draft EIR. The EIR should be amended to explicitly disclose and analyze all reasonably foreseeable changes at nearby airports that could interact with this Project and amplify its impacts on the region.

6-18

E. The EIR Should Consider a Phaseout for All Airports

The noisy aircraft subject to the proposed phaseout at VNY are a nuisance at all LAWA airports, including LAX, and should be phased out everywhere. As part of the alternatives analysis required by CEQA, the EIR should discuss a ban that treats all LAWA airports fairly and equally. If necessary, LAWA should initiate a Part 161 study to implement the phaseout at LAX. This more comprehensive approach would ensure that needless impacts associated with outdated aircraft are not merely shifted elsewhere in the region, but rather eliminated entirely. El Segundo would be interested in exploring such an alternative with LAWA.

6-19

II. Airport Noise and Capacity Act

Other commenters continue to question LAWA's claim that the Project is exempt from the Part 161 study requirements of the Airport Noise and Capacity Act ("ANCA"). See November 30, 2007 comments of the National Business Aviation Association on the Notice of Preparation, Appendix C, 25-27, and see the Los Angeles Times article published on November 4, 2008 describing the opinion of BUR officials that the proposal is not grandfathered in under ANCA (attached). Essentially, LAWA is citing a Resolution from 1990 in order to exempt the Project from the Part 161 review process that any other airport in the region would need to undergo. The fairness of this approach is questionable at best.

6-20

In light of the serious questions raised regarding its proposed reliance on an exemption, LAWA should undertake an analysis of the Project similar to what would be required under ANCA. Under Part 161, an airport operator proposing to restrict Stage 2 aircraft must analyze, in a document made available to the public, the costs and benefits of the proposed restriction. The airport operator must also describe alternative restrictions and the alternative measures considered that do not involve aircraft restrictions, with a comparison of the costs and benefits of



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November 25, 2008  
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such alternative measures to the costs and benefits of the proposed restriction. A restriction at VNY that diverts operations to other noise problem airports represents a shifting of the noise impact - not a reduction in the noise impact. This kind of noise shifting benefits one community at the expense of another, resulting in no net benefit. As such, it seems unlikely that the proposed Project would pass muster in a Part 161 analysis. LAWA should perform such an analysis to address all of the concerns embodied in Part 161 regarding alternatives, benefits and burdens.

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6-20  
cont'd

III. Inconsistency with Regional Transportation Plan and LAX Master Plan

Any plan that shifts general aviation aircraft to LAX conflicts with the LAX Master Plan adopted by LAWA and with the 2008 Regional Transportation Plan adopted by the Southern California Association of Governments. The vision for LAX emphasizes large aircraft serving international destinations, not small aircraft serving regional destinations. See Federal Aviation Administration Record of Decision for Proposed LAX Master Plan Improvements, May 20, 2005, at 5 (“LAX in particular intends to structure its facility to accommodate international traffic to the greatest extent possible”).

6-21

Alternative D, adopted into the LAX Master Plan, responds to future demand for air transportation by encouraging other airports in the Los Angeles Basin to increase capacity to make up for the limitations of LAX. See Record of Decision at 17. The LAX Final Stipulated Settlement also shows that the intent is to encourage airports other than LAX to take on more air traffic. See LAX Final Stipulated Settlement at 1, 9, and 11. The Project, however, does the opposite by shifting small aircraft flights from VNY to LAX.

The Southern California Association of Governments has consistently endorsed and emphasized a regional aviation decentralization strategy. See 2008 Regional Transportation Plan Aviation and Airport Ground Access Report at 1-3; Regional Transportation Plan at 73 (an Aviation Decentralization Strategy is needed to meet the forecasted doubling of air passenger demand by 2030; “LAX is a very small international airport despite being the third-busiest airport in the country”). The proposed changes at VNY could undermine the feasibility of the Regional Aviation Decentralization Strategy and therefore do not fit the vision for the future of the region that has been articulated by LAWA and the Southern California Association of Governments.

6-22

IV. Request for Noticing

We request that this firm be added to the notice list to receive written - and, if available, e-mail - notification of any meetings, workshops, and hearings before LAWA on the Van Nuys Airport Noisier Aircraft Phaseout. (Email address: wolff@smwlaw.com.) Please also send this firm copies of all notices and agendas for these meetings, workshops, and hearings. We also

6-23  
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request that you provide us with a copy of any further CEQA documents for this Project once they are released for public review.

↑  
6-23  
cont'd

Thank you for your consideration of our comments and concerns.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



JEANNETTE MACMILLAN  
OSA L. WOLFF

Attachment: Los Angeles Times Article, November 4, 2008

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**Comment Letter 6**


Los Angeles Times: Plan to bar jets at airport during the day is voted down

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**Los Angeles Times**

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From the Los Angeles Times

Plan to eliminate noisiest jets from Van Nuys Airport during the day is voted down

**Plan to bar jets at airport during the day is voted down**

By Dan Weikel

November 4, 2008

Operators of Bob Hope Airport on Monday voted to oppose a plan to eliminate the noisiest jets at Van Nuys Airport during the day – a proposal they say would violate federal law and shift the loudest aircraft to Bob Hope and other airports in Southern California.

The vote by the Burbank-Glendale-Pasadena Airport Authority is the latest development in a bitter battle over attempts to bar noisy aircraft at Bob Hope and Van Nuys, a general aviation facility operated by Los Angeles World Airports.

Bob Hope Airport has spent more than eight years and \$6 million to develop a nighttime curfew on the noisiest jets, while LAWA has been preparing 24-hour restrictions. Officials for both airports say the proposals would shift flights to their respective facilities.

Burbank officials say LAWA is proceeding without the approval of the Federal Aviation Administration and cannot impose the restrictions until that is obtained.

LAWA contends that the proposal is grandfathered under federal law.

Weikel is a Times staff writer.

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## **Response to Comment Letter 6, City of El Segundo**

### **Response to Comment 6-1**

This comment is noted and will be forwarded to the project decision makers for their consideration. Chapter 4 of the Draft EIR presents a reasonable and complete analysis of the environmental impacts resulting from the proposed project at the identified diversion airports, including LAX. This includes analysis of impacts on residences of the City of El Segundo located in proximity to LAX. As stated in Table 2-5, the Final EIR concludes that the proposed project would result in a total of 62 annual operations to LAX in 2014, the year of the greatest project-related impact at LAX. Averaged per day, this equates to 0.17 operations per day (this figure was rounded up to 0.2 operations per day, as presented in Table 2-5 and elsewhere in the EIR). All impacts at LAX were determined to be less than significant. Responses below address specific comments from the City of El Segundo on the methodology, analysis, and conclusions of the Draft EIR.

### **Response to Comment 6-2**

This comment is correct in noting the Draft EIR's conclusion that the project would result in noise and air quality impacts at LAX. These impacts, which include impacts that would affect the City of El Segundo, were analyzed in the Draft EIR and determined to be less than significant. The portion of this comment suggesting that LAWA should follow a regional solution to airport-related impacts is directed at LAWA's airport policies. The comment will be forwarded to the project decision makers for their consideration; however, no further response is necessary as this comment does not address significant environmental issues related to the adequacy of this EIR.

### **Response to Comment 6-3**

The Draft EIR presents a reasonable and complete analysis of the environmental impacts resulting from the proposed project at the identified diversion airports, including at LAX. Section 4.2 of the Draft EIR includes a comprehensive analysis of noise impacts (see Appendix B for greater detail), including single-event noise impacts (see Appendix B.8 for greater detail), at all of the diversion airports. Section 4.2 of the Draft EIR concludes that there would be no significant noise impacts at any of the identified diversion airports, including LAX; therefore, the EIR is not required to identify mitigation or project alternatives to minimize the project impacts at LAX. Also, see the responses to comments 6-10 through 6-14 below regarding the sufficiency of the EIR's single-event impact analysis.

### **Response to Comment 6-4**

The Part 161 process takes into account economic considerations (49 U.S.C. Sections 47523(b) and 47524(b)(4)) which are not typically a factor under

CEQA (See State CEQA Guidelines Section 15131(a)). Accordingly, these economic considerations are not examined in the EIR. The comment is noted and will be forwarded to the project decision makers for their consideration; however, no further response is necessary as this comment does not specifically address the project's significant environmental issues or the adequacy of the EIR.

### **Response to Comment 6-5**

As stated in the responses to comments 3-9 and 4-9 above, estimates of the number of aircraft that would be modified or replaced versus those that would divert to other airports incorporate information gathered during interviews with VNY operators and service providers potentially affected by the proposed phaseout.

As discussed in State CEQA Guidelines Sections 15143 and 15151, "The significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence." (State CEQA Guidelines Section 15143.) "An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible." (State CEQA Guidelines Section 15151.) The Final EIR identified that 0.2 operations per day would be diverted to LAX. (See Table 2-5 in the Final EIR). There are 342 general aviation jet aircraft (according to 2006 data) that would be affected by the proposed phaseout (see page 2-6 of the Draft EIR and page B-42 of Appendix B). Interviewing each owner of these aircraft would be a considerable undertaking that would place an unnecessary burden on LAWA and its consultants. For purposes of this project's environmental review, it was determined that interviewing several potentially affected owners would provide information sufficient to reach reasonable assumptions regarding how owners would react. As further discussed above in the response to comment 3-9 and in Section 2.1.4.2 of the EIR, "operators were not able to definitively specify how they would react to the future project-related restrictions." This led LAWA's consultants to use their professional judgment to develop a reasonable assumption regarding how owners would react to the project's noise restrictions.

The methods, assumptions, and calculations provided in the Draft EIR are the result of work by qualified professionals utilizing the best available data, and they enable adequate analysis of the project's environmental impacts.

### **Response to Comment 6-6**

Please see the response to comment 6-5 above. The basis for the assumption on hushkitting or replacing as opposed to diverting to another airport is based on the results of surveys of aircraft operators potentially affected by the proposed phaseout, as explained in the responses to comments 3-9, 4-9, and 4-11. Discussion of these interviews and the relationship between the interviews and the hushkitting and diversion assumptions have been added to

Section 2.1.4.2 of the Final EIR. The interviews confirmed VNY's popularity and attractiveness as a place to operate business jets, and allowed the environmental review team to make reasonable assumptions that led to appropriate analysis of the project's impacts at the diversion airports. While the interviewees were not able to definitively predict their future responses to the proposed phaseout, their stated preference to continue operating at VNY makes it reasonable to assume that those who operate frequently at VNY will respond in ways that make it possible for them to continue operating at VNY (i.e., by hushkitting their aircraft). Had interviewees not expressed such high regard for VNY and such a strong preference to continue operating there, then LAWA's consultants may have determined that a greater number of operators would elect to divert to other airports rather than assume the expense of hushkitting their aircraft and continue operating at VNY.

### **Response to Comment 6-7**

LAWA acknowledges that—like VNY—LAX is recognized by state law as a “noise problem airport” and that surrounding residences are affected by aircraft noise from LAX. This is stated in Section 2.2.3 of the Draft EIR. This does not necessarily mean that any addition of operational noise should be considered significant. The noise analysis conducted for this EIR, as presented in 4.2.4.3 of the EIR, used significance criteria for noise impacts based on thresholds maintained by the City of Los Angeles and FAA and that were deemed appropriate for analyzing the proposed project's noise impacts. Noise levels for the project-related addition of aircraft operational noise at LAX or any of the other diversion airports did not meet the established criteria for identifying a significant impact; therefore, no significant impact was identified.

### **Response to Comment 6-8**

The LAX preferential runway use procedure is designed to minimize the use of the outboard runways for departures, thereby limiting noise received by adjacent neighborhoods. It is a LAWA policy to not impose a requirement on FAA Air Traffic Control (ATC), which has total authority over runway utilization. ATC occasionally authorizes aircraft to depart on Runway 25L in the interest of safety so as not to have aircraft cross active runways in order to depart Runway 25R. Accordingly, some project-related operations may utilize this runway, in conflict with LAWA policy, but only when directed to do so by ATC for the sole purpose of maintaining safe conditions. It should also be noted that the project would not result in diversions of cargo flights to LAX.

As discussed in response to comment 6-7 and Section 4.2.4.3 of the EIR, noise impacts at LAX were determined to be less than significant.

### **Response to Comment 6-9**

The noise analysis conducted for this EIR established significance criteria for noise impacts based on thresholds maintained by the City of Los Angeles and FAA. Noise levels for the project-related addition of aircraft operational noise at LAX or any of the other diversion airports did not meet the established criteria for identifying a significant impact; therefore, no significant noise impact was identified at LAX or any other diversion airport.

### **Response to Comment 6-10**

As discussed on page 4.2-45 of the Draft EIR, the proposed project would result in one additional operation at LAX, on average, every 4 months between the hours of 10 p.m. and 7 a.m. This is well below the Berkeley Jets (“single event”) significance threshold applied in this analysis; “result in a daily average of one additional flight during night hours (10 p.m. to 7 a.m.).” For purposes of clarification, additional information regarding the “single event” significance threshold, methodology, and level of detail has been added to the beginning of Section 4.2.4.1 of the Final EIR.

The one night-operation threshold is an appropriate measure for determining whether a significant impact would occur from the interference with sleep for this project because it provides a conservative basis for concluding that project-related nighttime flights would occur so infrequently that their potential to awaken sleeping residents would be extremely low. Additionally, more detailed information is provided in Appendix B.8, which discusses the noise levels associated with these rare nighttime diversions. As shown in Table B.8.4 of Appendix B.8, the proposed project would divert, between 10 p.m. and 7 a.m., 0.00009 aircraft operations per day at 95 dB SEL, 0.00002 aircraft operations per day at 100 dB SEL, and 0.0005 aircraft operations per day at 105 dB SEL. This would result in one nighttime operation at 95 dB SEL every 11,234 days, one nighttime operation at 100 dB SEL every 54,512 days, and one nighttime operation at 105 dB SEL every 1,825 days. Tables B.8.2, B.8.3, B.8.4, B.8.6, B.8.7, B.8.8, B.8.10, B.8.11, B.8.12, B.8.14, B.8.15, B.8.16, and B.8.18 provide the same type of information for other time periods of the day and for the other diversion airports. However, it should be noted that these SEL noise levels in the referenced tables do not directly correspond to indoor SEL noise levels at a specific sensitive receptor, as would potentially affect sleep. As can be seen in the SEL noise contours provided in Figure B.8.1 of Appendix B.8, noise levels would attenuate with distance. Figure B.2.2 in Appendix B.2 provides additional information on the relationship between indoor SEL levels and sleep.

As further discussed in the responses to comments 4-16, as well as 6-11 through 6-14 below, the single-event analysis incorporated into Section 4.2.4.3 and Appendix B.8 of the Draft EIR is proper and adequate for CEQA environmental review purposes because it provides significantly more detail than required by case law cited in comment 6-11 on how loud the diverted

operations will be, the number of diverted operations, the frequency of occurrence of the diverted operations, and the time of day in which diverted operations will occur. With regard to the manner in which residents will “experience” the diverted operations, the single event analysis in Section 4.2.4.3 and Appendix B.8 of the Draft EIR provides tabular and graphical comparisons of the statistics and single event noise levels for the diverted operations to the same information for operations at the diversion airports, for both existing and future no-project conditions. Those comparisons permit surrounding residents to place the changes associated with the diversions into the existing context with which they are personally familiar. The response to comment 6-11 provides further technical information regarding how residents will experience the diverted operations during “the sensitive nighttime hours.” As noted in that response, the detailed statistics presented in the Draft EIR clearly demonstrate that the diverted operations are too few in number, particularly relative to existing operations of similar noisiness, to identify a significant impact on nighttime sleep interference at LAX or any of the diversion airports.

### **Response to Comment 6-11**

Section 4.2.4.3 and Appendix B.8 of the Draft EIR present detailed single-event noise impact analyses that go well beyond the *Berkeley Keep Jets* case law requirement cited in the comment in several respects. For example, rather than simply listing the number of diverted operations that will take place during the sensitive nighttime hours (which the comment cites as the requirement), the analysis presents information for the full 24-hour day. The analysis goes even further by providing more detail than requested in the comment by breaking this information down into the CNEL day-, evening-, and night-time intervals. In addition, the analysis presents the diversions (by time interval) in five-decibel SEL bands (see Appendix B.8 Tables B.8.2, B.8.3, B.8.4, B.8.6, B.8.7, B.8.8, B.8.10, B.8.11, B.8.12, B.8.14, B.8.15, B.8.16, and B.8.18), rather than simply as a total number, to permit an assessment of the variation in levels. Finally, the analysis provides tabular and graphical comparisons of the statistics and single-event noise levels for the diverted operations to the same information for operations at the diversion airports, for both existing and future no-project conditions. This multidimensional analysis provides a far more detailed and nuanced description of the single-event noise characteristics of the diverted operations than the cited requirement, and permits reviewers to consider it in the context of existing and no-project conditions.

To the extent that the *Berkeley Keep Jets* decision requires the use of supplemental noise metrics beyond CNEL, SEL is the appropriate metric to use. As noted in footnote 9 on page 4.2-41 of the Draft EIR (footnote 10 in the Final EIR), that decision focused on nighttime noise, specifically the failure of CNEL to provide “the most fundamental information about the project’s noise impacts which specifically included the number of additional nighttime flights that would occur under the project, the frequency of those

flights, and their effect on sleep.”<sup>8</sup> SEL is formally recognized as the appropriate noise metric to use in sleep-related assessments. The American National Standards Institute (ANSI) recently published a standard for estimating the likelihood of awakenings in ANSI S12.9-2008, *Quantities and Procedures for Description and Measurement of Environmental Sound—Part 6: Methods for Estimation of Awakenings Associated with Outdoor Noise Events Heard in Homes*. The Federal Interagency Committee on Aviation Noise announced in December 2008 that it recommended use of this procedure, which uses SEL for estimation of awakenings.

The ANSI standard presents a formula that relates indoor SEL to “the probability that a person of average sensitivity to awakening will be awakened by a single noise event.” As documented in Appendix B.8 of the Draft EIR, the loudest diverted operations could result in outdoor SEL values of approximately 105 dB at limited areas close to some of the diversion airports. With windows partially open, the indoor SEL from these worst-case events would be approximately 90 dB at these same areas. Even at this conservatively high level, the ANSI standard projects only a five percent probability that a person of average sensitivity would be awakened. Diverted operations this loud would occur very infrequently. At Chino Airport, the airport forecast to receive the *most* diverted nighttime 105 dB SEL operations, nighttime operations this loud are forecast to occur approximately once every 92 days. Therefore, a limited number of residents living very close to the airport, and very close to or directly under a flight path, would face a five percent probability of awakening once every 92 days. Put another way, the ANSI standard suggests that a person of average sensitivity in very limited areas would be awakened by project-related operations once every 1,840 days.

The detailed statistics presented in the Draft EIR clearly demonstrate that the diverted operations are too few in number relative to existing operations of similar noisiness to identify a significant impact at LAX or any of the diversion airports. This further supports the Area Equivalent Method (AEM)-based conclusion that the changes in noise exposure are not significant. Neither the AEM analysis nor the single event analysis suggests the need for more detailed review.

### **Response to Comment 6-12**

As discussed in the responses to comments 6-10 and 6-11, the single event analysis provides far more information than averages. Some parts of Section 4.2.4.3 and Appendix B.8 of the Draft EIR provide this information in the form of averages. However, to the largest extent Section 4.2 and Appendix B of the Draft EIR provides full detail on the specific numbers—not just averages—of day, evening, and night operations projected to be diverted on a daily basis to each diversion airport, further broken down into 5-dB SEL

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<sup>8</sup> *Berkeley Keep the Jets Over the Bay Committee v. Board of Port Commissioners of the City of Oakland*, [2001] 91 Cal. App. 4<sup>th</sup> at 1344.

intervals, and also compared to the detailed numbers of existing and forecast operations in these categories for no-project conditions. Furthermore, the averages and absolute numbers are presented in both graphical and tabular format. As discussed previously, the intent is to provide far more information than required by the *Berkeley Keep Jets* precedent, permitting reviewers to understand the insignificance of the single event impacts.

### **Response to Comment 6-13**

The Draft EIR determined that noise impacts at all the diversion airports would be less than significant (See Section 4.2.4). As discussed in State CEQA Guidelines Sections 15143 and 15151, “The significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence.” (State CEQA Guidelines Section 15143.) “An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible.” (State CEQA Guidelines Section 15151.) The Final EIR identified that 0.2 operations per day would be diverted to LAX from the proposed project in 2014, the year of the greatest project-related impact at LAX. (See Table 2-5 in the Final EIR). Furthermore, as discussed in response to comment 6-10, the *Berkeley Jets* analysis in the Draft EIR determined that the proposed project would result in a nighttime diversion of one aircraft every 4 months, on average, which is well below the significance threshold utilized in the analysis for this EIR. (See Draft EIR page 4.2-45). As discussed in the revisions to Section 4.2.4.1 of the Final EIR, the level of detail provided in the Draft EIR was appropriate for the less-than-significant noise impacts identified for the project.

Furthermore, there is no requirement or guidance in CEQA (or in federal environmental assessment standards) for conducting an event-by-event noise contour analysis, nor do such studies typically present such contours for each individual takeoff and landing operation shifted from an airport. Given the lack of a state or federal requirement for such an event-by-event analysis, conducting and presenting an event-by-event analysis for project-related flight diversions would represent a truly unreasonable burden on LAWA and its consultants. Figure B.8.1 presents single event contours for a takeoff and landing cycle of representative aircraft types, for reference when considering the single event level statistics presented in Appendix B.8. While not a requirement, this type of comparative graphical presentation is an often-used practice. As discussed in the response to comment 4-13, the City of Los Angeles CEQA Guidelines, on which this EIR’s significance criteria for noise impacts were based, provides very specific guidance regarding determination of the need to conduct CNEL contour analysis—which considers cumulative exposure associated with annual operations—as opposed to a single event noise level analysis. As discussed in response to comment 4-13, application of that guidance in the Draft EIR indicated that the change in exposure at the diversion airports fell far short of the threshold for identifying significant impacts and requiring preparation of CNEL contours for the affected areas. There is no justification for LAWA to

conduct a far more complex single event noise contour analysis, when the threshold was not met for preparing a CNEL analysis. Additionally, the noise analysis presented in the EIR also includes a multi-dimensional single event noise analysis that exceeds accepted requirements—as discussed in the response to comments 4-16, 6-11, and 6-12—and found these impacts to be less than significant.

### **Response to Comment 6-14**

This comment suggests that the Berkeley Jets analysis should be “impact based not frequency-based.” The Berkeley Jets significance threshold, listed on page 4.2-30 of the Draft EIR, was deemed appropriate for determining the significance of impacts related to nighttime sleep disturbance and conversation for this project because it provides a conservative basis for concluding that project-related nighttime flights would occur so infrequently that their potential to awaken sleeping residents or interfere with sleep would be extremely low. The frequency of nighttime flights was discussed throughout the *Berkeley Keep Jets* case and is an appropriate measure for determining the significance of impacts on sleep. (See *Berkeley Keep Jets v. Board of Port Commissioners of the City of Oakland* (2001) 91 Cal.App.4<sup>th</sup> 1344, 1376, 1377, 1382.) See revisions to Section 4.2.4.1 of the Final EIR regarding the significance threshold and the methodology used in the impact analysis.

As discussed in the response to Comments 4-16, 6-10, 6-11, and 6-12, the Berkeley Jets analysis presented in the Draft EIR provides detailed information which allows for a significance determination under the “single event” significance threshold provided on page 4.2-30 of the Draft EIR. More detailed information on these impacts is provided in Appendix B.8. This analysis goes well beyond impacts pursuant to the selected threshold of one additional nighttime operation, by considering the number of operations diverted to each airport in the day, evening, and night time periods over an entire year. (See Tables B.8.1, B.8.2, B.8.3, and B.8.4 in Appendix B.8 for information on impacts at LAX—the specific focus of this comment.)

Appendix B.8 of the Draft EIR compares the number of diverted operations to the existing operation in each time period. This comparison further illustrates the relative insignificance of the diverted activity. For example, at LAX (the focus of this comment), the diverted operations represent only a 0.0003% increase in nighttime operations. As discussed in the Draft EIR, this corresponds to one nighttime operation every 4 months (Draft EIR page 4.2-45). The significance threshold selected by the lead agency for analyzing single-event noise impacts allows a reasonable assessment of whether such noise impacts are significant or not, and does not require reassessment in the Final EIR. Similarly, the conclusion that the project’s single event noise impacts would be less than significant is sufficient and does not need to be revisited in the Final EIR.



**Response to Comment 6-15**

Section 15130(b)(1) of the State CEQA Guidelines states that an EIR's cumulative analysis should be based either on "a list of past, present, and probably future projects" or on "a summary of projections contained in an adopted general plan or related planning document." This comment asks LAWA to examine the cumulative impacts of one project under a "list of projects" approach. As stated in Section 5.2.1 of the Draft EIR, cumulative analysis was conducted with the "projections" method, using a combination of airport operational forecasts published by the FAA and growth projections published by SCAG. Using this projections method provides a reasonable image of both the growth in operational activity at the affected airports and the general population growth that would occur throughout the region. Therefore, no revision of the EIR is necessary to address this comment.

**Response to Comment 6-16**

As discussed in the response to comment 6-15 above, cumulative analysis was properly conducted in the EIR using the projections method rather than the list method.

**Response to Comment 6-17**

As discussed in the response to comment 6-15 above, cumulative analysis was properly conducted in the EIR using the projections method rather than the list method.

**Response to Comment 6-18**

As discussed in the response to comment 6-15 above, cumulative analysis was properly conducted in the EIR using the projections method rather than the list method.

**Response to Comment 6-19**

This comment is noted and will be forwarded to the project decision makers for their consideration. This is a comment directed at LAWA's airport policies, and it does not specifically address the project's significant environmental issues or the adequacy of the EIR. It should also be noted that implementing noise restrictions throughout LAWA-operated airports, as suggested in this comment, would not reduce or avoid impacts of the proposed project because it would not reduce air pollutant emissions at CMA or WJF. It is likely that implementing noise restrictions at other LAWA airports would divert additional aircraft to CMA and WJF. A phaseout, as suggested in the comment, would therefore not reduce or avoid air quality impacts at CMA and WJF and, therefore, is not appropriate for analysis as a project alternative pursuant to State CEQA Guidelines Section 15126.6.

### **Response to Comment 6-20**

The comment is noted. LAWA will comply with ANCA to the extent required by law. No further response is necessary as this comment does not address the project's significant environmental issues or the adequacy or conclusions of the EIR.

See also response to comment 6-4 regarding the suggested Part 161 analysis.

### **Response to Comment 6-21**

The project would not result in a material increase in general aviation operations at LAX (0.2 operations per day shifted to LAX as a result of the proposed project), and would not compromise or hinder the ability of LAX to accommodate international travel. Additionally, the anticipated increase of 0.2 operations per day at LAX would not result in the need for physically expanded facilities at that airport. Therefore, the project would not conflict with the LAX Master Plan.

### **Response to Comment 6-22**

The project does not conflict with the aircraft operations decentralization policy set forth in the SCAG Regional Transportation Plan because it does not propose a considerable shift in aircraft operations to any one airport within the region (see Draft EIR Tables 2-5 and 2-6). The project would divert a small amount of general aviation operations to certain airports, as estimated by the diversion analysis. This would not considerably increase the concentration of aircraft operations at any of the diversion airports, nor would it create the need for physically expanded facilities. Also, as indicated above in response to comment 6-22, the anticipated project-related increase of 0.2 operations per day at LAX would not cause a material change in the existing and future role of LAX within the regional airport system.

### **Response to Comment 6-23**

LAWA will honor this request.

**Comment Letter 7, County of San Bernardino Department of Airports**

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COUNTY OF SAN BERNARDINO  
PUBLIC AND SUPPORT  
SERVICES GROUP

**DEPARTMENT OF AIRPORTS**

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Mike N Williams, A.A.E.  
Director

November 24, 2008

Los Angeles World Airports  
ATTN: Karen Hoo  
Environmental Planning  
7301 World Way West, 3<sup>rd</sup> Floor  
Los Angeles, CA 90045

SUBJECT: Van Nuys Airport, Draft Environmental Impact Report – Comments from the County of San Bernardino

Dear Ms. Hoo:

As the owner and operator of the Chino Airport (CNO), the County of San Bernardino, Department of Airports (AIRPORTS) appreciates the opportunity to review and comment on the above noted document. Therefore, AIRPORTS would like to offer the following comments:

- We disagree with the assumptions and justifications discussed for the impacts to the Chino Airport (CNO) and feel strongly that the impacts to CNO are understated. CNO can accommodate a wide range of aeronautical services and aviation users that might be exempted from VNY in the future. 7-1
- The projected traffic impacts discussed in the above noted document focused on the relocation of former military aircraft from Van Nuys (VNY) to CNO. This projection is based on the significant amount of military aircraft repair facilities at CNO. While CNO does provide significant facilities for the repair and maintenance of former military aircraft, CNO also has facilities and services available that will accommodate many of the proposed relocated aircraft.
- As noted in Section 2.2.5 "CNO was identified as a potential receptor of the project-related diversions of former military aircraft operations from VNY ... because CNO currently has two aviation museums and a number of businesses engaged in restoring old aircraft, including former military aircraft..." For the reasons noted above, it is our strong opinion that the impacts to CNO, should these aircraft be barred from operating at VNY are understated. Many aircraft types, in addition to former military aircraft will relocate from VNY to CNO prior to 2016, whether or not VNY continues to accommodate them. 7-2
- CNO consists of approximately 1,000 acres, with significant acreage available for development of aeronautical facilities. These facilities could house aircraft that would no longer be able to operate at VNY, including corporate and business aircraft maintenance. The current Gulfstream II maintenance provider that may have to relocate from VNY could be accommodated at CNO. 7-3



MARK UFFER  
County Administrative Officer

		Board of Supervisors	
BRAD MITZELFELT	First District		
PAUL BIANE	Second District		
JOSIE GONZALES	Fifth District		

DENNIS HANSBERGER  
GARY C. OVITT

Third District  
Fourth District

**Comment Letter 7**

**DEPARTMENT OF AIRPORTS**



COUNTY OF SAN BERNARDINO  
PUBLIC AND SUPPORT  
SERVICES GROUP

825 East Third Street, Suite 203 San Bernardino, CA 92415-0831 (909) 387-7801  
Apple Valley Airport - Baker Airport - Barstow/Daggett Airport - Chino Airport - Needles Airport - Twentynine Palms Airport

Mike N Williams, A.A.E.  
Director

Los Angeles World Airports  
November 24, 2008  
Page Two

- o CNO consists of an Instrument Landing System (ILS) and has an Air Traffic Control Tower (ATCT) which is operated and staffed by Federal Aviation Administration (FAA) personnel.
- o CNO is open for departures and takeoffs 24 hours per day, 365 days per year, with no restrictions on flight operations.
- o The Los Angeles International and Bob Hope airports both feature significant commercial airline activity. We question whether these airports can safely and efficiently accommodate the projected increase in traffic.
- o As noted in Section 2.2.4, Camarillo Airport (CMA) was selected based on it's proximity to VNY and facilities that could accommodate relocated aircraft. However, it was also noted that existing noise abatement procedures that do not allow departures between midnight and 5:00 a.m. without approval from the Airport Director. We believe this is a significant limiting factor for CMA that has not been fully anticipated.
- o As noted in Section 2.2.6, William J Fox Field (WJF) was identified as being able to accept major maintenance and repair operations from VNY. We question this justification based on discussions with just one, current maintenance operator at VNY. Additionally, WJF is located in close proximity to Edwards Air Force Base, which serves as the major flight test facility for the United States and features significant restricted airspace. We question whether WJF can adequately accommodate the projected relocations and that more justification is necessary.

↑  
7-3  
cont.

7-4

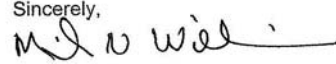
7-5

7-6

7-7

The County of San Bernardino is appreciative of the effort expended by your organization in this process. The County is working towards increasing the usage of CNO and would welcome relocated activities should this study be finalized. However, the impacts to CNO need to be fully identified so that the airport and its surrounding citizens have a clear understanding of the changes to the Airport and an opportunity to fully weigh in on their effects to the community.

Thank you for the opportunity to comment and please let us know if you require additional information.

Sincerely,  
  
Mike N Williams, A.A.E.  
Director of Airports

cc: Charles E Coe, City of Chino

MARK UFFER  
County Administrative Officer

BRAD MITZELFELT  
PAUL BIANE  
JOSIE GONZALES

Board of Supervisors  
First District  
Second District  
Fifth District

DENNIS HANSBERGER  
GARY C. OVITT

Third District  
Fourth District

## **Response to Comment Letter 7, County of San Bernardino Department of Airports**

### **Response to Comment 7-1**

As summarized in response to comment 4-11 and stated on page 2-8 of the Draft EIR, estimates of how aircraft diverted by the proposed ordinance would behave were based on a combination of operational trends, available facilities, highway distances, and driving times. (See Appendix B Sections 7.2 and 7.3 for greater detail regarding methodology used to determine the diversion airports.) In preliminary identification of diversion airports, CNO was included in the initial list of airports with potential to receive diverted general aviation operations due to its general location in the Southern California region. However, when subjected to further screening analysis, the excessive driving time between VNY and CNO (1 hour and 10 minutes under uncongested traffic conditions, 3 hours and 10 minutes with congestion) was identified as a primary factor for eliminating CNO as a recipient of diverted operations (other than the operations of former military aircraft). Chapters 4 and 5 of the EIR present discussion of the project's impacts due to diverted operations of former military aircraft to CNO. As discussed in Section 2.1.4.3 of the Draft EIR operations are not anticipated to divert to CNO prior to the former-military exemption expiration in 2016. The project's impacts on CNO and the surrounding area were not understated and are based upon diversion estimates performed by qualified professionals utilizing the best data available.

### **Response to Comment 7-2**

Please see the response to comment 7-1 above. Please also note that project-related diversions of former military aircraft to CNO are not anticipated to occur until 2016 with the expiration of the exemption for those aircraft. The environmental analysis presented in the EIR assumes this diversion of former military aircraft to CNO. All project-level and cumulative impacts were found to be less than significant at CNO. The comment also notes that other aircraft, aside from the former-military aircraft, could relocate to VNY "whether or not VNY continues to accommodate them." These diversions, if they were to occur, would not be a result of the proposed project and would therefore not be an impact of the proposed project.

### **Response to Comment 7-3**

LAWA acknowledges the fact that CNO has excellent facilities and expansion potential. The full extent of CNO's facilities were taken into consideration when identifying potential diversion airports for the project-related operations. However, as stated in the response to comment 7-1 above, CNO's location and the resultant driving distance from VNY limits its ability to serve as an alternative to VNY for project-related diversions, and it

was concluded that only the former military aircraft (beginning in 2016) would divert from VNY to CNO as a result of the project.

#### **Response to Comment 7-4**

The project is anticipated to result in a very small number of additional operations at the diversion airports (see Tables 2-5 and 2-6 of the Draft EIR.) LAX and BUR have facilities that are adequate to accommodate the addition of project-related diversions, estimated at an average of less than 1 diverted operation daily at each airport referenced in this comment (0.2/day at LAX and 0.5/day at BUR in the peak year of 2014, as shown in Table 2-5 of the Draft EIR), and these diversions would not cause any problems with safe and efficient operations at either LAX or BUR.

#### **Response to Comment 7-5**

The prohibition of takeoffs at CMA between 12:00 a.m. and 5:00 a.m. is acknowledged in Section 3.2.3 of the Draft EIR and noise restrictions are further acknowledged as a factor in the diversion analysis in Appendix B Sections 7.2 and 7.3 (see also response to comment 4-11). As stated in Section 3.1 of the Draft EIR, VNY also has a night-time curfew for certain aircraft that is variably in effect from 10 p.m. to 7 a.m. (Please note that the referenced text has been revised in the Final EIR to clarify which aircraft are subject to this curfew.) Because of this curfew, aircraft that would be affected by the proposed phaseout generally do not operate during the hours in which the referenced CMA curfew is in place. Therefore, the existence of the CMA curfew is not likely to affect the decision to operate there, and the curfew wouldn't be considered a "significant limiting factor" to project-related diversions to CMA, as suggested in this comment.

#### **Response to Comment 7-6**

The volume of project-related operations anticipated to divert to WJF when the maintenance exemption expires in 2016 is small—estimated at 260 annual operations, as noted in Table 2-6 of the Draft EIR—and WJF is anticipated to be able to accommodate these operations. While it is true that WJF is located near Edwards AFB, the restriction in airspace that accompanies the presence of this nearby military facility would not serve to significantly limit the project-related diversions, as WJF currently functions within this airspace and is anticipated to continue to grow in the future within this setting. The suitability of an airport to support maintenance activity such as would be diverted from VNY when the maintenance exemption expires in 2016 depends largely on the availability of land and access to a trained workforce. WJF has land suitable to accommodate expanded maintenance activity, and the presence of Edwards AFB could represent a potential source of trained labor, making it a suitable location for maintenance-related diversions. Therefore, WJF is suited to accommodate the maintenance-related diversions in 2016.

**Response to Comment 7-7**

LAWA appreciates the County of San Bernardino's participation in the environmental review process for this project. The Draft EIR presents a reasonable and complete analysis of the project's environmental impacts at the diversion airports, including CNO.

**Comment Letter 8, Ventura County Air Pollution Control District**



**Ventura County  
Air Pollution  
Control District**

669 County Square Drive  
Ventura, California 93003

tel 805/645-1400  
fax 805/645-1444  
www.vcapcd.org

**Michael Villegas  
Air Pollution Control Officer**

December 3, 2008

Karen Hoo  
Los Angeles World Airports  
Environmental Planning  
7301 World Way West, 3<sup>rd</sup> Floor  
Los Angeles, CA 90045

Subject: Review of Draft Environmental Impact Report for the Van Nuys Airport Phase-out of Noisier Aircraft Project

Dear Ms. Hoo:

Air Pollution Control District staff has reviewed the subject project draft environmental impact report (DEIR), which evaluates the potential environmental impacts associated with implementing a proposed noisier aircraft phase-out ordinance at Van Nuys Airport.

Section 4.3 of the DEIR addresses air quality issues pertaining to the proposed project. Potential impacts to Ventura County's air quality are evaluated in the DEIR because the proposed phase-out program would divert existing aircraft unable to comply with the proposed noise restrictions to outlying airports, including the Camarillo Airport in Ventura County. Our comments address potential air quality impacts from aircraft diversion to Camarillo Airport.

Section 4.3.2.3, Local Standards and Regulations (Page 4.3-11) and Section 4.3.2.4, CEQA Thresholds of Significance (Page 4.3-14) both discuss Ventura County Air Pollution Control District and Ventura County's thresholds of significance for criteria air pollutants. Table 4.3-5 indicates that Ventura County APCD's daily significance criteria for emissions of reactive organic compounds and nitrogen oxides are both 25 pounds per day.

The transfer of aircraft to Camarillo Airport would result in an increase in emissions of 55 pounds per day ROC and 61 pounds per day NOx. This indicates that the project would result in emissions of ROC and NOx that exceed the daily thresholds, as described in 4.3.6, Summary of Significant Impacts and Mitigation Measures (Page. 4.3-59) and the discussion of Significant Impact AQ-1 on Page 4.3-52. The air impact discussion on Page 4.3-52 states: "There are no feasible measures to mitigate the project's exceedance of VCAPCD thresholds for ROG and NOx. To avoid or reduce this impact to a less-than-significant level, emissions from the project-related diversions to Camarillo Airport would have to be eliminated or reduced in individual aircraft. Technology to reduce these

8-1





Comment Letter 8

Karen Hoo/Van Nuys Airport Phase-Out  
December 3, 2008  
Page 2

aircraft emissions is not available, and cannot be imposed on the operating aircraft. Therefore mitigation is infeasible and this is a significant and unavoidable impact.”

8-1  
cont'd

We do not concur with this conclusion that mitigation is infeasible and the project’s impacts are unavoidable. Ventura County offers an offsite Transportation Demand Management (TDM) fund, as presented on Page 7-15 of the Ventura County Air Quality Assessment Guidelines, as a way to fund offsite air emissions mitigation reductions in Ventura County. The contributions to a TDM fund are commensurate with air quality reductions needed for a project. Several other local jurisdictions in Ventura County use this mitigation measure to fund offsite emission reductions for projects within their jurisdictions. Such mitigation may or may not be directly related to the project whose emissions are being mitigated.

8-2

We recommend the excess emissions from aircraft that would be diverted to Camarillo Airport be mitigated through contribution to a TDM fund to fund emissions reduction projects in Ventura County.

If you have any questions, please call me at (805) 645-1427.

Sincerely,



Chuck Thomas  
Planning and Monitoring Division

M:/Planning/CEQATracking/CEQAProjects/2008/Misc/Van Nuys Airport Phaseout

## Response to Comment Letter 8, Ventura County Air Pollution Control District

### Response to Comment 8-1

This is an accurate interpretation of the project's estimated air quality impacts at CMA published in the Draft EIR, and of the discussion of the lack of feasible mitigation to reduce the impact to a less-than-significant level. Please note that the air quality impact analysis presented in the Draft EIR contained an error related to diversion assumptions that led to the overestimation of emissions at CMA. The Final EIR has been revised to correct this error, and project-related emissions are no longer anticipated to exceed the VCAPCD threshold for volatile organic compounds (VOC). The threshold for NO<sub>x</sub> would still be exceeded, though by a much smaller margin than initially indicated in the Draft EIR. Results of these changes are shown in Table 4.3-27 of the Final EIR and the succeeding discussion.

### Response to Comment 8-2

The comment letter references a TDM fund on "Page 7-15 of the Ventura County Air Quality Assessment Guidelines." LAWA is aware of the Transportation Demand Management (TDM) fund discussed in the Assessment Guidelines. Contributing to this fund is not a feasible mitigation measure. The referenced section in the guidelines does not provide an actual TDM fund currently in existence, but rather, the Guidelines provide directions for the creation of a fund. The referenced Guidelines are non-specific and state, "The lead agency should determine the basis for collection and how the funds are to be spent." (VCAPCD Assessment Guidelines page 7-15.) The comment does not provide any specific improvements which would result in the reduction of the project's air quality impacts which would be part of such a program.

Simply contributing funds toward an unspecified future improvement would not constitute mitigation under CEQA, since there is no mechanism to ensure that any specific improvements addressing the specific impacts are made. Furthermore, LAWA does not have authority in Ventura County to implement such measures or to ensure they would be enforced. As discussed in the *Anderson* and *Carson* cases, without an actual plan and a commitment by a responsible agency, a fair-share fee is not an adequate mitigation measure. (See *Anderson First Coalition v. City of Anderson* [2005] 130 Cal.App. 4<sup>th</sup> 1173, and *Carson Coalition for Healthy Families v. City of Carson* [2007] 2007 WL 3408624 at page 18 [unpublished].)

In addition, according to the VCAPCD's Air Quality Assessment Guidelines, §7.5.3, contribution to the TDM fund is intended to mitigate for impacts due to development-related projects, and not for the impacts related to the unusual air quality circumstances presented by the project. The Guidelines state that "Funds should be used for mitigation projects or programs in areas

that are directly or indirectly impacted by the development project...” (Ventura County Air Quality Assessment Guidelines, p. 7-16) For the reasons discussed, this mitigation measure is infeasible.

Furthermore, please also note that the ordinance at issue in this EIR does not explicitly propose to divert aircraft to CMA or any other airport. The EIR’s conclusion that project-related aircraft operations would divert to CMA is the result of assumptions by qualified professionals based on driving times between CMA and VNY, CMA runway length and width, and operating convenience (potential for flight delays) at CMA. While LAWA stands behind the analysis presented in the EIR, including the conclusion that project-related aircraft would divert to CMA, it should be noted that there is no explicit guarantee that project-related aircraft would do so. Accordingly, payment of fees to VCAPCD for these impacts is not appropriate mitigation.

**Comment Letter 9, County of Ventura Department of Airports**

**county of ventura**  
DEPARTMENT OF AIRPORTS  
www.ventura.org/airports



555 Airport Way ♦ Camarillo, CA 93010 ♦ (805) 388-4274 ♦ Fax: (805) 388-4366

October 31, 2008

08 NOV 4 AM 11:17  
CS

Ms. Karen Hoo  
Los Angeles World Airports  
Environmental Planning  
7301 World Way West, 3<sup>rd</sup> Floor  
Los Angeles, CA 90045

**Re: Comment on Draft Environmental Impact Report  
Van Nuys Airport Noisier Aircraft Phaseout Project**

Dear Ms Hoo:

Thank you for the opportunity to comment on the DEIR for the above referenced project. As the Director of Airports for the County of Ventura, my comments are specific to the impacts on Camarillo Airport (CMA).

Section 4.2 "Noise Analysis" states that the noise impact created by the project would be less than significant. While this may be true under the CEQA guidelines, any additional noise created by aircraft that are essentially forced to operate out of CMA would cause an impact. The aviation forecast levels stated in the DEIR do not match those in the Camarillo Airport Master Plan Update project currently under way. We believe the forecasts stated in the DEIR are overly aggressive based on the current economic and aviation trends. This is important because the impact of the single Stage II jet that would be relocated to CMA would cause a larger percentage increase to the noise footprint of the airport based on our more conservative forecasts. Additionally, any additional Stage II jet operations at CMA will likely cause the number of noise complaints to increase substantially.

9-1  
9-2

Figure 4.3-5 depicts noise receptors within one mile of CMA. While it does accurately reflect those, it does not reflect the downtown area and communities that lie under the approach path to CMA that would be directly impacted by an additional Stage II jet operating from CMA. This should be studied further.

9-3

Section 4.3 "Air Quality" states that the impact would be significant and unavoidable due to exceeding VCAPCD levels of VOC and NOx. The "no project" alternative, however, does not create this same unavoidable impact.

9-4

**Comment Letter 9**

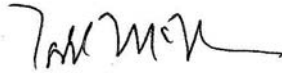
Karen Hoo – Van Nuys Airport Noisier Aircraft Phaseout  
October 31, 2008  
Page 2

With the above in mind, the County of Ventura Department of Airports opposes the project.

9-5

Thank you again for the opportunity to comment and feel free to contact me at 805-388-4200 if you have any questions.

Sincerely,



TODD L. McNAMEE, AAE  
Director of Airports

cc : Camarillo Airport Authority  
Aviation Advisory Commission  
Bob Burrow, City of Camarillo  
Michael Villegas, APCD

## **Response to Comment Letter 9, County of Ventura Department of Airports**

### **Response to Comment 9-1**

The Draft EIR presents a reasonable and complete analysis of the project's environmental impacts at the diversion airports, including the noise impacts at CMA. As this comment notes, the project's noise impacts are analyzed in terms of significance criteria identified in Section 4.2.4.1, which are based on FAA and City of Los Angeles policy. These thresholds allow an adequate assessment of whether the project's noise impacts would be considered significant pursuant to CEQA. Noise impacts at CMA were determined to be less than significant.

### **Response to Comment 9-2**

In preparation for conducting the diversion analysis at CMA, LAWA's consultants contacted the Ventura County Director of Airports for the most current available information. The most recent Master Plan information that the Director provided was from the 1996 report. This comment indicates that the County is preparing a Master Plan Update that forecasts more conservative growth than assumed in the Draft EIR. The Master Plan Update has not yet been adopted, and the Director did not provide information from the update for use in the project-related diversion analysis, nor did the comment letter provide revised forecast levels; accordingly, the referenced forecast information has not been incorporated into the analysis presented in the EIR. However, the CMA growth projections provided by the Director of Airports and incorporated into the EIR provide a depiction of future activity at CMA that serves as a reasonable baseline from which to analyze the project's environmental effects.

Please note that the focus of the EIR is on the project's impact or contribution to cumulative impacts, and not necessarily on the total level of activity at the affected airports. The EIR compares project impacts to a reasonable baseline and, in this respect, the Draft EIR presents sufficient information to conclude that the diverted operations will not create a significant noise impact. This conclusion is supported by the Area Equivalent Method (AEM) analysis in Table 4.2-60 of the Draft EIR, which shows that the CNEL projected for the with-project conditions in 2014 is only 1.1 dB higher than the 2007 CMA Baseline, even with the so-called "overly aggressive" 2014 forecasts used in the EIR. This does not exceed the 1.5 dBA significance threshold utilized in the EIR analysis. If more conservative estimates were used for non-project-related operations at CMA, the 2014 noise level would be even less than 1.1 dB higher than the 2007 CMA Baseline. Therefore, even if the County's Master Plan Update were to forecast no growth in activity at the airport, the proposed project would not result in a significant noise impact.

### **Response to Comment 9-3**

Although the referenced areas surrounding CMA may not be shown in Figure 4.3-5, the project's impacts on these areas are accounted for in the noise impact analysis presented in Section 4.2.4.2 of the Draft EIR. The AEM analysis takes into account both approach and departure operations. As discussed in the response to Comment 9-2, even an extremely conservative interpretation of the AEM analysis for CMA indicates that the diverted operations will not result in a change in CNEL that exceeds the 1.5 dB threshold of significance in any area.

### **Response to Comment 9-4**

As stated in the response to comment 8-1 above, the air quality impact analysis presented in the Draft EIR contained an error related to diversion assumptions that led to the overestimation of emissions at CMA. The Final EIR has been revised accordingly. The VCAPCD threshold for NOx is still exceeded by project emissions, but the threshold for VOC is not exceeded. The comment regarding the "no project" alternative is noted.

### **Response to Comment 9-5**

The County of Ventura's opposition to the project is noted, and this comment will be forwarded to the project decision makers for their consideration. LAWA appreciates the County of Ventura's participation in the environmental review process for this project.

**Comment Letter 10, Aircraft Owners and Pilots Association**



421 Aviation Way  
Frederick, Maryland 21701

T. 301-695-2000  
F. 301-695-2375

www.aopa.org

November 17, 2008

Ms. Karen Hoo  
Environmental Planning  
Los Angeles World Airports  
7301 World Way West, 3<sup>rd</sup> Floor  
Los Angeles, CA 90045

RE: Notice of Availability and Public Meeting on a Draft Environmental Impact Report for the Van Nuys Airport Noisier Aircraft Phaseout Project

Dear Ms. Hoo:

The Aircraft Owners and Pilots Association (AOPA) represents more than 415,000 general aviation pilots and members nationwide, of whom more than 49,600 reside in the state of California. AOPA is concerned with the Van Nuys Airport Noisier Aircraft Phaseout based on the associated impacts to surrounding general aviation airports and their communities.

**Impacts to Surrounding Airports, Communities and Businesses a Concern**

Van Nuys Airport (VNY) is the busiest general aviation airport in the United States. With more than 700 based aircraft and 500,000 operations annually, VNY is an extremely critical part of the California transportation system. As we shared with the Burbank-Glendale-Pasadena Airport Authority in response to their proposed nighttime curfew, we suggest that shifting the noise and other environmental impacts from one airport at the expense of another nearby and adjacent airport community is not a good solution and should be the basis for a Federal Aviation Administration (FAA) denial of the proposed restrictions.

10-1

In addition, AOPA has significant concerns with the inevitable shift of several business operators and additional operations to surrounding Bob Hope (BUR), Los Angeles International (LAX), Camarillo (CMA), Chino (CNO), and William J. Fox Airfield (WJF). Each of these airports is part of the Southern California airport infrastructure and the result of these proposed restrictions have a good possibility of leading to proposed restrictions at many airports in the region. The offset or shifting of operations from one airport and associated community to another sets a dangerous precedent for the eventual elimination of airport businesses and interstate commerce.

10-2

**Environmental Impacts Should Not be Ignored**

As included in the Environmental Impact Report (DEIR), the project-level impacts will be a considerable contributor to the significant cumulative impacts at surrounding airports and their communities – specifically CMA and the South Central Coast Air Basin. The shift of aircraft operations from VNY to surrounding areas and airports will result in increased pollutant emissions in their respective locations. The fact that there are no feasible mitigation measures to

10-3



AIRCRAFT OWNERS AND PILOTS ASSOCIATION



Comment Letter 10

Ms. Karen Hoo  
Page 2  
November 17, 2008

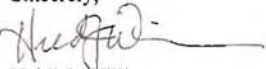
avoid or substantially lessen the project's contribution to the cumulative air quality impacts is evidence that the project is likely to create environmental hurdles for surrounding communities that cannot be overcome. AOPA suggests that the most environmentally friendly alternative in this case is a "no action" solution, which still meets the over-arching goal of noisier aircraft reduction due to anticipated aircraft retirements.

↑  
10-3  
cont'd  
10-4

**In Conclusion**

AOPA recognizes that LAWA is attempting to establish a maximum noise level for all aircraft arriving at and departing from VNY. While arguably there are positive impacts of a phaseout of noisier aircraft, the significant cumulative impacts associated with the proposed phaseout plan are of great concern and ultimately not in the best interests of the impacted airports and the surrounding community. AOPA strongly recommends that Los Angeles World Airports take no action and allow the anticipated aircraft retirements to produce the desired goals of a reduction of noisier aircraft at VNY over the coming years.

10-5

Sincerely,  
  
Heidi J. Williams  
Senior Director Airports

## **Response to Comment Letter 10, Aircraft Owners and Pilots Association**

### **Response to Comment 10-1**

The AOPA's opposition to the project and opinion regarding FAA denial of the project is noted, and this comment will be forwarded to the project decision makers for their consideration. This comment does not specifically address the project's significant environmental issues or the adequacy of the EIR. Therefore, no additional response is required.

### **Response to Comment 10-2**

The AOPA's opinion regarding the project's economic impacts is noted, and this comment will be forwarded to the project decision makers for their consideration. Please note that CEQA generally does not require the analysis of a project's economic impacts (see State CEQA Guidelines Section 15131), and the issues raised in this comment do not address significant environmental issues or the adequacy of the EIR. Therefore, no additional response is required.

### **Response to Comment 10-3**

The project's contribution to cumulative air quality impacts at the diversion airports is discussed in Section 5.2.3 of the Draft EIR. As this comment correctly points out, the project was identified as having a cumulatively considerable contribution to air quality impacts at CMA and WJF due to the fact that it would be transferring emissions from the South Coast Air Basin to the South Central Coast Air Basin and the Mojave Desert Air Basin—both of which have non-attainment status for ozone and particulate matter. As also noted in Section 5.2.3, there is no mitigation that would reduce these cumulative contributions to less-than-significant impact. The project's contributions to cumulative impacts are fully disclosed in the Draft EIR.

### **Comment Letter 10-4**

The commenter's preference for the "no-action" alternative, which is analyzed as Alternative 1 in the EIR, is noted. This comment will be forwarded to the project decision makers for their consideration.

### **Comment Letter 10-5**

The AOPA's concern for the project's impacts, which are properly analyzed and presented in Chapters 4 and 5 of the EIR, is noted. This comment will be forwarded to the project decision makers for their consideration.

**Comment Letter 11, Encino Neighborhood Council**

November 13, 2008

'08 DEC 5 PM 12:07  
*CS*

Ms. Karen Hoo  
LAWA  
Environmental Planning  
7301 World Way  
Third Floor  
Los Angeles, CA 90045

Dear Ms. Hoo,



The Encino Neighborhood Council has unanimously voted to support the grandfathered "Noisy Aircraft" phase out at Van Nuys Airport.

11-1

Our Airport Committee discussed and reviewed this issue and found that there were no exceptions regarding Stage 3 & 4 aircraft within the originally approved document. The following motion was approved unanimously by the Committee and there after by the full Council:

"The Encino Neighborhood Council supports the grandfathered "Noisy Aircraft" phase out at VNY. Furthermore we strongly urge LAWA not to add exceptions for Stage 3 & 4 aircraft to the grandfathered Phase Out."

As you are aware, the residents in the San Fernando Valley have fought and struggled long and hard to obtain the approved and then grandfathered phase out of "Noisy Aircraft". If an aircraft meets the Noise Limit within the original Phase Out Plan, then it should not matter what type of aircraft it is. If there is a designation set by the Plan it would be self defeating to add exceptions, other than those already in the Plan.

We are hopeful that LAWA will recognize this situation and delete the added exceptions that were not there in the first place.

Yours very truly,  
*Robert Z Glushon*

ROB GLUSHON  
President, Encino  
Neighborhood Council

cc: Mayor Villaraigosa  
Selena Birk, VNY Mgr.  
City Councilman Jack Weiss  
City Councilman Greig Smith  
City Councilwoman Wendy Greuel



A Los Angeles Certified Neighborhood Council: P.O. Box 260439 4933 Balboa Blvd. • Encino, CA 91426-0439 • (818) 225-1040 • enc@SoCal.rr.com • www.EncinoCouncil.org

## **Response to Comment Letter 11, Encino Neighborhood Council**

### **Response to Comment 11-1**

The Encino Neighborhood Council's support for the proposed project is noted. It is also noted that the comment urges LAWA not to adopt the Stage 3 and 4 exemptions which are part of Alternative 2. This comment will be forwarded to the project decision makers for their consideration.

**Comment Letter 12, Los Angeles International Airport Advisory Committee**

**Los Angeles International Airport Advisory Committee**

Committee: Residents of El Segundo, Inglewood, Lennox, Hawthorne, Culver City and Westchester/Playa del Rey

October 10, 2008

Ms. Karen Hoo  
Environmental Planning  
Los Angeles World Airports  
7301 World Way West, 3<sup>rd</sup> floor  
Los Angeles, CA 90045

Re: Draft EIR Van Nuys Airport

Dear Ms. Hoo:

The Los Angeles International Airport Area Advisory Committee (LAXAAC) provides these comments regarding the Draft Environmental Impact Report (Draft EIR) for the proposed noisier aircraft phaseout project for the Van Nuys Airport.

As residents of communities near an airport, our Committee members sympathize with the desire to reduce noisier aircraft operations. However, this project should not be allowed to proceed given that the Draft EIR recognizes that the proposed phaseout will merely shift operations and thus noise and air pollution to other airports, including the Los Angeles International Airport (LAX).

12-1

Shifting the problem elsewhere is not an appropriate response to the problems of noise in the communities surrounding the Van Nuys Airport, particularly where you propose to shift that noise to the communities surrounding LAX, which already are afflicted with noise and air pollution from airport operations to a much greater extent than the communities near Van Nuys. Proceeding with this proposal would be particularly unjust given that the Draft EIR recognizes that there is no feasible mitigation to reduce the significant noise impacts to our communities.

12-2

We firmly believe that only a regional approach to air transportation will mitigate the transportation and security problems currently impacting the entire Southern California area. Only if the air traffic burden can be spread throughout the Southern California region, will we continue to see the economic benefits of a vibrant transportation system without unduly impacting one portion of the Southern California community.

12-3

We hope that the residents of Van Nuys and the San Fernando Valley will recognize that the benefits provided to them by the Van Nuys Airport, and not try to worsen the environment for their fellow citizens near LAX and other diversion airports.

12-4



Comment Letter 12

We recommend that the DEIR for the proposed noisier aircraft phaseout project for the Van Nuys Airport not be adopted. Please let us know if you have any questions regarding our comments.



Very truly yours,

Handwritten signature of Danna Cope.

Danna Cope, LAXAAC Chair  
Los Angeles International Airport Area Advisory Committee  
c/o LAX Community Relations  
1 World Way, P.O. Box 92216  
Los Angeles, CA 90009-2216

Enclosure

cc: Los Angeles Mayor Antonio Villaraigosa  
LAWA Board of Airport Commissioners  
Councilman Bill Rosendahl  
Gaby Pacheco, LAX Community Relations

Comment Letter 12

**Los Angeles International Airport Area Advisory Committee**

Committee: Residents of El Segundo, Inglewood, Lennox, Hawthorne, Culver City, and Westchester/Playa del Rey

Los Angeles International Airport Area Advisory Committee (LAXAAC)

**Background Statement**

The Los Angeles International Airport Area Advisory Committee (LAXAAC) has been in existence for more than 30 years as an advisory board to the Board of Airport Commissioners (BOAC).

Members of the committee are appointed by the appropriate legal authority in communities immediately surrounding LAX:

El Segundo,  
Lennox,  
Hawthorne,  
Inglewood,  
Culver City,  
Marina del Rey,  
and the Westchester and Playa del Rey areas of Los Angeles.

The members of LAXAAC have one overriding concern about LAX: **safety**. This concern includes safety for those who work or live near LAX in addition to air passengers, crews, and aircraft.

Other concerns for committee members are air and noise pollution and surface traffic in and around their communities.

The members of LAXAAC will continue to participate in LAX issue discussions and proposals and look forward to on-going interaction with the members of the BOAC and LAWA staff.

04/07

## **Response to Comment Letter 12, Los Angeles International Airport Advisory Committee**

### **Response to Comment 12-1**

The LAXAAC's concern for the project's impacts is noted, and this comment will be forwarded to the project decision makers for their consideration. Chapters 4 and 5 of the Draft EIR present analysis of the environmental impacts resulting from the proposed project at the identified diversion airports, including LAX. Impacts at LAX were determined to be less than significant.

### **Response to Comment 12-2**

Please note that Section 4.2.4.3 of the Draft EIR concludes that noise impacts at LAX would be less than significant due to the limited number of project-related operations that would occur at the identified diversion airports (0.2 operations per day would be shifted to LAX in the peak diversion year; see Tables 2-5 and 2-6 in the Draft EIR). Therefore, no mitigation is necessary to reduce these impacts.

### **Response to Comment 12-3**

The comment's stated opinion regarding a regional solution to aircraft operational noise is noted. This comment is directed at LAWA's airport policies, and it does not specifically address the project's significant environmental issues or the adequacy of the EIR. Furthermore, the EIR did not identify any "transportation" or "security problems" that would result from the proposed project. The comment will be forwarded to the project decision makers for their consideration.

Please also note that the regional approach discussed in this comment is not a feasible alternative to the project, as defined by Section 15364 of the State CEQA Guidelines. Such an alternative could not be accomplished "within a reasonable period of time" and would be economically infeasible. The reason for this is the extensive cross-jurisdictional coordination it would entail, with all affected local airport regulators contributing money, time, and resources for extensive impact and feasibility studies, which is not likely to occur.

### **Response to Comment 12-4**

The LAXAAC's opposition to the project is noted. LAWA appreciates the LAX Advisory Committee's participation in the environmental review process for this project.



**Comment Letter 13, National Business Aviation Association, Inc.**

ZUCKERT SCOUTT & RASENBERGER, L.L.P.  
ATTORNEYS AT LAW

888 Seventeenth Street, NW, Washington, DC 20006-3309  
Telephone [202] 298-8660 Fax [202] 342-0683

FRANK J. COSTELLO

fjcostello@zslaw.com

December 1, 2008

By Mail, E-mail, and Fax

Ms. Karen Hoo  
Los Angeles World Airports  
Environmental Planning  
Attention: VNY EIR  
7301 World Way West, 3d Floor  
Los Angeles, CA 90045

**Re: Comments of the National Business Aviation Association, Inc.**

Dear Ms. Hoo:

This letter is submitted on behalf of the National Business Aviation Association, Inc. (“NBAA”) and contains NBAA’s comments on the Draft Environmental Impact Report (“Draft EIR”) prepared with respect to the proposed exclusion of certain aircraft from Van Nuys Airport (“KVNYY”).

**Introduction**

NBAA is the principal spokesperson for companies that use general aviation in the furtherance of their businesses. It has more than 8,000 member companies, many of which are based at KVNYY or use the airport on an itinerant basis. Over the years, NBAA and its members have worked with the airport on many significant noise-mitigation measures consistent with NBAA’s pioneering “Good Neighbor” program. At the same time, NBAA has not hesitated to oppose mandatory measures that it believed were unwise and unlawful, measures such as the phase-out program examined in the Draft EIR.

KVNYY is today and always will be one of the most important business aviation airports in the nation. The crucial role that business aviation plays in the continuing economic health of the airport and the community does not have to be restated. Any measure that would further restrict access to KVNYY would be a dagger to the economic heart of the community. In other words, when NBAA takes issue with proposed access restrictions, as it does here, it does not just have the immediate interests of its members in mind. It also has the broader interests of the community as background, a perspective that is missing from the Draft EIR.

13-1

The Draft EIR begins by noting that three “primary areas of controversy” were identified in the NOP period: the impact of diverting operations to other airports; the conflict with FAA

13-2



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policies, *i.e.*, the conflict with federal laws and regulations; and the impact on business aviation. The report proceeds to hide the first concern and ignore the latter two on the grounds that they are not “CEQA related.” These comments look at these areas in depth, but it really can be boiled down to this:

▲  
13-2  
cont'd

- The restriction, as re-proposed after being abandoned by the City sixteen years ago, cannot proceed without complying with the procedures of the Airport Noise and Capacity Act of 1990 (“ANCA”), 49 U.S.C. § 47524, and Part 161 of the Federal Aviation Regulations, 14 C.F.R. § 161.1, *et seq.* As applied to Stage 2 aircraft, this requires a detailed review process at the local level, a process that already has begun, as well as review by the FAA. As applied to Stage 3 aircraft, it also requires the affirmative approval of the FAA before any restriction can be implemented. 13-3
- The purpose of the federal process is to assure, in advance, that the restrictions do not violate the grant assurances and other federal law. As re-proposed, the restrictions would be unlawful, in large part because the de minimis environmental “benefit” would be offset by significant adverse environmental consequences at other airports and within the region and because of the adverse economic impact. We would note that these concerns apply with or without completion of the Part 161 process. 13-4
- KVNY today has some of the most severe restrictions on Stage 2 operations in the nation, including restrictions imposed over the strenuous objections of NBAA. Further restrictions would serve no purpose other than to punish the operators of the remaining Stage 2 aircraft. Buried in the report is this fact: because of the retirement of older aircraft in any event, it is estimated that a phase-out would eliminate only 5 flights per day in 2014 an airport projected to have nearly 1,050 flights per day that year. Those five flights are very important to the operators, and to the community, but their elimination would produce almost no measurable reduction in aircraft noise or emissions at KVNY. Indeed, if the restrictions were to be imposed, the only thing the public would notice is the negative economic impact. 13-5
- There would be meaningful adverse environmental consequences from transferring these flights to smaller, nearby airports, particularly Chino, Camarillo and William J. Fox. Unilateral access restrictions imposed at airports in the Los Angeles basin serve no purpose other than to pit communities against each other. 13-6

Our detailed comments are set forth below:

## Comment Letter 13

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Discussion**(1) The New Proposal To Phase-Out Stage 2 Aircraft at KVNy Is Not Grandfathered Under ANCA and Part 161.**

The proposal to phase-out Stage 2 (and some Stage 3) aircraft at KVNy is a *new* proposal, the result of an entirely *new* “regulatory or legislative process.”<sup>1</sup> While a similar proposal was adopted by the Board of Airport Commissioners in 1990,<sup>2</sup> that proposal specifically was rejected by the City on December 4, 1992, in a transmittal from Mayor Bradley of Los Angeles to the Board of Airport Commissioners. See Attachment A hereto.<sup>3</sup> The Mayor returned the proposal “without action” and with directions to implement the recommendations in the attached report, including a recommendation to “rescind all actions related to the proposed noise regulation.” *Id.* (emphasis added). It appears that the proposed phase-out was rescinded, at least on a de facto basis. The extension of the curfew and the non-addition rule did proceed, however, and were grandfathered from the Part 161 process, as discussed below. However, a new phase-out proposal cannot take advantage of the grandfather exception to Part 161 nearly sixteen years after the City abandoned the original proposal.

13-7

ANCA and Part 161 are very specific as to what types of proposed restrictions are subject to the Part 161 review process. First, any Stage 3 restriction not in effect as of October 1, 1990 is subject to FAA review and approval.<sup>4</sup> Second, the Part 161 review process applies to any Stage 2 restriction “proposed after October 1, 1990.” 49 U.S.C. § 47524(b); 14 C.F.R. § 161.3(a). It does not say “initially” or “first” proposed, or qualify the grandfather date in any other way. The only exception to this rule applies to a Stage 2 restriction “if the airport

<sup>1</sup> The Board of Airport Commissioners adopted the new proposal on August 20, 2007.

<sup>2</sup> The new proposal is not identical to the 1990 proposal. Apart from exemptions made for the limited operation of certain Stage 2 aircraft types in the new proposal, the phase-out periods in each proposal are date-specific and reflect the passage of eighteen years between the two proposals. These differences underscore the fact that the abandonment of the phase-out in 1992 was the end of one “regulatory or legislative process” and the proposal we now are addressing is the result of a different process.

<sup>3</sup> The materials in Attachment A were obtained by an interested member of the public through a search of the Bradley Archives in UCLA’s Special Collections Department.

<sup>4</sup> The Draft EIR concedes that hush kitted 727 aircraft presently operating at KVNy meet Stage 3 requirements but would be subject to the phase-out. *Id.* Vol. 1, at 1-4 – 1-5. Nonetheless, the primary proposal would include those aircraft, and exclusion of those aircraft only is an option. Needless to say, compliance with ANCA and Part 161 is not optional on the part of the airport operator.

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proprietor has formally initiated a regulatory or legislative process before October 2, 1990.” 49 U.S.C. § 47533(2); 14 C.F.R. § 161.7(d)(2). It does not use the past tense. The syntax plainly refers to a continuing regulatory or legislative process.

13-7  
cont'd

This is confirmed by the very limited legislative history of the grandfather exception, namely, a statement made by James Busey, Administrator of FAA, which was cited by Senator Lautenberg, an initial opponent of what was to become the Part 161 process. Lautenberg stated that his concerns had been met because, according to Administrator Busey, nothing in the Conference Committee language “would preempt the accomplishments we’ve made, or efforts we are making” at the local level to address noise issues. 138 Cong. Rec. S17512 (1990). Again, the use of the present tense is consistent with the obvious desire of the conferees to grandfather any continuing regulatory or legislative process that might proceed to conclusion. At the same time, if a post-October 1, 1990 restriction could avoid the Part 161 procedures simply because at some point prior to that date a similar restriction had been considered but rejected, the overarching purpose of ANCA would be frustrated.

The only situation where continuity is not required is spelled out in 49 U.S.C. § 47524(d)(5), namely, a restriction adopted not later than October 1, 1990, but that had been stayed by court order, is grandfathered provided that the stay was lifted in whole or in part subsequent to that date. If the “regulatory or legislative process” did not require continuity, the subsection (d)(5) language would be unnecessary, *i.e.*, as long as the final restriction had been part of a pre-October 2 process, the fact of the break in continuity caused by the stay would not be material. If one were to read the continuity requirement out of section 47533(2), one would make section 47524(d)(5) meaningless. It is a basic rule of statutory construction that “all parts of statute, if at all possible, are to be given effect. Weinberger v. Hynson, 412 U.S. 609 (1973) (overturned the grandfathering of certain drugs from FDA review).<sup>5</sup>

The proper question is this: has there been a break in continuity between the phase-out rule as initially proposed prior to October 2, 1990 and the phase-out rule as proposed today? The FAA has not addressed this question previously. The August 28, 1997 letter from Associate Administrator Kurland to Mr. Lobner only agreed that grandfather status applied to the extension of the curfew and the non-addition rule. The status of the phase-out rule was not raised – for good reason, since it had been abandoned. In a later letter from Acting Associate Administrator Woodward to Mr. Lobner, dated April 17, 2000, the FAA stated that an immediately effective

<sup>5</sup> The advice given by the FAA’s Chief Counsel in a letter to Representative Sherman on January 18, 2000, is not to the contrary. The question presented there was whether a non-addition rule for KVMY that was less restrictive than the rule proposed before October 2, 1990, would be grandfathered. The Chief Counsel opined that it would be grandfathered, noting that to hold otherwise would be to defeat the purpose of ANCA by discouraging airport operators from seeking less restrictive solutions that would do less harm to the national air transportation system. Needless to say, that is not the situation presented here.

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ban on Stage 2 aircraft was most decidedly not grandfathered and that if “the City elects to reconsider the proposed 1990 ‘phase-out’ rule along these lines, then the FAA would review such a proposal together with the City’s reasons that would support a finding that the proposal qualifies for grandfathering.” The FAA still was not aware of the Mayor’s 1992 directive.

13-7  
cont'd

This is the time to review, and reject, grandfather status for a proposal that was turned down by Mayor Bradley sixteen years ago. It would do a grave injustice to the language and intent of ANCA to accord grandfather status when not only has there been nearly two decades of water passing under the bridge, but the bridge itself has been burned.

**(2) The Proposed Phase-Out Would Produce De Minimis Benefits At KVNY That Would, In Any Event, Be Offset By The Adverse Impact On Other Nearby Airports.**

**(a) The impact at KVNY.**

This is not 1990 when business jet operations at KVNY predominantly were comprised of Stage 2 aircraft. The increased production of Stage 3 – and now Stage 4 – business jets, the expected retirement of older aircraft and measures KVNY already has taken to restrict Stage 2 operations have eliminated any adverse impact caused by aircraft noise.

13-8

The length and complexity of the Draft EIR tends to obscure the fact that even if the phase-out were implemented, it would have a de minimis impact on future noise levels at KVNY. Indeed, the adverse impact at other nearby airports and on the region would more than offset any positive impact it had at KVNY. Here are the pertinent facts (from Draft EIR, Vol. 2, Appendix B, Tables 5, 9, 12 and 20):

13-9

- In 2007, there were 314,007 total operations at KVNY. Only 48,143 of total operations were conducted with business jets – 15%. Only 4,764 of total operations were conducted with Stage 2 business jets – 1.5% or approximately 13 operations per day.
- For 2014, the year in which the maximum impact of the phase-out is predicted, there would be 386,433 total operations at KVNY without a phase-out. Business jet operations are forecast to increase to 83,101 operations or 22% of the total. This assumes a 6.5% annual growth rate for business jets – a forecast that we hope proves out, but that is challenged by the new economics and long-term fuel trends. Nevertheless, because of expected aircraft retirements, the number of Stage 2 operations would decrease to 2,301 – 0.6% or approximately six operations per day.
- If the phase-out were implemented, Stage 2 operations would be reduced to 344 annually in 2014. In other words, approximately five operations a day would be eliminated at an airport with approximately 1,050 operations per day. That could not be expected to have any significant impact on noise at that airport, and the projections in the Draft EIR confirm this. The pertinent noise contour map is in the Draft EIR Appendix B, Figure 4.



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It compares the projected 2014 noise contours with and without a phase-out – the only comparison that is appropriate – and there is no meaningful difference. Indeed, the only area where the contour would shrink, and slightly, is to the south of the airport over parkland. The before and after contours from Figure 4 are enlarged in Attachment B hereto and make this point quite dramatically.

13-9  
 cont'd

- After all this effort, public perception of “noise” at the airport would not really change. Eliminating five out of over one thousand flights per day, five flights that appear “noisier” only to sophisticated sensing devices and a computer model, will go unnoticed, particularly since operations with hush-kitted 727 aircraft must continue until and unless the FAA approves a Part 161 study justifying their phase-out.

Where is the benefit in this? The Draft EIR purports to show that 158 dwellings presently not sound-insulated would be moved within the 65 dBA contour, but it is not possible to verify that number from the data provided. See Draft EIR, Appendix B, Table 92. Moreover, even if that number were accurate, the cost of any remediation measures for these dwelling units would be far less than the cost to other communities and to operators at the KVNY if the phase-out were implemented.

13-10

13-11

**(b) The impact at other airports.**

The adverse impact on nearby airports would offset any positive benefit realized at KVNY from the phase-out. Again, these are numbers that have to be parsed out from the forest of charts, but they tell a compelling story.

13-12

Accepting the underlying analyses for purposes of argument, these charts show the projected decrease or increase in (i) area within the 65 dBA contour and (ii) CNEL for the year of maximum effect (2014 at Burbank, Camarillo and Van Nuys and 2016 at Chino and William J. Fox):

**Projected Impact of Phase-Out on KVNY and Other Airports**

<u>Airport</u>	<u>Change in Area w/65 dBA</u>	<u>CNEL Change</u>
Van Nuys	-6.7%	-.4 dB
Chino	+7.5%	+.5 dB
Camarillo	+5.3%	+.3 dB
W. J. Fox	+3.9%	+.2 dB
Burbank	+1.5%	+.1 dB

Source: Draft EIR, Vol. 2, Appendix B, Tables 90 and 95-98.

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What is true for aircraft noise also is true for aircraft emissions. The impact of the phase-out on aircraft emissions at KVNY would be “less than significant.” Draft EIR, Vol. 1 at 4.3-45. However, the phase-out would cause emissions at Camarillo to exceed Ventura County Air Quality Management thresholds and would “contribute to a significant cumulative impact” on the South Central and Mojave Air Basins. Draft EIR, Vol. 1 at 4.3-52 and 5-7. For these reasons, the Draft EIR reaches this conclusion, keeping in mind that “Alternative 1” in the study is *no phase-out*:

13-13

Alternative 1 would avoid both of the significant project-level air quality impact identified for the project and all three of the cumulative air quality impacts identified for the project. *Alternative 1 [no phase-out] is the environmentally superior alternative . . .*

*Id.* at 5-5 (emphasis added).

**Conclusion**

The proposal to further restrict Stage 2 operations at KVNY addresses a perceived problem that has been and will continue to be overtaken by time. This is 2008, not 1992. The remaining Stage 2 aircraft are projected to grow old gracefully without any adverse environmental impact. Forcing them out prematurely would, however, have adverse environmental and economic consequences, consequences that can, and should, be avoided. All of this is in the draft EIR, albeit buried in the fine print. The final EIR must confront reality.

13-14

Respectfully submitted,

/Frank J. Costello/

Frank J. Costello  
Jol A. Silversmith

Attorneys for the  
National Business Aviation Association, Inc.

**Comment Letter 13**

NBAA Comments - Attachment A

*Phil Deporia*

<b>TRANSMITTAL</b>		0220-02766(E)
<b>TO</b> The Board of Airport Commissioners	<b>DATE</b> DEC 4 1992	<b>COUNCIL FILE No.</b>
<b>FROM</b> The Mayor	<b>COUNCIL DISTRICT</b>	
<p><b>Proposed Noise Regulation for Van Nuys Airport (VNY)</b></p> <p>I am returning the proposed noise regulation for VNY <u>without action</u>. Please implement the recommendations contained in the attached report of the City Administrative Officer.</p> <p style="text-align: center;">MAYOR</p>		

CAO 649-d



**Comment Letter 13**

NBAA Comments - Attachment A

**REPORT FROM**  
  
**CITY ADMINISTRATIVE OFFICER**

<b>TO</b> The Mayor	<b>DATE</b> 12/4/92	<b>CAO FILE No.</b> 0220-02766(E)
<b>REFERENCE</b> Referred October 6, 1992, for report per Executive Directive No. 39		<b>COUNCIL FILE No.</b>
<b>SUBJECT</b> Proposed Noise Regulation and Other Noise Mitigation Activities - Van Nuys Airport (VNY)		<b>COUNCIL DISTRICT</b>

**SUMMARY**

Three primary noise mitigation activities have been in process over the past four years. Starting in late 1988 the Department of Airports, in cooperation with the community, airport tenants and the Federal Aviation Administration (FAA) initiated a comprehensive study of alternatives to reduce the noise impacts on property surrounding VNY. The Study has been done in accordance with Federal Aviation Regulation Part 150; once a completed Part 150 Study has been approved by the FAA it becomes the basis for grants to mitigate noise on non-airport property.

The second activity is the proposal in 1990 by the Department to implement a stringent noise regulation by ordinance. An Environmental Impact Report (EIR) has been completed and the proposed regulation is the principal subject of this report.

Dissatisfaction with the noise regulation as proposed by the Department resulted in the formation of an Ad Hoc Committee on Noise at VNY consisting of community leaders and tenants to address problem aircraft operators and ways for the public to make meaningful noise complaints to the Department. The results of this effort over the past 2-1/2 years have been folded into the results of the Part 150 Study.

On October 5, 1992 the Board of Airport Commissioners adopted the Part 150 Study and the proposed noise regulation stating the two to be compatible. The FAA will make the final decision regarding the Part 150 Study. However, the debate over compatibility and which overall methodology should be used to mitigate noise at VNY continues unabated. This report focuses on this issue.

(Summary continued)

*N. Comm*

\_\_\_\_\_  
CITY ADMINISTRATIVE OFFICER

## Comment Letter 13

NBAA Comments - Attachment A

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As detailed in the Findings, we have concluded that adoption of the proposed, far more stringent noise regulation by ordinance to replace an existing ordinance, would not resolve the controversy and would most likely expand the debate unnecessarily to the Courts. Adoption of the regulation would be premature, and not in the best interest of the City, the community around VNY, or the tenants and Fixed Base Operators at VNY. Our concerns are as follows:

1. The proposed regulation includes a preferential runway provision that continues a potentially unsafe operating condition at night, i.e., a simultaneous take off and landing in opposing directions on the same runway is possible during the 7-1/2 hour period the FAA Control Tower is shut down at night.
2. The Part 150 Study results and the proposed regulation are not compatible. The ordinance would preempt any conflict with the Noise Control Program (NCP) approved by the FAA under Part 150. The NCP has the strong support of the community and tenant representatives on the Study Steering Committee. Adoption of this ordinance would, in all likelihood, trigger litigation. The City would be exposed to litigation costs and actual damages if the proposed noise regulation were adopted. This, in turn, would erode all support of the NCP by the tenants and the FAA. Since the FAA does not support the regulation the likelihood of grants to help mitigate noise on non-airport property is remote. The Part 150 NCP should have the chance to work. As a cooperative effort, the tenants should have the opportunity to succeed or fail under the NCP.
3. Although the City may regulate noise at its airports according to the City Attorney, the power is not unlimited. The exercise of control must be based upon a reasonable balance of the cost impacts of the regulation upon commerce to achieve the desired results against obtaining similar results at less cost. Further, the regulation should be based upon a comprehensive, reasonable and defensible quantification of effects including the economic impact of the regulation. There has been no comprehensive study of the cost impacts of the regulation or an evaluation of its effects upon commerce, the community, or the businesses operating at the airport.
4. Adoption of the proposed regulation for VNY has been tied by the FAA to its concerns regarding grants and the eligibility of the City for Passenger Facilities Charges (PFC's) at Ontario (ONT) and Los Angeles (LAX). A formal determination by the FAA that the City does not comply with the Aviation Noise and Capacity Act of 1990 because of the proposed VNY regulation, would probably be challengeable in court, according to the City Attorney. However, the planned \$350 million PFC program over the next five years to construct a much needed terminal at ONT, a people-mover at LAX and enhance noise mitigation efforts at ONT, LAX, and VNY would be seriously delayed. The FAA concerns about the City's plans to control noise appear to have already contributed to a delay in the approval of a \$38 million construction grant for the apron at the new ONT terminal.

(Recommendation attached)

CAO 649A

**Comment Letter 13**

NBAA Comments - Attachment A

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**RECOMMENDATION**

That the Mayor return the proposed draft noise ordinance for Van Nuys Airport (VNY) to the Board of Airport Commissioners without action, and request the Board to rescind all actions related to the adoption of the proposed noise regulation; and that prior to the future submission of any noise regulation for VNY to the City Council, the Board to complete and present a comprehensive study of the potential economic effects of the noise mitigation program at VNY. The report should also be based on sufficient and reliable aircraft operating data at VNY to demonstrate the effects of success or failure of the Part 150 NCP which remains to be approved by the FAA.

(Statement of Findings attached)

CAO 649A

**Comment Letter 13**

NBAA Comments - Attachment A

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**FINDINGS**

**1. Basis for the report**

The Executive Director has submitted a draft ordinance to implement a noise regulation at Van Nuys Airport (VNY). The matter has been submitted in accordance with Executive Directive No. 39 and referred to the City Administrative Officer for a report back.

The proposed regulation and two related issues were considered by the Board of Airport Commissioners at a regular meeting at VNY on October 5, 1992. The actions taken by the Board and status of the file are summarized in the following Background. The draft ordinance submitted has not been signed by the City Attorney as to form and legality.

**2. Background**

There are three primary noise control and abatement activities at Van Nuys Airport (VNY). They are the Federal Aviation Regulation (FAR) Part 150 Noise Compatibility Study, a proposed noise control regulation and the recommendations of the Ad Hoc Working Committee concerning the proposed noise regulation.

A. **The VNY Part 150 Study** was started in December 1988. The Department/City as airport sponsor nominated a diverse group of Department Commissioners, community leaders, airport tenants and individuals with an aviation interest to serve on the Study Steering Committee.

The Part 150 Program of the Federal Aviation Administration (FAA) was established under federal law as a formalized procedure to reconcile the conflicting viewpoints of the airport sponsor, the airport users and the community about airport noise. The products of a Part 150 Study include a Basecase Noise Exposure Map (NEM) and a Five-Year Forecast that describes the current land areas around the airport affected by noise; the Forecast assumes specific mitigations are accomplished in accordance with a Noise Compatibility Program (NCP), the specific plan of operations and noise mitigation actions believed appropriate to achieve the desired noise mitigations within the Five-Year Forecast. A Study approved by the FAA becomes the basis for grants from the FAA to the sponsor/City to achieve the results agreed to by the participants in the Study, and is then the standard for the FAA to determine that the grant expenditures made comply with Program requirements and the approved Study. The Part 150 Program is the primary source of grants for noise mitigation on non-airport property. The funds are derived from the federal ticket tax.

B. In June 1990 the Board of Airport Commissioners started taking public input regarding a proposed noise control regulation for VNY. There has been significant controversy regarding the development of this regulation since. The second public hearing on the Draft Environmental Impact Report for the regulation was conducted by the Board's Hearing Officer in March 1992. The controversy continues. The proposed regulation considered at this hearing became the draft ordinance considered in this report.

(Findings continued)

CAO 649A

**Comment Letter 13**

NBAA Comments - Attachment A

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C. Dissatisfied with the proposed regulation, an Ad Hoc Committee to Reduce Airport Noise was formed in 1990 by leaders from the surrounding community and VNY aircraft tenants/operators. This Committee started its work from the perspective that the proposed regulation does **not** address the problem of certain pilots using poor and noisy take off procedures or the inability of the community to make meaningful input to the Department when pilots are the cause of noise complaints. Two of the principal recommendations of the Ad Hoc Committee focus on the acquisition of a real-time noise event measuring system that will print-out the identification of each jet aircraft departure, correlated with sound level, ground track and altitude. The desired equipment is available in the market. The recommendations of the Ad Hoc Committee have been folded into the Noise Compatibility Program (NCP) in the Part 150 Study.

D. On October 5, 1992 the Board of Airport Commissioners considered the following Recommendations of the Executive Director:

- (1) To approve the VNY Part 150 Study results including a Five-Year Noise Exposure Map projection of a 47 percent increase in operations (i.e., approximately 8 percent per year compounded) by jet aircraft at VNY, and submit the matter to the FAA for approval.
- (2) To authorize the Executive Director to solicit competitive proposals to expand and improve the aircraft noise monitoring and management system at VNY.
- (3) That the regulation be held in abeyance and the Board instead adopt the non-addition rule for 77 dBA\* and above noisy aircraft for a period of 24 months. Further, the Board to direct management to acquire the necessary equipment to monitor the progress of the Part 150 Program at VNY and continue to address the concerns of the FAA regarding the regulation. In addition, management shall advise the Board as to what might be done relative to helicopter control (as brought up during the meeting).

\*Note: "dBA" means decibels, a unit that measures the level of sound or noise.

The Board adopted Recommendation (1) amended to include a Five-Year NEM Forecast of a 100 percent increase in jet operations, (i.e., approximately 15 percent per year compounded). The Board adopted Recommendation (2). Notwithstanding Recommendation (3), the Board adopted the regulation and draft ordinance as presented. The Board's action on Recommendation (3) is being held in abeyance pending receipt of the Mayor's report under Executive Directive No. 39.

**3. Proposed Noise Regulation**

The proposed ordinance would repeal Ordinance No. 155,727. The major provisions in the proposed replacement ordinance are:

(Findings continued)

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## Comment Letter 13

NBAA Comments - Attachment A

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- A. The nighttime curfew period for aircraft having FAA certified takeoff noise levels exceeding 74 decibels (dBA) is extended one hour from 11:00 p.m. - 7:00 a.m. to 10:00 p.m. - 7:00 a.m.
- B. The continued prohibition of touch-and-go and other repetitive operations at night as follows:
- (1) June 21 through September 15, 10:00 p.m. - 7:00 a.m.
  - (2) September 16 through June 20, 9:00 p.m. - 7:00 a.m.
- C. The continued prohibition of engine run-ups for maintenance purposes between 7:00 p.m. and 7:00 a.m. except in areas designated in writing by the Executive Director.
- D. The imposition of a maximum permitted noise level of 85 dBA for all arriving and departing aircraft based upon the FAA Type certification on the effective date of the ordinance, followed by reductions of the noise cap according to the following schedule:
- (1) 83 dBA on January 1, 1994
  - (2) 80 dBA on January 1, 1996
  - (3) 77 dBA on January 1, 1998
- E. The addition of a non-addition rule that prohibits the introduction of newly based aircraft that equal or exceed 77 dBA on the effective date of the ordinance. An itinerant aircraft that is louder than this may use VNY no more than 30 days per year.
- F. The continuation of a preferential use runway at night between 11:00 p.m. - 7:00 a.m., weather and traffic permitting, unless instructed otherwise by the FAA Air Traffic Controller. Departures are to use Runway 16 Right (i.e., to the South); arrivals, 34 Left (i.e., to the North).
- G. Penalties added are:
- (1) Monetary
    - a. First violation of any provision - up to \$750.
    - b. Second violation within one year of prior violation - up to \$1,500.
    - c. Third violation within a three-year period - up to \$3,500.
  - (2) Operational
    - a. Three violations in three years - denial of airport use for a period of three years by the problem operator.
    - b. Violations by the same aircraft on three or more occasions in three years - the problem aircraft may be denied permission to base or operate at VNY by the Airport Manager. A new owner of the aircraft may appeal to restore the operating rights of the aircraft.

(Findings continued)

CAO 649A

**Comment Letter 13**

NBAA Comments - Attachment A

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H. Exemptions added are:

- (1) Military-type aircraft
- (2) Government-owned or operated airplanes involved in law enforcement, airport facility inspection, emergency, fire or rescue operations.
- (3) Airplanes certified by the FAA as having takeoff noise levels lower than the FAA published standards, but not listed in the standard.
- (4) Airplanes not listed in the FAA standard for which an operator can provide evidence to the Board of Airport Commissioners of not exceeding the FAA published standards.
- (5) Locally-verified or State/Federal exempted airplanes involved in bona fide medical or life saving operations.

4. **Analysis**

The attachment has been developed to compare the Part 150 Study results and the regulation to assist analysis of the compatibility between the two methods of achieving noise mitigation at VNY. The main points of concern to us are as follows:

- A. The Board adopted both the Part 150 Study and the proposed noise regulation stating that the two are compatible. The Board's conclusion contradicts the views of the majority of the representatives of the community and tenants serving on the Part 150 Study Committee, the Ad Hoc Committee on Noise (created because of dissatisfaction with the proposed regulation), the FAA and the recommendation of the Executive Director. There is no reason to believe the tenants would cooperate in achieving the Part 150 NCP if the ordinance is in place, the ordinance would prevail. On the other hand, however, there are members of the community and some elected officials that concur with the action of the Board. This minority viewpoint was vigorously represented but did not prevail in the Committee.
- B. The proposed noise regulation continues a nighttime preferential runway provision calling for departures to the South on Runway 16 Right and arrivals to the North on the **same** Runway (called 34 Left in this direction), weather and traffic permitting, or as instructed by the FAA Traffic Controller. This provision is a carryover from the prior ordinance enacted when the FAA Tower at VNY operated 24-hours per day. For several years the Tower has **not** operated between 10:45 p.m. and 6:15 a.m. the next day. Compliance presents potentially unsafe conditions, i.e., simultaneous landings and take offs. There is no assurance that two or more pilots would view traffic and weather in the same way or, absent the Tower, that a radio link could be established to prevent confusion, especially for itinerant operators who are not familiar with VNY and its surroundings.

(Findings continued)

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## Comment Letter 13

NBAA Comments - Attachment A

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- C. The noise regulation would exempt military-type aircraft. There are many noisy aircraft that were military at one time but are now privately-owned. The provision appears inconsistent with the intent to control noise.
- D. Neither the Part 150 Study nor the material supporting the proposed noise regulation consider the potential impacts upon the economy in the San Fernando Valley or the business activities of the VNY tenants and Fixed Base Operators (FBO). The Part 150 Study estimates the cost effects upon the tenants and FBO's as small because there would be no preemptive termination of operating rights at VNY for any aircraft. The Study considered one Study alternative, however, (rejected by the Committee and the FAA) that would have forced the replacement of approximately 43 aircraft in the current mix at VNY over five years at a potential cost of approximately \$347 million.
- E. The potential for litigation caused by the adoption of the noise regulation is high and financial exposure significant according to the City Attorney. A 1988 report of the City Attorney indicates that regulation of noise by a local airport operator must reasonably balance the cost burdens imposed upon commerce by the regulation and the nature of the noise reductions to be achieved against achieving the reductions some other way at less cost. As noted above a comprehensive analysis of the economic impacts of the noise regulation to actually evaluate the balance required could not have been included in the Board's deliberations because a comprehensive picture of the economic tradeoffs involved has not been developed. Subsequent informal information provided to us suggests the problem of economic impact is more complex than first believed.
- F. There are approximately 28 master leases at VNY including approximately 13 FBO's. There are more than 100 subleases. Some of these provide that the Department will not impose rules or regulations that would adversely affect the lessees businesses and the "full and free" access to their leaseholds. According to the City Attorney the proposed noise regulation may expose the Airport Revenue Fund to damages for breach of lease covenants. No evaluation, however, has been made.
- G. The FAA has made a preliminary assessment of the proposed noise regulation. In summary the FAA has stated:
- (1) A reasonable range of alternatives has not been considered. Economic impacts could be more serious than warranted by the local problem.
  - (2) Only a more comprehensive analysis of economic and environmental costs and benefits can permit all affected parties to determine if the proposed regulation is a reasonable response to a demonstrated problem.
  - (3) The proposed regulation should be reviewed in light of other available alternatives of the sort required in the Part 150 Study.
  - (4) The concerns of the airport tenants and the community have not been properly addressed in the regulation.

(Findings continued)

CAO 649A



**Comment Letter 13**

NBAA Comments - Attachment A

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- (5) The noise regulation may cause significant spill-over effects including increased operations at LAX.

The FAA letters to the Department and the City Council indicate the Agency understands that economic effects may not be included in the Final Environmental Impact Report (FEIR) under CEQA. There appears no reason, however, not to prepare a separate report. Further, in the review of the FAA, the City has not considered the provisions of the Airport Noise and Capacity Act of 1990 and the interrelated nature of the operating relationship between LAX and VNY and the City's eligibility for noise and other grants and Passenger Facilities Charges (PFC's).

A formal determination by the FAA that the City is not in compliance with the 1990 Act, although perhaps challengeable in court according to the City Attorney, would clearly delay the presently planned five-year PFC program of \$350 million. The uncertainty regarding noise ordinances for Ontario (ONT) and LAX and VNY may have already contributed to the delay of FAA approval of an approximately \$38 million grant to construct the apron of a new terminal at Ontario to be financed in part with PFC funds from both ONT and LAX. The proposed VNY regulation is clearly viewed by the FAA as an integral part of the entire picture.

**5. Conclusion**

We conclude that presentation of the proposed noise regulation for adoption would be premature and not in the best interests of the City, the community or the tenants at VNY. Pending completion of the work to justify the ordinance, we believe the Board should rescind its actions related to approval of the ordinance to eliminate the concerns of the FAA at this time.

  
 B. A. Waitman  
 Principal Administrative Analyst

APPROVED:

  
 Assistant City Administrative Officer

BAW:dbu

19897A43

CAO 649A

**Comment Letter 13**

NBAA Comments - Attachment A

**Comparison Of Part 150 Noise Control Plan (NCP) and Proposed Noise Regulation**

	NCP	Noise Regulation
<b>1. Noise Control Method</b>		
Aircraft Criteria	Based on actual <u>performance</u> at the airport; relies on comprehensive real time noise monitoring system to measure actual noise events.	Based on aircraft FAA, <u>Type</u> , Part 36 Certification noise levels; actual aircraft noise levels could be higher than Part 36 listing depending upon actual performance.
Noise Management Monitoring System	Would require real time sophisticated equipment; benefits beyond monitoring include community complaint response, complaint management, tracking, feedback to aircraft operators, etc.	Does not require real time sophisticated equipment to determine if <u>Type</u> of aircraft complies; anticipates using equipment if installed. Assumes using Part 150 NCP, purpose related to regulation not clear.
Ad Hoc Committee Recommendations	Incorporates all recommendations of Ad Hoc Committee.	No Ad Hoc Committee recommendation in the noise regulation.
Grandfather Clause	Would allow additional "noisy" aircraft to be located on <u>existing</u> airport leaseholds <u>provided they fly quietly per industry and airport standards.</u>	Would <b>not</b> allow non-Type-compliant aircraft on existing or new leaseholds.
New Tenants	Only "quiet" aircraft permitted. (So called Stage 2 non-addition).	Only Type-compliant aircraft permitted.
Preferential Runway	Silent	Nighttime departures on Runway 16 Right; arrivals, 34 Left; weather and traffic permitting, unless under FAA Tower Control to do otherwise.
Tower Message	Would require "fly neighborly" message on departure, subject to FAA cooperation.	Silent.

**Comment Letter 13**

NBAA Comments - Attachment A

New Larger Signs	Many additional signs required to fly neighborly.	Silent.
Helicopter	Preliminary considerations to reduce noise problems.	Silent.
<b>2. Enforcement</b>		
Philosophy	Cooperative commitment by tenant representatives to operate quietly; aircraft operators and associations self-police their performance based on detail information from Department of Airports to achieve mitigation levels.	City ordinance in the Municipal Code. Civil actions by the City Attorney for violation; no commitment to operate quietly.
Noise Officer	Would require Noise Abatement Officer to report directly to VNY Airport Manager who represents the Department on-site.	Noise Abatement Officer at VNY would report to Noise Abatement Officer at LAX.
Penalties	Voluntary compliance, no monetary penalties or loss of operating rights; peer pressure based on <u>actual performance</u> data, public exposure of problem pilots and companies; potential for future ordinance if self-policing ineffective.	Based on Type of aircraft, <u>not actual performance</u> . First violation - up to \$750. Second violation - within one year of first - up to \$1,500. Third violation in three years - up to \$3,500. Problem operator denied use of VNY for three years. Problem aircraft barred for three years. Penalty process not detailed.
<b>3. Predicted Noise Reduction Effect</b>		
Modeled Noise Impact (47% increase in jet operations in five years compared)	Reduces housing units impacted within the 65 CNEL from 1,500 to 378 in 1995. (100% increase in jet operators analyzed.)	Reduces housing units impacted within the 65 CNEL from 1,599 to 121 in 1998. (100% increase in jet operations not analyzed.)

**Comment Letter 13**

NBAA Comments - Attachment A

Impact on VNY Based Aircraft	Would not eliminate any aircraft based on airport, but would require all (noisy and quiet) to fly more quietly to achieve Part 150 Five-Year Forecast NEM.	Silent; relies on rejected Part 150 Study alternative that would eliminate up to 43 of the 100 jet aircraft currently based at VNY to achieve Five-Year NEM. (47% increase in jet traffic modelled; 100% increase not modelled.).
<b>4. Economics</b>		
Equipment Replacement Costs to VNY Tenants	Predicted low cost; would not have to replace aircraft until obsolete, worn out, or required by Federal Regulation. A rejected alternative similar to the noise regulation estimates a cost of approximately \$347 million over five years (based on the value of used Stage 3 aircraft currently based at VNY as replacement for 43 aircraft in the current mix). Interest or new aircraft costs could increase the total.	Silent; debate refers to Part 150 data, not comprehensive.
Lost Business Cost to VNY Tenants	Silent.	Silent.
San Fernando Valley Economic Impact	Silent	Silent
<b>5. Litigation</b>		
Possibility	Because of the support of the community and the backing of aviation interests/tenants, has a low likelihood of litigation.	Has a high likelihood of litigation, formalized legal opposition has formed, preliminary exchanges between attorneys have occurred.
Airport Revenue Fund Risk of Costs and Damages	No significant estimated exposure identified according to the City Attorney.	Not estimated; high likelihood of significant exposure according to the City Attorney.

**Comment Letter 13**

NBAA Comments - Attachment A

**6. Community/Tenant/  
FAA Positions**

Community

Has the support of the Part 150 Steering Committee representing the community, airport tenants, FAA and local elected officials serving on the Committee.

Was rejected by most of the community and VNY tenants causing the Ad Hoc Committee to be formed. Rejected by most Part 150 Steering Committee Members.

Airport Tenants

Support

Reject

FAA

Support

Does not support.

19897A43

**Comment Letter 13**

NBAA Comments - Attachment B

**2014 Noise Contours Before And After The Phase-Out: No Difference!**



## **Response to Comment Letter 13, National Business Aviation Association, Inc.**

### **Response to Comment 13-1**

The NBAA's concern for the project's economic impacts is noted, and this comment will be forwarded to the project decision makers for their consideration. The Draft EIR presents a reasonable and complete analysis of the impacts on the physical environment resulting from the proposed project. Please note that CEQA generally does not require the analysis of a project's economic impacts, and the economic issues raised in this comment do not warrant discussion in the EIR (State CEQA Guidelines Section 15131(a)).

### **Response to Comment 13-2**

This comment correctly summarizes the areas of controversy that arose during the Notice of Preparation scoping process for this project, as presented in Section S.3 of the Draft EIR. This comment's assertion that the Draft EIR "hides" the issue of the project's environmental impacts is incorrect. As noted above in the response to comment 13-1, the Draft EIR presents proper analysis of the project's environmental impacts as required by CEQA (State CEQA Guidelines Section 15126.2(a)). The comment's suggestion that the EIR "ignores" the project's relationship to federal laws is also incorrect, as Section 1.1.1 explains the project's relationship to FAA noise regulations. LAWA will comply with ANCA to the extent required by law.

As to the statement that the EIR "ignores" the project's economic impacts, see the response to comment 13-1 above.

### **Response to Comment 13-3**

LAWA will comply with ANCA to the extent required by law. The comment will be sent to the project decision makers for their consideration; however, no further response is necessary as this comment does not address the project's significant environmental issues or the adequacy of this EIR.

### **Response to Comment 13-4**

LAWA will comply with ANCA to the extent required by law. Please also note that the EIR analyzes the project's environmental impacts at other airports, as required by CEQA, but does not include a "benefit-cost analysis" that is part of the requirements of the Part 161 process as this is not a requirement of the CEQA environmental review process. "Neither CEQA nor the State CEQA Guidelines require that an EIR include studies comparing the project's environmental costs with its benefits...the only direct comparison required in an EIR is the comparison of the project alternatives..., and a cost benefit analysis is not required in making that

comparison.” (Kostka & Zischke, *Practice Under the California Environmental Quality Act* (2d ed Cal CEB, 2008), p. 643-644, § 13.34.)

The comment will be forwarded to the project decision makers for their consideration; however, no further response is necessary as this comment does not address the project’s significant environmental issues or the adequacy of this EIR.

### **Response to Comment 13-5**

As discussed above in the response to comment 13-4, CEQA requires LAWA to analyze potentially significant environmental impacts of the proposed project, not to calculate projected benefits of the project. Nevertheless, the projected benefits within the 65 dB CNEL contour at VNY are presented for informational purposes in Tables 4.2-49, 4.2-50, and 4.2-51, and associated discussion, of the Draft EIR. As discussed in the Draft EIR pages 4.2-36 and 4.2-37, with the implementation of the proposed project, the area within the 65 dB CNEL at VNY is expected to increase by 6.6% in 2014, and the noise levels within the 65 dB CNEL contour are expected to increase by 0.4 dB CNEL, in comparison to baseline. While the project noise exposure in 2014 would be greater than the 2007 baseline noise exposure (Figure 4.2-2), the increase is the result of projected growth in airport activity that would occur independent of the project. Without the implementation of the proposed project (Alternative 1), the area within the 65 dB CNEL at VNY is expected to increase by 13.3%, and noise levels are expected to increase by 0.8 dB.

### **Response to Comment 13-6**

As stated above, the Draft EIR presents a reasonable and complete analysis of the project’s environmental impacts, including impacts at all diversion airports. Consistent with CEQA requirements, the Draft EIR included detailed analysis of impacts in communities surrounding other airports in the Los Angeles region to permit those communities to assess the effect of the proposed project.

### **Response to Comment 13-7**

LAWA will comply with ANCA to the extent required by law. It should also be noted that this comment misquotes the recommendations by the City Administrative officer that were adopted by Mayor Bradley. The Administrative Officer made two similar statements relating to the noise regulations:

*“request the Board to rescind all actions related to the adoption of the proposed noise regulation.”* (Attachment A of the Comment letter page 3), and



“rescind its actions related to the *approval of the ordinance.*”  
(Attachment A of the Comment letter page 9.)

The NBAA’s interpretation of ANCA is noted and will be forwarded to the project decision makers for their consideration. However, no further response is necessary as this comment does not address the project’s significant environmental issues or the adequacy of this EIR.

### **Response to Comment 13-8**

This is a comment directed at LAWA’s airport policies and the merits of the proposed project. Stage 2 aircraft still operate at VNY, which has been clarified in Section 1.1.1 of the Final EIR (see footnote 2). In response to ongoing community concern, LAWA has identified the need to implement the proposed phaseout in order to reduce noise from VNY aircraft operations that is received in the airport’s vicinity. This need is reflected in the initial project objective listed in Section 2.3 of the Draft EIR. The comment is noted and will be forwarded to the project decision makers for their consideration. However, the comment does not specifically address the adequacy of the EIR. Therefore, no additional response is required.

### **Response to Comment 13-9**

See the response to comment 13-4, 13-5, and 13-8 above.

### **Response to Comment 13-10**

The comment refers to the contour comparison in Figure 4 of Appendix B of the Draft EIR, which compares 2014 forecast conditions with and without the proposed project. While the contours are very similar in shape and size, the proposed project contours are slightly smaller and fall entirely within the “Alternative 1, No-Project” contours. The 65 dB CNEL contours north, southeast, and southwest of the airport fall within densely developed areas. To the southeast and southwest, the contours run through many particularly high-density multifamily areas, as shown in the figure. The estimated 158-unit reduction in encompassed dwelling units is based on careful geographic information system (GIS) area analyses applied to field-verified, parcel-by-parcel dwelling unit data. The estimate is slightly conservative because it follows LAWA and FAA practice of counting entire parcels, even if a contour only encompasses a portion of their area. Please also see response to comment 13-5 for additional discussion of the proposed projects benefits.

The comment is noted and will be forwarded to the project decision makers for their consideration. However, the comment does not specifically address the adequacy of the EIR. Therefore, no additional response is required.

### **Response to Comment 13-11**

As discussed above in the response to comment 13-10, the 158-unit reduction is accurate, based on noise-contour analysis and examination of GIS data. CEQA requires LAWA to analyze potentially significant environmental impacts of the proposed project, not to calculate projected environmental or monetary benefits, such as is suggested in this comment. As discussed in the CEQA CEB treatise “a discussion of the project’s potential benefits is not required by CEQA or the State CEQA Guidelines.” (Kostka & Zischke, *Practice Under the California Environmental Quality Act* (2d ed Cal CEB, 2008), p. 643-644, § 13.34.) Additionally, economic considerations are not typically considered under CEQA. (See State CEQA Guidelines Section 15131.) Therefore, such an analysis was not incorporated into the Draft EIR. However a comparison of the proposed project to the No Project Alternative is discussed in response to comment 13-5.

### **Response to Comment 13-12**

Section 4.2.4.3 of the Draft EIR and Section 10 of Appendix B discuss the noise impact at other (e.g. “diversion”) airports; impacts were determined to be less than significant. This comment suggests considering how the project’s benefits may be “offset” by impacts at other airports. Please note that, as discussed in the response to comment 13-4, a specific benefit-cost analysis is not required for inclusion in the EIR for the project.

### **Response to Comment 13-13**

This comment correctly notes that the project’s air quality impacts at VNY would be less than significant (as stated in Section 4.3.5.1 of the EIR), meaning that project-related changes would not increase emissions within the South Coast Air Basin beyond significance thresholds maintained by the South Coast Air Pollution Control District. This comment is also correct in noting that the Draft EIR identified a significant air quality impact at CMA due to project-related emissions at that airport exceeding thresholds established by the Ventura County Air Pollution Control District (see Section 4.3.5.1 of the EIR). However, as noted in the response to comment 8-1 above, the Final EIR has been corrected to remove an error in the diversion assumptions used to quantify air quality impacts. The project is no longer anticipated to exceed the VCAPCD threshold for VOC, though the NOx threshold would still be exceeded.

### **Response to Comment 13-14**

The Draft EIR properly analyzes the environmental impacts associated with the project, and comes to valid conclusions regarding the less-than-significant and significant impacts that would occur at the diversion airports. The environmental analysis presented in the EIR includes a comparison of the proposed project to Alternative 1—the “No Project” Alternative. As stated in Section 5.1.2.1 of the EIR, Alternative 1 would result in greater

impacts at VNY than the proposed project, but lesser impacts at the diversion airports. As discussed above in response to comment 13-1, discussion of economic impacts in the EIR is not warranted.

**Comment Letter 14, Valley Industry & Commerce Association**

November 25, 2008



Ms. Karen Hoo  
Environmental Planning  
Los Angeles World Airports  
7301 World Way West, 3<sup>rd</sup> Floor  
Los Angeles, California 90045

**SUBJECT: DEIR Van Nuys Aircraft Phase-out, SCH#2007101110**

Dear Ms. Hoo:

The Valley Industry and Commerce Association (VICA) is responding to the call for comments for the above referenced DEIR, for two primary reasons.

First, we believe that the 2014 Business Jet Operations forecast is flawed. It overstates community noise impact (the alleged need for the action) and the benefit derived by the proposed action because it significantly overstates the number of operations possible. That overstatement flaw is a result of having conducted the forecast without the requisite analysis of the capacity of airport land to support the number of forecasted operations. In an attached analysis based on the monthly reporting of Operations from the Van Nuys Airport Noise Management Office, it can be seen that, unless there is a dramatic change in the Itinerant/Local Operations Mix, the land required to support the forecasted Total Operations, based on the historic Itinerant/Local Operations mix, is deficient by approximately 75 acres, or an error equal to approximately 64% of the available aircraft basing land. It should be noted that this statement of the error may in itself be understated because it does not include the additional land requirements for support of the growth in Itinerant Operations of Business Jet Aircraft.

14-1

Secondly, we believe that the underlying assumption for the proposed direct Phase-out Program is wholly invalid in its assumption that the proposal is permitted as a Pre-ANCA action. Based on correspondence generated by former Deputy City Attorney Breton Lobner, it was discovered that there was a communication from Mayor Tom Bradley, Transmittal 0220-02766(E), dated December 4, 1992, directing the Board of Airport Commissioners to "implement the recommendations" cited in a Report from the City Administrative Officer dated December 4, 1992, and bearing the CAO file Number 0220-02766(E). The Recommendation of the City Administrative Officer referenced by the Mayor advises, "That the Mayor return the proposed draft noise ordinance... to the Board of Airport Commissioner without action, and request the Board to rescind all actions related to the adoption of the proposed noise regulation..."

14-2

**Comment Letter 14**

DEIR Van Nuys Aircraft Phase-out  
VICA - November 25, 2008  
Page 2

Though the right to act on a Pre-ANCA plan has been argued as the basis for allowing the proposed action, that Grandfathering is eliminated by two key elements:

1. The rescission of all prior requisite Board Resolutions by the Chief Executive of the City, Mayor Bradley.
2. The recognition in the CAO's recommendation, as reinforced by the Mayor's transmittal, that the document returned by the Mayor is a "proposed draft noise ordinance" and thus not fully a "formally initiated regulatory process..."

↑  
14-2  
cont'd

We urge that you will accordingly cease the actions contemplated by the DEIR, and abandon plans for direct implementation of the Aircraft Phase-out.

14-3

Sincerely,



Greg Lippe  
Chairman



Robert L. Rodine  
Vice Chair and Co-Chair  
VICA Aviation Committee

**Comment Letter 14**

2004 Based Business Jet Inventory by Leasehold

Lessee	2004 Aircraft Count	Jet Basing Acreage
Aerolease West	20	10.1952
Air Sources	6	19.4704
Clay Lacy	42	8.077
J&D	12	13.884
Castle & Cooke	27	3.9806
Peterson	12	9.4609
Raytheon	22	12.6215
Schaefer	1	2.4552
Skytrails South	19	5.6847
Southwest	2	2.0751
Thornton	1	1.4896
<b>Total</b>	<b>164</b>	<b>69.3942</b>
<b>Aircraft per Acre</b>		<b>0.5450866</b>

Leaseholds not Supporting Business Aircraft in 2004

Air Center		4.3253
Aerolease East		5.5617
Jet Center	1	7.285
Skytrails North	3	11.6225
<b>Total Added Acres</b>		<b>28.7945</b>
<b>Total Acres for Basing Aircraft</b>		<b>118.1887</b>

Local Operations                      6963    Local Ops per Acre                      77.890959

SH&E Forecasted Business Jet Ops at 2014                      83,449

Itinerant %                      0.82                      68,428

Local %                      0.18                      15,021

Local Ops/Acre                      77.890959

Total Acres to Support Ops                      192.84651

**Comment Letter 14**

VNY Noise Study Based Departures

Noise Study Data - Raw Departures

1	2000	11022
2	2001	11943
3	2002	14852
4	2003	14831
5	2004	16414
6	2005	18467
7	2006	18417
8	2007	17830
9	2008	8025

Twelve Month Southbound Departure Totals Adjusted for Missing Monthly Data

1	2000	12024
2	2001	13029
3	2002	14802
4	2003	14831
5	2004	16414
6	2005	18467
7	2006	18417
8	2007	17830
9	2008	16050

Adjusted 12 Month North and Southbound Departure Totals 85.0% =Southbound

1	2000	14148
2	2001	15328
3	2002	17520
4	2003	17566
5	2004	19311
6	2005	21726
7	2006	21667
8	2007	20976

VNY Analysis of Operations

Adjusted 12 Month North and Southbound Operations = Departures2 Totals

1	2000	28282	8527	19765	13877	8527	22204	6088	28282	
2	2001	30656	10769	19867	13762	10769	24531	6125	30656	
3	2002	35040	16408	18632	12893	16408	28301	5739	35040	
4	2003	35132	13931	21201	14671	13931	28602	6530	35132	
5	2004	38622	16016	22608	15643	16016	31659	6963	38622	
6	2005	43452	15281	28171	19494	15281	34775	8677	43452	
7	2006	43334	16157	27177	18806	16157	34963	8371	43334	
8	2007	41852	15840	26012	18000	15840	33840	8012	41852	
2004 Percentage Mix										
									82.0%	100.0%
									18.0%	

Comment Letter 14

VNY Traffic History  
Total Airport Traffic Record

Year	Intertenant			Total
	Air Charter	Air Taxi	Gen. Av	
2000	0	8527	335081	344099
2001	0	10769	303575	314928
2002	0	16408	326291	343021
2003	0	13931	299478	313838
2004	0	16016	297658	313921
2005	0	15281	280524	296057
2006	0	16157	266554	283027
2007	0	15940	249367	265561
2008	0	9823	227630	237621

Year	Intertenant			Total
	Air Charter	Air Taxi	Gen. Av	
2000	0	8527	335081	344099
2001	0	10769	303575	314928
2002	0	16408	326291	343021
2003	0	13931	299478	313838
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2005	0	15281	280524	296057
2006	0	16157	266554	283027
2007	0	15940	249367	265561
2008	0	9823	227630	237621

Key Data Summary

Year	Intertenant			Total	% of Total
	Air Taxi	Gen. Av	Military		
2000	8527	335081	491	139102	28.8%
2001	10769	303575	584	141684	31.1%
2002	16408	326291	322	155420	31.2%
2003	13931	299478	429	146812	30.0%
2004	16016	297658	247	134714	28.0%
2005	15281	280524	252	114766	28.0%
2006	16157	266554	316	109470	29.2%
2007	15940	249367	254	101034	29.8%
2008	9823	227630	168	101034	29.8%

Year	Intertenant			Total	% of Total
	Air Taxi	Gen. Av	Military		
2000	8527	335081	491	139102	28.8%
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2006	16157	266554	316	109470	29.2%
2007	15940	249367	254	101034	29.8%
2008	9823	227630	168	101034	29.8%

Nine Year Intertenant/Local Percentages

Year	Intertenant			Total	% of Total
	Air Taxi	Gen. Av	Military		
2000	8527	335081	491	139102	28.8%
2001	10769	303575	584	141684	31.1%
2002	16408	326291	322	155420	31.2%
2003	13931	299478	429	146812	30.0%
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2007	15940	249367	254	101034	29.8%
2008	9823	227630	168	101034	29.8%



**Comment Letter 14**

**BACKGROUND REPORT  
TECHNICAL APPENDICES**

**VAN NUYS AIRPORT  
MASTER PLAN**

**JANUARY, 1995**

*SEE PAGE  
18*

**CITY OF LOS ANGELES  
DEPARTMENT OF AIRPORTS**

## Comment Letter 14

## A. Meteorological Conditions

Ceiling and visibility greatly affect air traffic flow. "Ceiling" is defined as "the height above the ground of the base of the lowest layer of cloud below 20,000 feet covering more than half the sky". When visibility is equal to or greater than three statute miles and the ceiling is equal to or greater than 1,000 feet, aircraft may operate under visual flight rules (VFR). If either the ceiling or the visibility falls below these specified minimums, aircraft using the airport must operate under Instrument Flight Rules (IFR). During Instrument Meteorological Conditions (IMC) runway capacity is greatly reduced as IFR separations standards are significantly greater than those used during VFR conditions. IMC weather conditions at Van Nuys Airport are estimated to occur less than nine percent of the time.

The winds at Van Nuys usually favor the use of Runways 16L and 16R. According to the *Van Nuys Airport Layout Plan Wind Rose* the winds at Van Nuys Airport are calm or up to three knots 52.6 percent of the time. During these conditions the tower uses Runways 16L and 16R. It is estimated that these runways are used 85 percent of the time. There are winds between three and 21 knots approximately 46.6 percent of the time. With any winds above three knots the tower changes the flow of traffic to Runways 34L and 34R. There are winds 21 knots and over approximately 0.7 percent of the time and winds 27 knots and over 0.1 percent of the time.

## B. Runway Use Requirements

Runway use is expressed in terms of the number, location, and orientation of active runways. It involves directions and kinds of operations using each runway. The adequacy of the existing runway system was analyzed from a number of perspectives including airfield capacity, runway orientation, runway length, and pavement strength. As Van Nuys has two runways, usage is calculated to each end of each runway.

The runways at Van Nuys Airport run north and south and are designated as runways 16L-34R and 16R-34L. Runway 16L-34R is used approximately ninety percent of the time while Runway 16R-34L is used approximately ten percent of the time.

The ultimate runway length will determine the types of aircraft that will be able to operate at Van Nuys Airport. Runway length requirements are based upon four primary factors:

- The types of aircraft expected to use the runway.
- The mean maximum daily temperature of the hottest month.
- The airport elevation.

## **Response to Comment Letter 14, Valley Industry & Commerce Association**

### **Response to Comment 14-1**

Comparisons between forecasts of future activity and past levels of activity at VNY do not support the opinion stated in this comment that VNY has insufficient space to accommodate the projected growth. The forecast used in environmental review of this project shows operations increasing without project implementation from approximately 314,000 in 2007 to approximately 386,000 in 2014 (see Tables 4.2-3 and 4.2-6 of the Draft EIR and Tables 4 and 17 of Appendix B). The number of operations forecast for 2014 is only slightly higher than the 2004 level (380,000 operations) and is well below the number of operations that VNY handled during the late 1990s (for example, operations exceeded 598,000 in 1999). Because VNY has handled a greater level of operational traffic in the past, there is no reason to assume that the airport cannot handle the lesser level of traffic suggested in the EIR's forecasts.

### **Response to Comment 14-2**

LAWA will comply with ANCA to the extent required by law. This comment will be forwarded to the project decision makers for their consideration; however, no further response is necessary as this comment does not address the project's significant environmental issues or the adequacy of this EIR.

### **Response to Comment 14-3**

The VICA's opposition to the project is noted, and this comment will be forwarded to the project decision makers for their consideration.

**Comment Letter 15: Jonathan Bilski**

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**From:** Jonathan Bilski [mailto:paulrelca@gmail.com]  
**Sent:** Tuesday, December 02, 2008 1:52 PM  
**To:** VNYPhaseoutair  
**Subject:** this is a horrible plan

I live near the the Burbank airport and I don't need more noise in my day. Trying to study and do work with constant noise is a huge hindrance in my concentration. I live right near a school, I'm sure the kids would enjoy hearing constant airplanes going over them while the learn, not. Van Nuys should keep it's own load of planes. I worry about safety since Van Nuys air port will be sending it's private owned planes, I remember in the news how one of those fell on someones house and almost killed the family. I also read in the Daily News most of the planes would just be differed to Burbank instead of the the other two air ports proposed, that's just wrong.

I'm against this phase out plan.

Don't do it!

15-1

## **Response to Comment Letter 15: Jonathan Bilski**

### **Response to Comment 15-1**

This comment's opposition to the project is noted. The Draft EIR presents a reasonable and complete analysis of the environmental impacts resulting from the proposed project at the identified diversion airports. Though the EIR does acknowledge that the project would result in slightly higher noise levels and additional single-event noise occurrences at BUR, these impacts are determined to be less than significant. Section 4.1.6 of the Draft EIR discusses the hazards-related impact due to the slight increase in number of operations at the diversion airports. Because of the limited number of flights and the extremely low potential for accidents due to these shifted operations, this impact is considered less than significant.

Furthermore, please also note that the ordinance at issue in this EIR does not explicitly propose to divert aircraft to BUR or any other airport. The EIR's conclusion that project-related aircraft operations would divert to BUR is the result of assumptions by qualified professionals based on driving times between BUR and VNY, BUR runway length and width, and operating convenience (potential for flight delays) at BUR. While LAWA stands behind the analysis presented in the EIR, including the conclusion that project-related aircraft would divert to BUR, it should be noted that there is no explicit guarantee that project-related aircraft would do so.

**Comment Letter 16: David Howell**

**From:** David Howell [mailto:dr.daytona@sbcglobal.net]  
**Sent:** Monday, December 01, 2008 9:27 AM  
**To:** VNYPhaseoutair  
**Subject:** Noise Battle between Burbank Airport and Van Nuys Airport

Regarding your article " Airports in a Dog fight over Jet Noise", December 1, 2008:  
Having lived in the Burbank Flight Path for more than twenty years it strikes me as  
strange that residents in Van Nuys are "squabbling" over who gets what, and when.

16-1

The easy way to decide is quite clear.....establish curfews within FAA Guidelines  
and assign them to both locations.

If Van Nuys and Burbank can not / will not agree on an acceptable solution to limit their number  
of flights, then take action to limit the increase in ambient noise levels by means of structural  
improvements, and sound deadening.

16-2

Burbank's Noise Abatement Program works.

I was one of the first to experience the dramatic improvement in the reduction of flight noise.

I also benefit from greater insulation, resulting in lower heating and cooling costs, and an  
overall improvement in my stress-levels and sleep.

The Burbank Airport Authority has spent many years and millions of dollars to improve upon the  
local resident's way of life. It has been money very well spent.

No one wants increased traffic.

16-3

Especially someone such as myself that lives so near the airport.

But, the truth of the matter is this.....if you don't like airplanes, constant flights,  
associated commuter traffic, and monetary growth.....don't live near an airport.

Complaining about increases in noise and congestion is like bitching to Cal-Trans  
about too much traffic on the Ventura Freeway.

Venting may relieve your tension, but the fix is only momentary.

David M. Howell  
1720 North Clybourn Avenue  
Burbank, CA. 91505-1702  
(818)406-2353

## **Response to Comment Letter 16: David Howell**

### **Response to Comment 16-1**

This comment is noted and will be forwarded to the project decision makers for their consideration. This is a comment directed at LAWA's airport policies, and it does not specifically address the project's significant environmental issues or the adequacy of the EIR. Therefore, no response is required.

### **Response to Comment 16-2**

This comment is noted and will be forwarded to the project decision makers for their consideration. This does not specifically address the project's significant environmental issues or adequacy of the EIR, nor would the suggestions in the comment letter reduce or avoid significant air quality impacts at CMA and WJF. Please note that, as discussed in Section B.5.3.1 of Appendix B, LAWA has established an Airport Noise Mitigation Program at VNY to install sound insulation on existing incompatible land uses within the 65 dB CNEL contour. Section 4.2.4 of the Draft EIR discusses the estimated area within which sound installation measures are required, and how the project would affect the projected increase in that area (see Table 4.2-50 and preceding text).

### **Response to Comment 16-3**

This comment is noted and will be forwarded to the project decision makers for their consideration. This comment does not specifically address the project's significant environmental issues or the adequacy of the EIR. Therefore, no response is required.

**Comment Letter 17: Brenda Karczag**

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**From:** BKarczag@aol.com [mailto:BKarczag@aol.com]  
**Sent:** Monday, December 01, 2008 4:19 PM  
**To:** VNYPhaseoutair  
**Subject:** (no subject)

I moved here 10 years ago and they sent us letters saying that there would be no aircraft flying over our homes between 10 pm and 7 am. That is a boldface lie and those people allowing all that noise waking us up at 5:30 in the morning should be ashamed and lose their jobs. When we moved here there were no commercial flights out of Van Nuys and now they have reneged on their promises and caused our homes to be inflicted with all this noise pollution. What ever happened to quiet enjoyment of our homes? Send those planes back to LAX where they belong and return our homes and neighborhoods to peace. I would love to hear from someone what they are doing about this.  
Brenda Karczag  
818-360-9707

**17-1**



## **Response to Comment Letter 17: Brenda Karczag**

### **Response to Comment 17-1**

This comment is noted and will be forwarded to the project decision makers for their consideration. This is a comment directed at LAWA's airport policies, and it does not specifically address the project's significant environmental issues or the adequacy of the EIR. Please note that the project does not propose a curfew but a phased-in round-the-clock ban on noisier jets at VNY that is intended to reduce noise levels in the vicinity of the airport.

**Comment Letter 18: Richard & Toni Olivarez**

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**From:** cadcounselor@aol.com [mailto:cadcounselor@aol.com]  
**Sent:** Monday, December 01, 2008 10:35 AM  
**To:** VNYPhaseoutair  
**Subject:** Comment

As a longstanding Valley resident of Van Nuys, and while residing 1-200 yards away from the airport, I must say, the airport noise is continuously quite annoying on a daily basis, I am speaking of 24 hours 7 days a week. I will spare the impacting details of how it's made my life. Although, like many residents, who feel powerless over the *have's* and the *have's not's* especially when it comes down to any type of representation (voice). I would like to say, while the Burbank, Van Nuys the FAA and all thee other acronyms involved situate a resolution. May I suggest that those involved offer to compensate those residents mental anguish of noises disrespectfully given by the Van Nuys Airport, to purchase and install shatter/sound proof windows to those residents like myself who continue to bare with the stubborn disagreements, and inconsideration's of aviation ignorant needs.

18-1

18-2

Please help us seek out some serenity in our daily lives while residing in Van Nuys, CA. Thank you.

Sincerely,

Richard & Toni Olivarez  
6847 Haskell Ave. #6  
Van Nuys, CA 91406  
818-381-2084

## **Response to Comment Letter 18: Richard & Toni Olivarez**

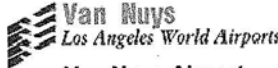
### **Response to Comment 18-1**

This comment is noted and will be forwarded to the project decision makers for their consideration. The project proposes a phased-in ban on noisier aircraft at VNY that is intended to reduce noise levels in the vicinity of the airport.

### **Response to Comment 18-2**

As discussed in Section B.5.3.1 of Appendix B, LAWA has established an Airport Noise Mitigation Program at VNY to install sound insulation on existing incompatible land uses within the 65 dB CNEL contour, including residences. Section 4.2.4 of the Draft EIR discusses the estimated area within which sound installation measures are required, and how the project would affect the projected increase in that area (see Table 4.2-50 and preceding text).

Comment Letter 19: Daniel Prisk

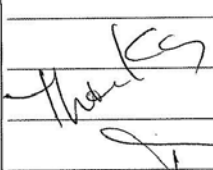
  
**Van Nuys Airport**  
**Public Meeting for the Noisier Aircraft Phaseout Project Draft EIR**  
 Public Meeting  
 October 7, 2008  
 VNY Fly Away 7610 Woodley Avenue, Van Nuys

'08 NOV 12 PM 4:52  
CB

Date 11-08-08 Name Daniel Prisk  
 Address 16648 Calabran City Alhambra Hills Zip 91343  
 Phone (optional) 818-266-8764 Email (optional) DRP345@AOL.com

**Comments:**  
 Please only make comments regarding the content of the Draft EIR being prepared for the potential Noisier Aircraft Phaseout Project at Van Nuys Airport (VNY). The project being evaluated in this EIR is separate from the ongoing Part 161 Study at VNY. If you would like to provide comments on the VNY Part 161 Study or other noise-related issues, please visit either the VNY Part 161 website at [www.VNYPart161.com](http://www.VNYPart161.com) or the Los Angeles World Airports (LAWA) website at [www.lawa.org](http://www.lawa.org). Thank you.

There seems to be little if any concerns on the noise aircraft that land at Van Nuys. Maybe there needs to be a mini elevation instead of Tier Top High Full Throttle ahead. This Area is Aircraft out of Control.

Thanks  


If needed, please continue on the back side of this page or attach additional pages

**Submit Comments by November 17, 2008 to:**  
 Karen Hoo  
 Los Angeles World Airports  
 7301 World Way West, 3<sup>rd</sup> Floor  
 Los Angeles, CA 90045  
 (Fold this sheet in thirds with the address on reverse side showing. Add a stamp and send.)  
 or submit comments on the study website: [www.lawa.org/vny/vnyEnvironment.cfm](http://www.lawa.org/vny/vnyEnvironment.cfm)

## **Response to Comment Letter 19: Daniel Prisk**

### **Response to Comment 19-1**

This comment is noted and will be forwarded to the project decision makers for their consideration. The project proposes a phased-in ban on noisier jets at VNY that is intended to reduce noise levels in the vicinity of the airport.

**Comment Letter 20: Ernie Scarcelli**

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**From:** Ernie Scarcelli [mailto:ooonsy@roadrunner.com]  
**Sent:** Monday, December 01, 2008 2:02 PM  
**To:** VNYPhaseouteir  
**Subject:** Airports, jet noise, etc

**We strongly agree that night curfews must be in order at both airports and that the airports should stop fussing with each other.**

**20-1**

**After the curfews are in place, allow each airport to deal with aircraft at their respective sites.**

**We live along the Sherman Way corridor and the night landings into Burbank constantly interfere with our sleep and peace of mind.**

**Ernest/Mary Scarcelli  
13821 Cantlay St.  
Van Nuys 91405**

## **Response to Comment Letter 20: Ernie Scarcelli**

### **Response to Comment 20-1**

This comment is noted and will be forwarded to the project decision makers for their consideration. This is a comment directed at LAWA's airport policies, and it does not specifically address the project's significant environmental issues or adequacy of the EIR. Please note that the project does not propose a curfew but a phased-in ban on noisier jets at VNY that is intended to reduce noise levels in the vicinity of the airport. The project's noise impacts at the identified diversion airports, including BUR, are discussed in Section 4.2.4 of the Draft EIR, and noise impacts were determined to be less than significant.

**Comment Letter 21: Phil Sheeran**

From: Phil Sheeran [mailto:sheerguitar@me.com]  
Sent: Monday, December 01, 2008 4:56 PM  
To: VNYPhaseouteir  
Subject: Van Nuys Airport's Phaseout plan

Just read about Van Nuys Airport's Phaseout plan. I live in North Hollywood and object to any new (Loud) aircraft being diverted to Bob Hope Airport.

**21-1**

We have too much noise as it is!!!! WE DON'T WANT MORE NOISE!!!

I do support a Valley Wide Ban on all aircraft at night and sending older, noisy planes farther outside the city.

Phil Sheeran,  
North Hollywood, 91601



## **Response to Comment Letter 21: Phil Sheeran**

### **Response to Comment 21-1**

The commenter's opposition to the project is noted. The project's noise impacts at the identified diversion airports, including BUR, are discussed in Section 4.2.4 of the Draft EIR, and noise impacts were determined to be less than significant. Please also note that, as shown in Table 2-5 of the Draft EIR, the proposed project would divert an estimated 0.5 aircraft per day to BUR in the peak diversion year of 2014.

Comment Letter 22: Rita Zlotorynski

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**From:** Rita Zlotorynski [mailto:ritazlot@gmail.com]  
**Sent:** Monday, December 01, 2008 9:31 AM  
**To:** VNYPhaseoutair  
**Subject:** noise at VN airport

I have lived in the North Hills area for 35 years. The noise at the VN airport has been increasing over the years. We have been trying to stop the nosier planes for a very long time. WE DO NOT want to have to put up with the planes from Burbank. We have a right to some peace and quiet in our homes. There should be a curfew at night for all of the airports. There is no reason to land a plane at night except for an emergency. We had to spend ten thousand dollars to put in new windows just to cut out some of the noise. That is not right. What about those who are unable to change their window? They have a right to sleep at night. They have a right to be able to watch TV without interruption from the noisier planes. We need to phase out the nosier jets and add a curfew.

Thank you, rita zlotorynski

22-1

## **Response to Comment Letter 22: Rita Zlotorynski**

### **Response to Comment 22-1**

This comment is noted and will be forwarded to the project decision makers for their consideration. The project proposes a phased-in, round-the-clock ban on noisier jets at VNY that is intended to reduce noise levels in the vicinity of the airport. The project does not propose a curfew at VNY, but LAWA will continue to consider the merits of instituting such a program separate from the consideration of approval for the proposed project at issue in this EIR. Please also note that the project would not result in aircraft operations shifting from BUR to VNY.

## Comment Letter 23: [No Signature]

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**From:** TERRTHER97@aol.com [mailto:TERRTHER97@aol.com]  
**Sent:** Monday, December 01, 2008 7:36 AM  
**To:** VNYPhaseoutair  
**Subject:** Van Nuys Airport Noise

This is being written in regards to the noise generated at all hours from planes landing at Van Nuys Airport. I bought a home last year that is near the intersection of Hayvenhurst and Lassen, which is in the flight pattern for Van Nuys Airport. Perhaps I thought that the noise would be from small planes landing, like it was when I was growing up in the Valley. Never did I expect to be woken up nightly, by jets that appear to be the size of 747s, or privately owned jets coming in at ridiculous hours. When I am jolted out of sleep, the noise is so loud, that it often prevents me from returning to sleep. I often then count the number of large and loud planes that are landing, and one recent morning at 3 a.m., I counted 6 separate planes landing within half an hour. I seriously doubt that these were used for any type of emergency situation, as I was lead to understand would be the only reason they would use the airport at that time. I write this appealing to those who have control of this situation. Please institute a real curfew for landings and take-offs from Van Nuys Airport. It disrupts the sleep of many, and poses a threat to all who live in the area. This situation has gotten out of control, and when I hear that Burbank Airport is trying to divert planes to Van Nuys, I can't help but wonder what will be next. We citizens have had enough, and it is time for someone to take action. Those who make these decisions need to spend a few night waking up at all hours to what sounds like planes landing on their roof. I guarantee that changes would happen then.

23-1

## **Response to Comment Letter 23: [No Signature]**

### **Response to Comment 23-1**

This comment is noted and will be forwarded to the project decision makers for their consideration. The project proposes a phased-in, round-the-clock ban on noisier jets at VNY that is intended to reduce noise levels in the vicinity of the airport. The project does not propose a curfew at VNY, but LAWA will continue to consider the merits of instituting such a program.

