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VIA U.S. POST AND EMAIL (EIR627@ocair.com)

Ms. Lea Choum,
3160 Airway Avenue
Costa Mesa, California 92626

***Re: Comments of SPON and AirFair on the John Wayne Airport
General Aviation Improvement Program Draft Program EIR 627***

Dear Ms. Choum:

We submit the following comments on the John Wayne Airport General Aviation Improvement Program (GAIP or Project) and the Program Draft Environmental Impact Report 627 (DEIR) on behalf of our clients, Stop Polluting Our Newport (SPON) and AirFair, both of which are non-profit California corporations. SPON and AirFair consist of residents of the City of Newport Beach who are concerned about operations at John Wayne Airport since they directly impact the residents' lives and well-being. It is out of concern for the public health and their property that SPON and AirFair submit these comments.

Primary among SPON and AirFair's concerns is the fact that GAIP will significantly increase the number of business jet operations at John Wayne Airport (the "Airport"). This increase will have a deleterious effect on the public health and welfare in Orange County and in the City of Newport Beach. As a result, SPON and AirFair request that the County of Orange conduct additional analyses before commencing the Project.

I. Programmatic Approach

SPON and AirFair are concerned that the Project is being presented as a "Program EIR." As a "Program EIR," this is the first step in a very long process. In particular, SPON and AirFair are concerned that the facts and assumptions presented in the DEIR are intentionally vague and ambiguous so that decisions can be made at a later date. This approach is inadequate for proper evaluation of potential impacts or decision-making. Once the decision is made to proceed with

this Program, citizens, such as the members of SPON and AirFair, will lose their ability to comment on and effect meaningful change to the impact of the Project on the surrounding community. In addition, the authority provided by the DEIR is too broad because the programmatic approach may allow for some issues to never be thoroughly assessed. SPON and AirFair believe that it is in the public interest for the environmental assessment to be revised to include more detailed information than what is presented in the DEIR.

II. *Increase in Jet Traffic*

The Project, obviously, has the potential to have a significant impact on the local environment, yet the DEIR fails to give any idea of that potential impact due to its lack of detail about how usage, and therefore traffic and noise, would evolve under the different scenarios.

The DEIR assumes a scenario where business jet traffic will increase at the expense of smaller private planes as the facilities are reconfigured to allow more business jets to be based at JWA. Yet no details are provided in the DEIR about how many times a day these business jets might be taking off and landing or whether any constraints could be placed on their use beyond the limits currently in place. This change in fleet mix is important, because business jets usually fly the same flight paths as commercial jets, whereas piston planes rarely do. That is, business jets file flight plans and generally fly using instrument flight rules, whereas piston-powered aircraft do not file flight plans and generally fly using visual flight rules. The result will be a net increase in jet traffic over Newport Beach using the same commercial flight patterns. The DEIR did not take this into account and an estimate of the increase in jet traffic must be provided in order to assess the potential increase in noise and pollution for Newport Beach residents.¹

Moreover, in modeling the aircraft noise created by the Project, the County uses the assumption that “the percentage of day, evening and night distribution of future aircraft operations would be consistent with the percentage of existing operations.” DEIR, p.4,7-20. However, with an increase in business jet traffic at the airport will come an increase in nighttime operations. It is, therefore, reasonably foreseeable that the number of night operations will increase as the number of arrivals of longer haul business jets often occur in the evening hours due to the longer time duration of their trips. Business jets often arrive from distant airports later in the evening than single- and multi-engine propeller-driven aircraft. In addition, business jets often leave late at night so that they can reach destinations

¹ See also the City of Newport Beach’s analysis of flight patterns. The City states that the DEIR assumes that there will be no change in flight patterns as a result. But when coupled with the fact that the baseline pre-dates the implementation of the Southern California Metroplex flight routes, it does not seem plausible that the flight routes would not change.

in the Midwest and East Coast by the beginning of the business day. The DEIR downplays this fact by repeatedly pointing out that the County of Orange has noise standards that the business jets must meet if they are flying at night. However, since the County's noise standards are expressed in terms of single event noise level and not as an average, it is possible for business jets, which can generally meet the SENEL standard, to fly more frequently at night. The DEIR is inadequate because it does not address the maximum number of business jets that could depart from JWA within a 24-hour period.

Finally, it is logical to assume that an increase in business jet operations will lead to an increase in charter flights offered through the full-service FBO. This will result in an increase in the number of passengers using the Airport. Since passengers on charter flights are not included in the MAP CAP that was agreed upon in the Settlement Agreement, SPON and AirFair believe that the number of passengers utilizing the full-service FBO should be analyzed in the DEIR.

In addition, SPON and AirFair have several questions that the DEIR and the Airport have left unanswered.

1. What is the largest private/business jet that could be accommodated?
2. How does its size compare with the commercial jets currently departing JWA?
3. How does noise from the largest private/business jet compare with the quietest commercial jet currently used at JWA?
4. How would street traffic increase as a result of more space being provided for business jets?

III. *Baseline Is Outdated*

Throughout the DEIR the Airport uses 2016 as the baseline year for its analysis. However, 2016 is one year before the Southern California Metroplex was fully implemented at the Airport. In 2017, the Federal Aviation Administration implemented three new departure routes as part of the Southern California Metroplex: PIGGN ONE, which was implemented in March 2017, and HHERO ONE and FINZZ ONE, which both were implemented in April 2017. The FAA also began two new arrival routes: DSNEE ONE/ROOBY ONE (March 2017) and OHSEA ONE/TILLT ONE (April 2017). These fundamental changes in the movement of aircraft in and around the Airport are acknowledged in the DEIR on page 1-12, where the Airport states “[i]n March and April 2017, additional departure procedures were implemented for departures to the south of JWA.” The

DEIR does not explain why 2016 was chosen as the baseline when using 2017, when the Southern California Metroplex changes were in place, would provide a more accurate baseline of the conditions at the Airport.

Using 2016 as the baseline ignores the impact that these new “safer and more efficient” routes have had on the noise and pollution over Newport Beach. For example, the noise contour maps used in the DEIR are obsolete due to the implementation of the Southern California Metroplex. The Airport knew that there have been fundamental changes in the mapping of noise due to the Southern California Metroplex new flight routes, yet it chose to ignore them in developing the noise contours for the DEIR. While it is true that the FAA will continue to “tweak” and revise the new flight routes, because the changes in the flight routes were so fundamental, it stands to reason that the DEIR should have taken them into account. The DEIR should be revised to use 2017 as the baseline year.

IV. International General Aviation Facility

An optional improvement considered in the DEIR as part of the Project is the construction of an International General Aviation Facility. DEIR, p.3-9. SPON and AirFair are opposed to the idea of creating an international general aviation facility at the Airport. SPON and AirFair believe that the addition of an international general aviation facility could result in a large increase in business jet traffic and therefore noise, traffic and pollution, particularly from an increase in nighttime operations. The impact cannot be analyzed without specific details regarding the maximum potential number of passengers who would transit through the proposed facility. Of particular concern is the possibility that an International General Aviation Facility will generate an increase in group charter flights and passengers.

V. Addition of the Orange County Sheriff Department Hangar Facility

SPON and AirFair have a concern that the addition of a hangar facility for the Orange County Sheriff's Department will result in an increase in helicopters flying in and out of JWA. While the DEIR assumes that there will not be an increase in the number of helicopters based at the Airport, there is no mention of whether the addition of a hangar facility at the Orange County Sheriff's flight operations would result in an increase in helicopter flights at the Airport. This needs to be analyzed before the DEIR is sufficient.

Finally, SPON and AirFair incorporate by reference all the comments made by the City of Newport Beach and request answers to the questions raised by the City of Newport Beach. In particular, SPON and AirFair want to express support for the project scope indicating that any GAIP improvements would be “confined to the

existing Airport footprint.” Any expansion beyond the current boundaries of the Airport will result in an unconscionable increase in noise and pollution to the detriment of public health and welfare.

Thank you in advance for your consideration of SPON and AirFair’s comments. Please provide me with a copy of all public notices issued in connection with the Project, including the Notice of Availability of the Final EIR. If you have questions or comments, please feel free to call me at (626) 395-7300 or send me an email at staber@leechtishman.com

Very truly yours,

LEECH TISHMAN FUSCALDO & LAMPL, INC.



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