

1 RESOLUTION OF THE BOARD OF SUPERVISORS OF  
2 ORANGE COUNTY, CALIFORNIA

3 September 30, 2014  
4

5 WHEREAS, in February 1985 the Orange County Board of Supervisors (“the Board”)  
6 approved a Master Plan to provide for additional airline service and facility improvements at  
7 John Wayne Airport Orange County (“JWA”) (“JWA Master Plan”), an airline access plan, and  
8 an associated land use compatibility plan;

9 WHEREAS, Environmental Impact Report 508/Environmental Impact Statement (“EIR  
10 508/EIS”) was prepared pursuant to the National Environmental Policy Act (“NEPA”) and the  
11 California Environmental Quality Act (“CEQA”) to address the potential environmental impacts  
12 associated with implementation of the JWA Master Plan and related plans;

13 WHEREAS, the Board certified Final EIR 508/EIS as adequate for the approved JWA  
14 Master Plan and related plans;

15 WHEREAS, following certification of EIR 508/EIS and adoption of the 1985 Master  
16 Plan, related litigation was initiated by the County of Orange in the U.S. District Court for the  
17 Central District of California, and the City of Newport Beach (“City”) and two citizens groups,  
18 Stop Polluting Our Newport (“SPON”) and the Airport Working Group (“AWG”), in the Orange  
19 County Superior Court (“the EIR 508/EIS litigation”);

20 WHEREAS, in November 1985, the County of Orange and the Orange County Board of  
21 Supervisors (“the Board” or, collectively, “the County”), the City, SPON, and AWG,  
22 (collectively, “the settling parties”) entered into a stipulation to implement the settlement of the  
23 longstanding dispute between the settling parties concerning the development and operation of  
24 JWA (“the 1985 Settlement Agreement”);

25 WHEREAS, the 1985 Settlement Agreement facilitated important increases in permitted  
26 commercial operations at JWA;

27 WHEREAS, on December 15, 1985, the U.S. District Court entered a final judgment  
28 pursuant to the 1985 Settlement Agreement;

1           WHEREAS, in 2012, the settling parties initiated discussions regarding the possibility of  
2 amending the 1985 Settlement Agreement to extend beyond 2015;

3           WHEREAS, on April 16, 2013 the Board approved a Memorandum of Understanding  
4 (“MOU”) between the County and the City pursuant to which the County would act as lead  
5 agency and the City would act as a responsible agency in the preparation of an Environmental  
6 Impact Report (“EIR”) that would support the County and City approval of an operational  
7 scenario evaluated in the EIR regarding amendments to the terms and conditions of the 1985  
8 Settlement Agreement concerning restrictions at JWA;

9           WHEREAS, this EIR was designated as EIR 617;

10          WHEREAS, EIR 617 was prepared pursuant to CEQA, the CEQA Guidelines, and the  
11 County’s Local CEQA Procedures Manual to address the potential environmental impacts  
12 associated with an amendment of certain terms and conditions of the 1985 Settlement  
13 Agreement, as identified as the Proposed Project and five alternatives;

14          WHEREAS, the Proposed Project and alternatives each represent different terms and  
15 conditions of possible amendments to the 1985 Settlement Agreement (as last amended in 2003),  
16 including variations in the number of noise regulated departures, the term of the extension, and  
17 increases in passenger service levels;

18          WHEREAS, the variations in terms and conditions of the Proposed Project and five  
19 alternatives represent a reasonable range of the alternatives that could feasibly attain one or more  
20 of the project objectives;

21          WHEREAS, there is no reasonable alternative site in light of the nature of the project,  
22 which is the amendment of an intergovernmental agreement pertaining specifically to the  
23 improvements and operations at JWA;

24          WHEREAS on May 22, 2014, the County published the Notice of Availability of Draft  
25 EIR 617 (SCH No. 2001111135);

26          WHEREAS, Draft EIR 617 was circulated for a forty-five (45) day public review period  
27 from May 22, 2014 to July 8, 2014;

28 ///

1           WHEREAS, the County prepared responses to all written and oral comments received  
2 during the public review period;

3           WHEREAS, the Orange County Planning Commission held a public meeting on  
4 September 10, 2014 to receive and consider public testimony with respect to the completeness  
5 and adequacy of proposed Final EIR 617;

6           WHEREAS, the Planning Commission reviewed all documentation comprising the Final  
7 EIR 617 and found that Final EIR 617 considers all environmental effects of the Proposed  
8 Project, is complete, and adequate and fully complies with all requirements of CEQA, the State  
9 CEQA Guidelines, and the County's Local CEQA Procedures Manual;

10           WHEREAS, the Planning Commission on September 10, 2014 adopted Resolution No.  
11 14-01 recommending certification of Final EIR 617 as being adequate, complete and prepared in  
12 compliance with CEQA, the State CEQA Guidelines and the County's Local CEQA Procedures  
13 Manual;

14           WHEREAS, the Airport Commission held a public meeting on September 17, 2014 to  
15 receive and consider public testimony with respect to the Proposed Project;

16           WHEREAS; on September 17, 2014, the Orange County Airport Commission voted 3-0  
17 in favor, regarding whether to recommend approval of the Proposed Project;

18           WHEREAS in accordance with Section 15132 of the State CEQA Guidelines, Final EIR  
19 617 consists of:

- 20           a. Draft EIR 617 and all appendices and technical reports thereto;
- 21           b. Comments and responses to comments on Draft EIR 617, including a list of all  
22           persons, organizations, and public agencies commenting;
- 23           c. Proceedings of two public meetings that were held on the Draft EIR, on May 28,  
24           2014 and May 29, 2014, held at the Hewes Middle School and JWA, respectively;
- 25           d. Transmittal package to the Orange County Planning Commission dated  
26           September 10, 2014;
- 27           e. Minutes of the Orange County Planning Commission meeting held on  
28           September 10, 2014;

- 1 f. Planning Commission Resolution No. 14-01, adopted on September 10, 2014;
- 2 g. Transmittal package to the Orange County Airport Commission dated
- 3 September 17, 2014;
- 4 h. Minutes of the Orange County Airport Commission meeting held September 17,
- 5 2014;
- 6 i. Proceedings of the Board of Supervisors meeting held on September 30, 2014;
- 7 j. Public testimony provided at the Board of Supervisors meeting held on
- 8 September 30, 2014;
- 9 k. Transmittal package to the Board of Supervisors dated September 30, 2014;
- 10 l. Board of Supervisors' Resolutions relating to the Proposed Project and Final EIR
- 11 617, including all attachments thereto; and,
- 12 m. All attachments and documents incorporated by reference identified in items a.
- 13 through k. above.

14 WHEREAS, Section 21081 of the Public Resources Code and Section 15091 of the State  
15 CEQA Guidelines requires that this Board make one or more of the following findings prior to  
16 approving or carrying out a project for which an EIR has been prepared identifying one or more  
17 significant effects to project, together with a statement of facts in support of each finding:

- 18 (1) Changes or alterations have been required in, or incorporated into, the project,
- 19 which mitigate or avoid the significant effects on the environment.
- 20 (2) Changes or alterations are within the responsibility and jurisdiction of another
- 21 public agency and have been, or can and should be, adopted by that other agency.
- 22 (3) Specific economic, legal, social, technological, or other considerations, including
- 23 considerations for the provision of employment opportunities for highly trained
- 24 workers make infeasible the mitigation measures or alternatives identified in the
- 25 environmental impact report.

26 WHEREAS, Section 15093(a) of the State CEQA Guidelines requires this Board to  
27 balance the benefits of a Proposed Project against its unavoidable environmental risk in  
28 determining whether to approve the project;

1           WHEREAS, Section 15093(b) of the State CEQA Guidelines requires that, where the  
2 decision of this Board allows the occurrence of significant effects which are identified in an EIR,  
3 but are not at least substantially mitigated, the Board must state in writing the reasons to support  
4 its action on the Final EIR or other information in the record; and

5           WHEREAS, Section 15097 of the State CEQA Guidelines requires that a mitigation  
6 monitoring and reporting program (“MMRP”) designed to ensure compliance with mitigation  
7 measures imposed to avoid or substantially lessen the significant effects identified in Final EIR  
8 617 be prepared;

9           **NOW, THEREFORE BE IT RESOLVED** that the County of Orange, as the airport  
10 proprietor of JWA:

11           1.       Has reviewed and considered Final EIR 617 (State Clearinghouse Number  
12 2001111135) and finds that it is adequate, complete and contains all information required by  
13 CEQA, the State CEQA Guidelines, and the County Local CEQA Procedures Manual.

14           2.       Has provided, and will continue to provide, Final EIR 617, on file with the  
15 County of Orange John Wayne Airport, 3160 Airway Avenue, Costa Mesa, California 92626.

16           3.       Finds that Final EIR 617 has identified all significant environmental effects of the  
17 Proposed Project and has analyzed a range of reasonable alternatives to the Proposed Project, as  
18 set forth in the CEQA Findings, Facts in Support of the Findings, and Statement of Overriding  
19 Considerations (“Findings”), which are incorporated by reference, made an express part of this  
20 Resolution and attached to this Resolution as “Exhibit A.”

21           4.       Adopts the appropriate finding(s) set forth in Section 21081 of the Public  
22 Resources Code and Section 15091 of the State CEQA Guidelines with respect to each  
23 significant environmental effect identified in Final EIR 617, and each alternative considered in  
24 Final EIR 617, and the explanation of its reasoning with respect to each finding is set forth in the  
25 Findings.

26           5.       Finds that although Final EIR 617 identifies certain significant environmental  
27 effects that may occur with implementation of the Proposed Project, all significant effects that  
28 feasibly can be mitigated or avoided have been reduced to an acceptable level by imposition of

1 mitigation measures, all of which have been identified in Final EIR 617 and described in the  
2 attached Findings; and all of which are adopted by this Board to mitigate the environmental  
3 effects of the Proposed Project.

4 6. Finds that the unavoidably significant environmental effects of the Proposed  
5 Project, as identified in the attached Findings, have been lessened substantially in their severity  
6 by the imposition of mitigation measures identified in the attached Findings. This Board also  
7 finds that the remaining unavoidable significant environmental effects are outweighed by the  
8 economic, social, and other benefits of the Proposed Project, as set forth in the Statement of  
9 Overriding Considerations, as identified in the attached Findings.

10 7. Adopts the Statement of Overriding Considerations, as identified in the attached  
11 Findings, which supports and justifies approval of the Proposed Project notwithstanding certain  
12 unavoidably significant environmental effects that feasibly cannot be mitigated to below a level  
13 of significance.

14 8. Finds that the MMRP, which is incorporated by reference, made an express part  
15 of this Resolution and attached to this Resolution as "Exhibit B," establishes a mechanism and  
16 procedure for implementing and verifying the implementation of, and compliance with, the  
17 adopted mitigation measures pursuant to Public Resources Code Section 21081.6, and this Board  
18 adopts the Mitigation Monitoring and Reporting Program.

19 9. Finds that Final EIR 617 has described a reasonable range of alternatives to the  
20 Proposed Project that feasibly could obtain the basic objectives of the project (including the No  
21 Project Alternative), even when these alternatives might impede the attainment of project  
22 objectives and might be more costly.

23 10. Finds that there is substantial evidence in the record to support the conclusions  
24 and findings before this Board.

25 11. Finds that significant new information has not been added to Final EIR 617 since  
26 the circulation of the Draft EIR such that recirculation for additional public review is necessary  
27 pursuant to State CEQA Guidelines Section 15088.5. The Board further finds that no information  
28 has been presented showing new significant effects and that no feasible alternative that would

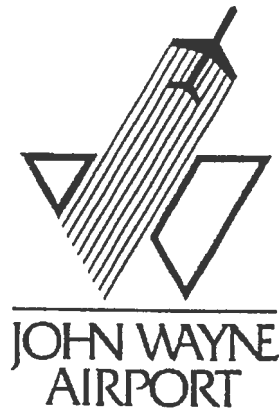
1 clearly lessen the significant physical environmental effects identified in the Final EIR has been  
2 proposed and rejected by this Board.

3 12. Finds, based on Final EIR 617, that the Proposed Project will not involve removal  
4 of coastal sage scrub habitat, or result in a net loss in Reserve System acreage or a net loss in  
5 sub-regional habitat values, and the Proposed Project will be implemented in accordance with the  
6 applicable provisions of the approved Central-Coastal Sub-regional NCCP/HCP and associated  
7 state and federal permits.

8 13. Finds that Final EIR 617 reflects the independent review and judgment of the  
9 County.

10 14. Finds that Final EIR 617 serves as adequate, complete, and appropriate  
11 environmental documentation for the Proposed Project.

12 15. Certifies Final EIR 617 as complete and adequate in that Final EIR 617 addresses  
13 all environmental effects of the Proposed Project and fully complies with the requirements of  
14 CEQA, the State CEQA Guidelines and the County's Local CEQA Procedures Manual.



## **EXHIBIT A**

### **CEQA FINDINGS, FACTS IN SUPPORT OF FINDINGS, AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR FINAL ENVIRONMENTAL IMPACT REPORT 617**



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**CEQA FINDINGS, FACTS IN SUPPORT OF FINDINGS,  
AND STATEMENT OF OVERRIDING CONSIDERATIONS  
FOR FINAL ENVIRONMENTAL IMPACT REPORT 617**

**1.0 INTRODUCTION**

**1.1 Statutory Requirements for Findings**

The California Environmental Quality Act (“CEQA;” Pub. Resources Code, §21081) and the State CEQA Guidelines (“Guidelines;” Cal. Code Regs., tit. 14, §15091) require that no public agency approve or carry out a project for which an Environmental Impact Report (“EIR”) has been certified that identifies one or more significant effects of the project on the environment unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale of each finding. The possible findings, which must be supported by substantial evidence in the record, are:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (hereafter, “Finding 1”).
- (2) Changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency (hereafter, “Finding 2”).
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR (hereafter, “Finding 3”).

For those significant effects that cannot be mitigated to below a level of significance, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. (E.g., Cal. Code Regs., tit. 14, §15093.)

In addition, CEQA requires a public agency to make a finding that the EIR reflects the public agency’s independent review and judgment. Therefore, in accordance with the provisions of CEQA and the Guidelines, the Orange County Board of Supervisors (“Board”), acting in its capacity as the CEQA lead agency and the proprietor of John Wayne Airport (“JWA” or “Airport”), expressly finds that Final EIR 617 (SCH No. 2001111135) for the JWA Settlement Agreement Amendment (“Proposed Project”) reflects the County’s independent review and judgment.

Final EIR 617 identifies significant or potentially significant environmental effects, prior to and after mitigation, which may occur as a result of the Board’s approval of the Proposed Project. In accordance with the provisions of CEQA and the Guidelines, the Board adopts these Findings as part of its certification of Final EIR 617.

In conjunction with its adoption of these Findings, the Board has reviewed and considered a substantial amount of material, including, but not limited to, the following documents that contain factual information and analysis relevant to the conclusions presented here:

- a. Draft EIR 617 and all appendices and technical reports thereto;
- b. Comments and responses to comments on Draft EIR 617, including a list of all persons, organizations, and public agencies commenting;
- c. Proceedings of two public meetings that were held on the draft EIR, on May 28, 2014 and May 29, 2014, held at the Hewes Middle School and JWA, respectively;
- d. Transmittal package to the Orange County Planning Commission dated September 10, 2014;
- e. Minutes of the Orange County Planning Commission meeting held on September 10, 2014;
- f. Planning Commission Resolution No. 14-01, adopted on September 10, 2014;
- g. Transmittal package to the Orange County Airport Commission dated September 17, 2014;
- h. Minutes of the Orange County Airport Commission meeting held September 17, 2014;
- i. Proceedings of the Board of Supervisors meeting held on September 30, 2014;
- j. Public testimony provided at the Board of Supervisors meeting held on September 30, 2014;
- k. Transmittal package to the Board of Supervisors dated September 30, 2014;
- l. Board of Supervisors' Resolutions Nos. 14-\_\_ and 14-\_\_ relating to the Proposed Project and Final EIR 617, including all attachments thereto; and,
- m. All attachments and documents incorporated by reference identified in items a. through l. above.

## **1.2 Organization/Format of Findings**

In compliance with the statutory requirements, the Findings are organized as follows:

- (1) Significant effects that cannot be mitigated to below the level of significance;
- (2) Effects that can be mitigated to below the level of significance;
- (3) Effects that are not significant;

- (4) Significant cumulative effects that cannot be mitigated to below the level of significance;
- (5) Cumulative effects that are not significant;
- (6) Feasibility and desirability of project alternatives;
- (7) Statement of Overriding Considerations.

To the extent relevant, the above-enumerated components of these Findings are accompanied by a discussion of significant effects, mitigation measures relevant to the specific effects being considered, findings, and facts in support of those findings.

### **1.3 Project Level EIR**

Final EIR 617 was prepared as a Project EIR pursuant to CEQA and the Guidelines. Section 15161 of the Guidelines states that a Project EIR is “[t]he most common type of EIR [and] examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation.”

Note that for purposes of the Proposed Project, no construction-related activity will occur. Rather, the Proposed Project contemplates the provision of additional access for commercial air carriers that operate JWA by gradually increasing the number of average daily departures and million annual passengers served over a 15-year planning horizon. As such, Final EIR 617 addresses the direct, indirect and cumulative environmental effects of increasing operation levels at the Airport.

Final EIR 617 was intended to provide the environmental information necessary for the County to make a final decision on the requested entitlements for this Project. The EIR was also intended to support discretionary reviews and decisions by other agencies, including the City of Newport Beach.

### **1.4 Mitigation Monitoring and Reporting Program**

As required by Public Resources Code section 21081.6, the Board, in adopting these findings, also adopts the project Mitigation Monitoring and Reporting Program (“MMRP”). The MMRP is designed to ensure that, during implementation of the Project, the County and other responsible parties will comply with the adopted mitigation measures, summarized below.

## **2.0 DESCRIPTION OF PROJECT PROPOSED FOR APPROVAL**

### **2.1 Introduction**

In early 1985, in response to the need for additional airline service in the County, the Orange County Board of Supervisors approved a Master Plan for facility improvements (“1985 Master Plan”), an airline access plan, and an associated land use compatibility plan. The 1985 Master

Plan allowed for further development of physical facilities at JWA and an increase in previously imposed limits on certain aircraft operations. In connection with the consideration and adoption of the 1985 Master Plan, the County prepared, circulated, and certified County EIR 508.

Following adoption of the 1985 Master Plan and the certification of EIR 508, litigation related to the 1985 Master Plan and EIR 508 was initiated by the County in the U.S. District Court for the Central District of California, and by the City of Newport Beach and two citizens groups, Stop Polluting Our Newport (“SPON”) and Airport Working Group (“AWG”), in the Orange County Superior Court. In addition, in April 1985, there was an appeal pending in the California Court of Appeals for the Fourth District by the County from an earlier trial court ruling made under CEQA in respect to an earlier Master Plan for JWA adopted by the County in 1981 and the related EIR (“EIR 232”).

### **2.1.1 1985 Settlement Agreement Background**

In November 1985, the County, the City, SPON, and AWG reached a comprehensive agreement settling all pending actions and claims related to the 1985 Master Plan and EIR 508, and the pending appeal in the 1981 Master Plan/EIR 232 litigation. This agreement documented a series of stipulations, signed and filed in the various courts in which those actions were then pending (“the 1985 Settlement Agreement”). The 1985 Settlement Agreement was filed in the federal court action initiated by the County in respect of the 1985 Master Plan and EIR 508, and, after hearing, was accepted and confirmed by a final order of the District Court in December 1985.

The 1985 Settlement Agreement required certain modifications to various mitigation measure restrictions originally adopted by the County at the time it certified EIR 508. The principal terms of the 1985 Settlement Agreement, which are summarized in Final EIR 617, related to restrictions and limitations on aircraft, operations, and commercial passenger flights. Those modifications were, among other steps, adopted by a subsequent resolution of the Board amending the original certification and related resolutions adopted by the Board in April 1985 in adopting the 1985 Master Plan and certifying EIR 508.

Since 1985, the settling parties have executed various stipulations modifying the 1985 Settlement Agreement.

### **2.1.2 Airport Noise and Capacity Act of 1990**

The 1985 Settlement Agreement contains a number of operational regulations and restrictions that apply to the Airport, in an effort to balance the environmental, political, social, and economic demands and concerns regarding operations at JWA. These restrictions include various limitations on the number of commercial airline operations and passengers; maximum single event noise levels applicable to both commercial and general aviation operations; and noise restrictions applicable to nighttime operations (“curfew”).

Subsequent to the approval of the 1985 Settlement Agreement, the Airport Noise and Capacity Act of 1990 (“ANCA;” 49 U.S.C. §47521 et seq.) went into effect, which limits an airport operator’s right to impose new restrictions on aircraft operations without obtaining federal approval. In the legislative findings, the U.S. Congress explained that “aviation noise management is crucial to the continued increase in airport capacity” because “community noise

concerns have led to uncoordinated and inconsistent restrictions on aviation that could impede the national air transportation system.” (49 U.S.C. §47521(1)–(2).) Therefore, the U.S. Congress emphasized that a “noise policy must be carried out at the national level.” (49 U.S.C. §47521(3).)

As a general matter, ANCA precludes the local imposition of noise and access restrictions that are not otherwise in accordance with the national noise policy. That being said, a limited set of exemptions to the requirements of ANCA were provided upon ANCA’s enactment. Here, ANCA’s limitations do not apply to the 1985 Settlement Agreement’s noise and access restrictions because the 1985 Settlement Agreement is “an intergovernmental agreement including an airport noise or access restriction in effect on November 5, 1990.” (49 U.S.C. §47524(d)(3).) ANCA also provides that a “subsequent amendment” to the 1985 Settlement Agreement is not subject to ANCA provided that amendment “does not reduce or limit aircraft operations or affect aircraft safety.” (49 U.S.C. §47524(d)(4).)

Because of the 1985 Settlement Agreement (and subsequent amendments thereto), JWA’s noise and access restrictions are “grandfathered” under ANCA. However, in the event that the Settlement Agreement expires, other interested entities — including, but not limited to, the Federal Aviation Administration (“FAA”) and commercial air carriers — could initiate legal action challenging the maintenance of any noise and access restriction at JWA on the basis that such restrictions violate ANCA.

### **2.1.3 2003 Settlement Agreement Amendment**

The original term of the 1985 Settlement Agreement required that it remain in effect through December 31, 2005. However, in early 2003, the settling parties approved various amendments to the 1985 Settlement Agreement via the 2003 Settlement Agreement Amendment. The 2003 Amendment continued the essential terms and conditions of the 1985 Settlement Agreement regarding the County’s development and operation of JWA, with certain capacity-enhancing modifications, which are summarized in Final EIR 617. In short, the 2003 Settlement Agreement Amendment: (i) extended the 1985 Settlement Agreement for an additional 10 years (through December 31, 2015); (ii) allowed an increase in the number of regulated Class A flights to 85 Class A Average Daily Departures (“ADD”); (iii) allowed the number of passengers served at JWA to increase from 8.4 Million Annual Passengers (“MAP”) to 10.8 MAP; and (iv) allowed facility improvements.

## **2.2 Description of the Project**

The Settlement Agreement is set to expire on December 31, 2015. Therefore, as described more fully in Final EIR 617, the Proposed Project would extend the term of the Settlement Agreement through December 31, 2030, and would require that there be no change to the curfew until December 31, 2035.<sup>1</sup> The Project also includes the modification of certain substantive provisions, including:

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<sup>1</sup> The curfew, which has been in effect since 1969 and has been adopted by the Board of Supervisors as County Ordinance No. 3505, prohibits regularly scheduled commercial operations and general aviation operations that exceed the defined 86 decibel (“dB”) Single Event Noise Equivalent Levels (“SENEL”) at specified noise

- *Gradually increasing the permitted number of regulated Class A commercial passenger flights and the number of passengers departing and arriving annually.*

The Proposed Project assumes the flight and passenger levels allowed under the Settlement Agreement would remain unchanged until January 1, 2021, at which point it would be allowed to increase to 95 Class A ADDs and 11.8 MAP. In addition, on January 1, 2026, the number of passengers would again be able to increase, to up to 12.5 MAP, depending upon the actual service levels in the preceding five years;<sup>2</sup> there would be no additional increase in Class A ADDs during this time frame.

The Proposed Project would not modify the number of ADDs allocated to air cargo service, which would remain at four ADDs through the term of the Settlement Agreement Amendment.

- *Lifting, on December 31, 2020, the restriction on the number of passenger loading bridges.*

Pursuant to the 2003 Settlement Agreement Amendment, 20 commercial passenger loading bridges are permitted at JWA through December 31, 2015. The Proposed Project would not carry forward any further restrictions on the number of loading bridges at the Airport. However, the Proposed Project is not proposing the construction of any additional loading bridges, gates, or other new facilities.

The principal terms of the Proposed Project are set forth in the table below:

---

monitoring station locations from taking off between 10:00 PM and 7:00 AM (8:00 AM on Sundays) and landing between 11:00 PM and 7:00 AM (8:00 AM on Sundays).

<sup>2</sup> The trigger for the capacity increase to 12.5 MAP beginning on January 1, 2026 requires that air carriers be within five (5) percent of 11.8 MAP (i.e., 11.21 MAP) in any one calendar year during the January 1, 2021 through December 31, 2025 timeframe. If the operational levels are not equal to or greater than 11.21 MAP during that timeframe, then the MAP level shall only increase to 12.2 MAP beginning on January 1, 2026.



<b>Principal Restrictions</b>	<b>Proposed Project</b>
<b>Term</b>	Through December 31, 2030
<b>Curfew</b>	Through December 31, 2035
<b>Annual Passenger Limit (MAP)</b>	
<b>Phase 1</b> January 1, 2016–December 31, 2020	10.8 MAP
<b>Phase 2</b> January 1, 2021–December 31, 2025	11.8 MAP
<b>Phase 3</b> January 1, 2026–December 31, 2030	12.2 or 12.5 MAP (see <i>supra</i> , fn. 2)
<b>Passenger Flights (Class A ADDs for passenger service)</b>	
<b>Phase 1</b> January 1, 2016–December 31, 2020	85 Class A ADDs
<b>Phase 2</b> January 1, 2021–December 31, 2025	95 Class A ADDs
<b>Phase 3</b> January 1, 2026–December 31, 2030	95 Class A ADDs
<b>Cargo Flights (Class A ADDs for all-cargo service)</b> January 1, 2016–December 31, 2030	4 Class A ADDs
<b>Passenger Loading Bridges</b>	
January 1, 2016–December 31, 2020	20
January 1, 2021–December 31, 2030	No Limit

**2.3 Project Objectives**

Recognizing the role the Settlement Agreement has played in providing a balance between aviation activities and community impacts associated with the operations, as part of a Memorandum of Understanding, the signatories (i.e., the County, City of Newport Beach, SPON and AWG) have identified the following Project objectives:

1. To modify some existing restrictions on aircraft operations at JWA in order to provide increased air transportation opportunities to the air-traveling public using the Airport without adversely affecting aircraft safety, recognizing that aviation noise management is crucial to continued increases in JWA’s capacity.

2. To reasonably protect the environmental interests and concerns of persons residing in the vicinity of the JWA, including their concerns regarding “quality of life” issues arising from the operation of JWA, including but not limited to noise and traffic.
3. To preserve, protect, and continue to implement the important restrictions established by the 1985 Settlement Agreement, which were “grandfathered” under ANCA and reflect and accommodate historical policy decisions of the Orange County Board of Supervisors regarding the appropriate point of balance between the competing interests of the air transportation and aviation community and local residents living in the vicinity of the Airport.
4. To provide a reasonable level of certainty to the following regarding the level of permitted aviation activity at JWA for a defined future period of time: surrounding local communities; Airport users (particularly scheduled commercial users); and the air-traveling public.
5. To consider revisions to the regulatory operational restrictions at JWA in light of the current aviation environment; the current needs of the affected communities; and industry interests represented at JWA.

In order to ensure that the types of noise and access restrictions established by the 1985 Settlement Agreement remain grandfathered under ANCA, the Proposed Project contemplates an amendment to the 1985 Settlement Agreement (as amended) that does not further “reduce or limit aircraft operations or affect aircraft safety.” (49 U.S.C. §47524(d)(4).)

### **3.0 SIGNIFICANT EFFECTS THAT CANNOT BE MITIGATED TO BELOW THE LEVEL OF SIGNIFICANCE**

The following section sets forth the significant unavoidable effects of the Project, and with respect to each effect, identifies one or more of the required findings, states facts in support of those findings and, as appropriate, refers to the Board’s Statement of Overriding Considerations (see Section 8, below).

#### **3.1 Air Quality**

3.1.1 Significant Effects. There are significant adverse air quality impacts of the Proposed Project as summarized below:

*Mass Daily Emissions — Criteria Air Pollutants.* The Proposed Project’s operational emissions would have significant operational mass emissions impacts for all Phases. Criteria Air Pollutant (“CAP”) emissions from implementation of Phase 1 of the Proposed Project would exceed the South Coast Air Quality Management District (“SCAQMD”) mass daily significance NOx threshold. CAP emissions from implementation of Phase 2 of the Proposed Project would exceed the SCAQMD mass daily significance VOC and NOx thresholds. CAP emissions from implementation of Phase 3 of the Proposed Project would exceed the SCAQMD mass daily significance VOC, NOx, and PM10 thresholds.

*Local Ambient Air Quality Concentrations* — The Proposed Project would have a significant impact on local ambient air quality concentrations. Implementation of each Phase of the Proposed Project would result in exceedance of the: (a) NO<sub>2</sub> 1-hour, PM<sub>10</sub> 24-hour, and PM<sub>10</sub> annual SCAQMD thresholds; (b) NO<sub>2</sub> 1-hour, PM<sub>10</sub> 24-hour, and PM<sub>10</sub> annual California Ambient Air Quality Standards (“CAAQS”); and (c) NO<sub>2</sub> 1-hour National Ambient Air Quality Standards (“NAAQS”).

*Exposure of Sensitive Receptors to Pollutant Concentrations* — The Proposed Project would have a significant acute non-cancer health risk impact for workers. The acute non-cancer hazard index for workers would equal the SCAQMD significance threshold and, therefore, is considered to be a significant impact.

*Nonattainment Pollutants* — All Phases of the Proposed Project would have a significant cumulative impact on nonattainment pollutants. CAP emissions from implementation of all three Phases would exceed the following SCAQMD mass daily significance thresholds for NO<sub>x</sub> (Phases 1, 2, and 3); VOC (Phases 2 and 3); and PM<sub>10</sub> (Phase 3). In addition, CAP emissions would exceed the NO<sub>2</sub> 1-hour, PM<sub>10</sub> 24-hour, and PM<sub>10</sub> annual SCAQMD ambient air quality thresholds and would also exceed the NO<sub>2</sub> 1-hour, PM<sub>10</sub> 24-hour, and PM<sub>10</sub> annual CAAQS and NO<sub>2</sub> 1-hour NAAQS. Therefore, emissions of these nonattainment pollutants and precursors would be cumulatively considerable.

*2012 Air Quality Management Plan* — The Proposed Project would have a significant impact relative to consistency with the applicable air quality plan, SCAQMD’s 2012 Air Quality Management Plan (“AQMP”). The AQMP includes strategies and tactics to be used to attain the NAAQS and CAAQS in the South Coast Air Basin (“SoCAB”); the AQMP includes an assumption that JWA will have 166,327 landing-takeoff cycles (“LTOs”) in 2035. Each Phase of the Proposed Project would have estimated LTOs that exceed the AQMP assumption — there would be an estimated 205,200 LTOs in Phase 1; 196,666 LTOs in Phase 2; and 188,236 LTOs in Phase 3. Thus, implementation of the Proposed Project would be inconsistent with the 2012 AQMP.

3.1.2 Findings. The Board adopts CEQA Findings 1, 2, and 3.

3.1.3 Facts in Support of Findings. The following facts or mitigation measures indicate that the identified significant effects of the Proposed Project have been reduced or avoided to the extent feasible. Although changes and alterations were incorporated into design of the Proposed Project, and mitigation measures have been adopted to substantially avoid or mitigate significant environmental effects, the air quality impacts remain significant and unmitigable. Pursuant to section 15091(a)(3) of the Guidelines, there are no feasible measures that would mitigate the impacts to below a level of significance. As described in the Statement of Overriding Considerations, however, the Board has determined that the significant effects are acceptable because of the specified overriding economic, legal, social, technological, and other considerations.

The Airport Cooperative Research Program’s (“ACRP”) Report 56, *Handbook for Considering Practical Greenhouse Gas Emission Reduction Strategies for Airports* provides an inventory of practical, low-cost strategies to reduce and manage CAP, and Toxic Air Contaminant (“TAC”)

emissions. The ACRP report identifies strategies in 12 categories. Many of these strategies are currently implemented at JWA, as shown in Table 4.1-6 of the EIR.

The County of Orange also has identified additional mitigation measures, based on its review of the ACRP report, that would be implemented in order to lessen the Project's air quality impacts. The mitigation measures below are adopted and incorporated as part of the Project to minimize the air quality impacts associated with the Proposed Project.

**AQ/GHG-1** Upon Project approval, the County of Orange shall support single/reduced engine taxiing procedures authorized by the Federal Aviation Administration ("FAA") that achieve corresponding benefits in air quality and/or greenhouse gas ("GHG") emission reductions and do not result in adverse noise impacts.

**AQ/GHG-2** Upon Project approval, the County of Orange shall support the efforts of the airport industry—including those of the FAA, commercial air carriers, and aircraft manufacturers—to develop air quality and Greenhouse Gas ("GHG") emission benchmarking databases that improve the understanding of the relative efficiencies of aviation operations by actively participating in aviation community networks and participating in the biannual Airports Council International – North America ("ACI-NA") Environmental Benchmark Survey.

**AQ/GHG-3** Upon Project approval, the County of Orange shall continue to evaluate the effects of future Airport-related improvement projects cognizant of and informed by the resulting air quality and GHG emissions in accordance with the requirements of the California Environmental Quality Act ("CEQA").

**AQ/GHG-4** By January 1, 2018, the County of Orange shall develop and adopt a Climate Action Plan for greenhouse gas emissions sources at the Airport under the County's control. The Climate Action Plan shall be consistent with the requirements of the Global Warming Solutions Act of 2006 ("AB 32") and the goals of Executive Order S-3-05.

In order to secure greenhouse gas emission reductions from sources under the County's control, the Climate Action Plan shall identify one or more of the following greenhouse gas reduction strategies, or combination thereof.

- i. Maximizing the energy efficiency of existing Airport structures and facilities through retrofitting and redevelopment at the conclusion and/or expiration of their useful life;
- ii. Tracking energy use at intervals no less than every 12 months in order to allow for the efficient optimization of energy use;
- iii. Utilizing energy-efficient (light-emitting diode ["LED"] or equivalent) lighting on the airfield, within terminal buildings, and in connection with surface and parking lot security lighting;
- iv. Installing window awnings, sunshades, or window tinting in appropriate areas;

- v. Providing a minimum of 60 electric car charging stations consistent with AQ/GHG-11 below;
- vi. Increasing the purchase and use of renewable energy;
- vii. Requiring third parties, concurrent with the execution of new, renewed or amended lease or contractual agreements, to meet the more stringent energy efficiency requirements required in AQ/GHG-5 below;
- viii. Continuing to maximize use of hybrid or alternatively fueled on-site equipment, including equipment fueled by Clean Natural Gas (“CNG”), Liquefied Natural Gas (“LNG”), or Biodiesel;
- ix. Installing light colored “cool” roofs and cool pavements in any new development subsequently proposed at the Airport;
- x. Purchasing carbon offset credits through an adopted program such as the California Air Pollution Control Officer’s Association (“CAPCOA’s”) Greenhouse Gas Reduction Exchange (“Rx”) Registry, of which the South Coast Air Quality Management District (“SCAQMD”) is a participating air district ([www.ghgrx.org](http://www.ghgrx.org));
- xi. Increasing solid waste reduction and recycling in accordance with AQ/GHG-10 below; and/or
- xii. Collaborating with commercial air carriers to reduce ground-based aircraft engine greenhouse gas emissions through single engine taxiing (“SET”) for purposes of taxi-in and taxi-out between the runway ends and terminal areas to the extent feasible and without compromising passenger safety and aircraft engine operational considerations.

The above list of greenhouse gas reduction strategies is non-exclusive and can be supplemented by any additional strategies subsequently identified by the County of Orange.

In order to ensure progress in implementation of the Climate Action Plan and its reduction objectives, the County of Orange shall conduct annual greenhouse gas emission inventories for all stationary sources and other sources over which JWA has control.

**AQ/GHG-5**

Upon Project approval, the County of Orange shall specify energy efficiency requirements and goals for equipment and appliances in contractual agreements, as applicable. At a minimum:

- i. Concurrent with the execution of lease agreements, amendments, and/or renewals with commercial air carriers, the County of Orange shall set a Ground Support Equipment electrification requirement of a 15 percent increase above baseline by 2016, 35 percent above baseline by 2021, and 50 percent increase above baseline by 2026. (The

baseline electrification conditions are established by reference to calendar year 2013.)

- ii. Concurrent with the execution of lease agreements, amendments, and/or renewals with all applicable Airport tenants, the County of Orange shall require that any new equipment or appliances purchased by the tenant for the provision of services under its contract with JWA shall be ENERGY STAR rated or equivalent, to the extent such equipment and appliances are commercially and technologically available.
- iii. Concurrent with the execution of lease agreements, amendments, and/or renewals with all applicable Airport tenants, the County of Orange shall require that all tenants develop, implement and submit to the Airport—within six months of lease execution—a fleet-wide, anti-idling policy. At a minimum, the anti-idling policy shall include the requirement that vehicle engines shall be turned off when vehicles are not occupied, and that occupied vehicles be turned off after no more than a five-minute idling period.

**AQ/GHG-6** Upon Project approval, the County of Orange shall install energy efficient equipment and controls for equipment being replaced as technologically available.

**AQ/GHG-7** Upon Project approval, the County of Orange shall install variable speed drives and optimize the control of air handling unit pumps for equipment being replaced as technologically available.

**AQ/GHG-8** Upon Project approval, and as technologically available, the County of Orange shall install energy efficient elevators and escalators as the existing ones require replacement.

**AQ/GHG-9** By 2016, the County of Orange shall optimize the energy efficiency and control of the conveyor motors in the baggage handling system by adding more “photo eyes” to track bags and reduce the time that the system runs after a bag has gone through from 20 minutes to 10 minutes. The County of Orange also will replace the older electric conveyor drive motors in Terminals A and B with new, more efficient ones capable of variable frequency by 2016.

**AQ/GHG-10** By 2016, the County of Orange shall develop an Integrated Solid Waste Management Plan (“ISWMP”) that strives to achieve the policy goal of the State of California—set forth in Section 41780.01 of the *California Public Resources Code*—that not less than 75 percent of solid waste generated be source reduced, recycled, or composted by the year 2020, and annually thereafter. In furtherance of the State’s policy goal, the ISWMP shall evaluate further improvements to the Airport’s existing solid waste diversion rate through enhanced recycling and composting opportunities.

**AQ/GHG-11** By 2016, the County of Orange shall install electric vehicle chargers in public parking structures A1, A2, B2 and C, the Main Street parking lot, and the employee parking lots. Chargers will be located close to the terminals to give preference to the electric vehicle users. By 2021, the County of Orange shall also provide preferential parking for vehicles powered by compressed natural gas and other low emission sources.

JWA's parking program ("PARCS") will be used to track the demand/use of the low emission vehicle spaces/chargers, and the County of Orange will re-evaluate the percentage/quantity of spaces required every two years. the County of Orange will optimize the efficiency of the parking program and adjust it according to future demands for electric chargers and the other types of low-emission vehicles driven by the public.

**AQ/GHG-12** Upon Project approval, the County of Orange shall support the expansion of public transit opportunities to the Airport by coordinating with the Orange County Transportation Authority ("OCTA"), Irvine iShuttle, and MetroLink upon the request of the transit providers. Additionally, the County of Orange will continue to make available—on the Airport's website—current information about public transit options that can be utilized to access the Airport.

**AQ/GHG-13** Upon Project approval, the County of Orange shall support bicycle use by Airport employees and the air traveling public by providing convenient, secure bicycle racks for use on the Airport's premises.

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

**AQ/GHG-15** Upon Project approval, the County of Orange shall support the efforts of commercial air carriers to utilize paperless ticket technology by upgrading the current kiosks and Common Use Passenger Processing System ("CUPPS") system with new, more efficient technology as it becomes commercially available.

Because of the County of Orange's inability to directly regulate or improve tailpipe emissions from aircraft and other mobile sources, which are subject to federal and state regulatory preemption, even with adoption and implementation of these mitigation measures, the identified mass emissions, local concentrations, and health risk air quality impacts would be significant and unavoidable.

## 3.2 Greenhouse Gas Emissions

3.2.1 Significant Effects. There are significant adverse greenhouse gas (“GHG”) emissions impacts of the Proposed Project as summarized below.

*Speculative Increase in GHG Emissions Compared to Existing Environmental Setting.* Final EIR 617 found that the Proposed Project would result in an increase in GHG emissions as compared to existing conditions. However, the EIR concluded that the impact is speculative on a global scale because, among other things, there is no scientific or regulatory consensus regarding what particular quantity of GHG emissions would result in a substantial adverse change to the physical conditions resulting in global climate change. In addition, no agency with regulatory authority and expertise (such as the California Air Resources Board (“CARB”) or SCAQMD) has adopted numeric GHG thresholds for airports for purposes of CEQA. Accordingly, the estimated increases of GHG emissions over the existing GHG emissions are not a meaningful or reliable indicator of the Proposed Project’s significance.

*Assembly Bill 32.* Assembly Bill (“AB”) 32, the California Global Warming Solutions Act of 2006, requires that statewide GHG emissions be reduced to 1990 levels by 2020. The bill set a timeline for adopting a scoping plan for achieving GHG reductions in a technologically and economically feasible manner. On December 11, 2008, CARB adopted the Scoping Plan to achieve the goals of AB 32; in the Scoping Plan, CARB determined that achieving the 1990 emission level in 2020 would require a reduction in GHG emissions of approximately 28.5 percent in the absence of new laws and regulations (referred to as “Business-As-Usual [“BAU”] or “No Action Taken” [“NAT”]).

The GHG emissions for the Proposed Project would be 15 percent less than the corresponding BAU emissions; but, they would be less than the 28.5 percent reduction identified by CARB in the 2008 Scoping Plan to ensure consistency with AB 32’s requirement to achieve 1990 emission levels by 2020. The impact would be significant.

3.2.2 Findings. The Board adopts CEQA Findings 1, 2, and 3.

3.2.3 Facts in Support of Findings. The following facts or mitigation measures indicate that the identified significant effects of the Project have been reduced or avoided to the extent feasible. Although changes and alterations were incorporated into design of the Proposed Project, and mitigation measures have been adopted to substantially avoid or mitigate significant environmental effects, the greenhouse gas emissions impacts remain significant and unmitigable. Pursuant to section 15091(a)(3) of the Guidelines, there are no feasible measures that would mitigate the impacts to below a level of significance. As described in the Statement of Overriding Considerations, however, the Board has determined that the significant effects are acceptable because of the specified overriding economic, legal, social, technological, and other considerations.

ACRP Report 56, *Handbook for Considering Practical Greenhouse Gas Emission Reduction Strategies for Airports* provides an inventory of practical, low-cost strategies to reduce and manage GHG TAC emissions. The ACRP report identifies strategies in 12 categories. Many of these strategies are currently implemented at JWA, as shown in Table 4.1-6 of the EIR.



The County of Orange also has identified additional mitigation measures, based on its review of the ACRP report, that would be implemented in order to lessen the Project’s GHG impacts. The mitigation measures below are adopted and incorporated as part of the Project to minimize the GHG impacts associated with the Proposed Project.

**AQ/GHG-1** Upon Project approval, the County of Orange shall support single/reduced engine taxiing procedures authorized by the Federal Aviation Administration (“FAA”) that achieve corresponding benefits in air quality and/or greenhouse gas (“GHG”) emission reductions and do not result in adverse noise impacts.

**AQ/GHG-2** Upon Project approval, the County of Orange shall support the efforts of the airport industry—including those of the FAA, commercial air carriers, and aircraft manufacturers—to develop air quality and Greenhouse Gas (“GHG”) emission benchmarking databases that improve the understanding of the relative efficiencies of aviation operations by actively participating in aviation community networks and participating in the biannual Airports Council International – North America (“ACI-NA”) Environmental Benchmark Survey.

**AQ/GHG-3** Upon Project approval, the County of Orange shall continue to evaluate the effects of future Airport-related improvement projects cognizant of and informed by the resulting air quality and GHG emissions in accordance with the requirements of the California Environmental Quality Act (“CEQA”).

**AQ/GHG-4** By January 1, 2018, the County of Orange shall develop and adopt a Climate Action Plan for greenhouse gas emissions sources at the Airport under the County’s control. The Climate Action Plan shall be consistent with the requirements of the Global Warming Solutions Act of 2006 (“AB 32”) and the goals of Executive Order S-3-05.

In order to secure greenhouse gas emission reductions from sources under the County’s control, the Climate Action Plan shall identify one or more of the following greenhouse gas reduction strategies, or combination thereof.

- xiii. Maximizing the energy efficiency of existing Airport structures and facilities through retrofitting and redevelopment at the conclusion and/or expiration of their useful life;
- xiv. Tracking energy use at intervals no less than every 12 months in order to allow for the efficient optimization of energy use;
- xv. Utilizing energy-efficient (light-emitting diode [“LED”] or equivalent) lighting on the airfield, within terminal buildings, and in connection with surface and parking lot security lighting;
- xvi. Installing window awnings, sunshades, or window tinting in appropriate areas;
- xvii. Providing a minimum of 60 electric car charging stations consistent with AQ/GHG-11 below;
- xviii. Increasing the purchase and use of renewable energy;

- xix. Requiring third parties, concurrent with the execution of new, renewed or amended lease or contractual agreements, to meet the more stringent energy efficiency requirements required in AQ/GHG-5 below;
- xx. Continuing to maximize use of hybrid or alternatively fueled on-site equipment, including equipment fueled by Clean Natural Gas (“CNG”), Liquefied Natural Gas (“LNG”), or Biodiesel;
- xxi. Installing light colored “cool” roofs and cool pavements in any new development subsequently proposed at the Airport;
- xxii. Purchasing carbon offset credits through an adopted program such as the California Air Pollution Control Officer’s Association (“CAPCOA’s”) Greenhouse Gas Reduction Exchange (“Rx”) Registry, of which the South Coast Air Quality Management District (“SCAQMD”) is a participating air district ([www.ghgrx.org](http://www.ghgrx.org));
- xxiii. Increasing solid waste reduction and recycling in accordance with AQ/GHG-10 below; and/or
- xxiv. Collaborating with commercial air carriers to reduce ground-based aircraft engine greenhouse gas emissions through single engine taxiing (“SET”) for purposes of taxi-in and taxi-out between the runway ends and terminal areas to the extent feasible and without compromising passenger safety and aircraft engine operational considerations.

The above list of greenhouse gas reduction strategies is non-exclusive and can be supplemented by any additional strategies subsequently identified by the County of Orange.

In order to ensure progress in implementation of the Climate Action Plan and its reduction objectives, the County of Orange shall conduct annual greenhouse gas emission inventories for all stationary sources and other sources over which JWA has control.

**AQ/GHG-5**

Upon Project approval, the County of Orange shall specify energy efficiency requirements and goals for equipment and appliances in contractual agreements, as applicable. At a minimum:

- iv. Concurrent with the execution of lease agreements, amendments, and/or renewals with commercial air carriers, the County of Orange shall set a Ground Support Equipment electrification requirement of a 15 percent increase above baseline by 2016, 35 percent above baseline by 2021, and 50 percent increase above baseline by 2026. (The baseline electrification conditions are established by reference to calendar year 2013.)
- v. Concurrent with the execution of lease agreements, amendments, and/or renewals with all applicable Airport tenants, the County of

Orange shall require that any new equipment or appliances purchased by the tenant for the provision of services under its contract with JWA shall be ENERGY STAR rated or equivalent, to the extent such equipment and appliances are commercially and technologically available.

- vi. Concurrent with the execution of lease agreements, amendments, and/or renewals with all applicable Airport tenants, the County of Orange shall require that all tenants develop, implement and submit to the Airport—within six months of lease execution—a fleet-wide, anti-idling policy. At a minimum, the anti-idling policy shall include the requirement that vehicle engines shall be turned off when vehicles are not occupied, and that occupied vehicles be turned off after no more than a five-minute idling period.

**AQ/GHG-6** Upon Project approval, the County of Orange shall install energy efficient equipment and controls for equipment being replaced as technologically available.

**AQ/GHG-7** Upon Project approval, the County of Orange shall install variable speed drives and optimize the control of air handling unit pumps for equipment being replaced as technologically available.

**AQ/GHG-8** Upon Project approval, and as technologically available, the County of Orange shall install energy efficient elevators and escalators as the existing ones require replacement.

**AQ/GHG-9** By 2016, the County of Orange shall optimize the energy efficiency and control of the conveyor motors in the baggage handling system by adding more “photo eyes” to track bags and reduce the time that the system runs after a bag has gone through from 20 minutes to 10 minutes. The County of Orange also will replace the older electric conveyor drive motors in Terminals A and B with new, more efficient ones capable of variable frequency by 2016.

**AQ/GHG-10** By 2016, the County of Orange shall develop an Integrated Solid Waste Management Plan (“ISWMP”) that strives to achieve the policy goal of the State of California—set forth in Section 41780.01 of the *California Public Resources Code*—that not less than 75 percent of solid waste generated be source reduced, recycled, or composted by the year 2020, and annually thereafter. In furtherance of the State’s policy goal, the ISWMP shall evaluate further improvements to the Airport’s existing solid waste diversion rate through enhanced recycling and composting opportunities.

**AQ/GHG-11** By 2016, the County of Orange shall install electric vehicle chargers in public parking structures A1, A2, B2 and C, the Main Street parking lot, and the employee parking lots. Chargers will be located close to the terminals to give preference to the electric vehicle users. By 2021, the County of Orange shall

also provide preferential parking for vehicles powered by compressed natural gas and other low emission sources.

JWA's parking program ("PARCS") will be used to track the demand/use of the low emission vehicle spaces/chargers, and the County of Orange will re-evaluate the percentage/quantity of spaces required every two years. the County of Orange will optimize the efficiency of the parking program and adjust it according to future demands for electric chargers and the other types of low-emission vehicles driven by the public.

- AQ/GHG-12** Upon Project approval, the County of Orange shall support the expansion of public transit opportunities to the Airport by coordinating with the Orange County Transportation Authority ("OCTA"), Irvine iShuttle, and MetroLink upon the request of the transit providers. Additionally, the County of Orange will continue to make available—on the Airport's website—current information about public transit options that can be utilized to access the Airport.
- AQ/GHG-13** Upon Project approval, the County of Orange shall support bicycle use by Airport employees and the air traveling public by providing convenient, secure bicycle racks for use on the Airport's premises.
- AQ/GHG-14** Upon Project approval, the County of Orange shall continue to support the use of alternatively fueled taxis and shuttles through the Request for Proposal process and in the contractual agreements (all taxis are currently CNG). JWA also shall support the use of alternatively fueled rental vehicles by providing electricity for chargers where practicable by 2020.
- AQ/GHG-15** Upon Project approval, the County of Orange shall support the efforts of commercial air carriers to utilize paperless ticket technology by upgrading the current kiosks and Common Use Passenger Processing System ("CUPPS") system with new, more efficient technology as it becomes commercially available.

Because of the County of Orange's inability to directly regulate or improve tailpipe emissions from aircraft and other mobile sources, which are subject to federal and state regulatory preemption, even with adoption and implementation of these mitigation measures, GHG-related impacts would be significant and unavoidable.

### **3.3 Land Use and Planning**

**3.3.1 Significant Effect.** There are significant land use and planning impacts of the Proposed Project, in connection with the compatibility with surrounding land uses.

With the Proposed Project, there would be an increase in the number of noise-sensitive uses exposed to noise levels in excess of 65 Community Noise Equivalent Level ("CNEL") (a total of 173 residences would be in the 65 or greater CNEL contour, 77 as a result of the Proposed Project in Phase 3), which would result in a land use incompatibility. This would be a significant impact because there are no feasible mitigation measures to reduce exterior noise levels to below

65 CNEL, consistent with the County of Orange standards for noise sensitive uses. There is also a potential that interior noise levels would exceed established standards for land use compatibility for noise sensitive uses (a total of 102 uninsulated residences would be in the 65 or greater CNEL contour, 44 as a result of the Proposed Project in Phase 3). With implementation of mitigation, this impact would be reduced to a less than significant level for all residences, with the exception of the residences within the area zoned for business park that are not eligible for sound insulation (a total of 75 units in Phase 3, 28 as a result of the Proposed Project). These residences would be subject to a significant land use impact because interior noise levels would exceed the County standard.

3.3.2 Findings. The Board adopts CEQA Findings 1, 2 and 3.

3.3.3 Facts in Support of Findings. The following facts or mitigation measures indicate that the identified significant effects of the Project have been reduced or avoided to the extent feasible. Although changes and alterations were incorporated into design of the Proposed Project, and mitigation measures have been adopted to substantially avoid or mitigate significant environmental effects, the land use and planning impacts remain significant and unmitigable. Pursuant to section 15091(a)(3) of the Guidelines, there are no feasible measures that would mitigate the impacts to below a level of significance. As described in the Statement of Overriding Considerations, however, the Board has determined that the significant effects are acceptable because of the specified overriding economic, legal, social, technological, and other considerations.

The mitigation measure below is adopted and incorporated as part of the Project to minimize the land use and planning impacts associated with the Proposed Project.

**LU-1** Starting with the 2015 Annual Noise Report, the annual noise contours presented in the report will be used by the County of Orange/JWA to identify parcels with noise sensitive uses (i.e., residences, schools or churches) that are newly located either partially or completely within the 65 CNEL contour as compared to their location relative to the 65 CNEL contour in the 2013 Annual Contours, which will serve as the baseline condition. All uses that were established before 1985 and have not been insulated under the previous AIP will be eligible for evaluation under the SIP described in Mitigation Measure N-3. Those uses with an average interior noise levels exceeding 45 CNEL will be eligible for insulation under the SIP described in Mitigation Measure N-3.

For those uses with interior noise levels less than 45 CNEL, the amount of outdoor-to-indoor noise reduction for each habitable room will be recorded. In each subsequent Annual Noise Report, the noise level impacting these uses and the measured noise reduction will be used to estimate the interior noise level. If the estimated interior noise level exceeds 45 CNEL, then the use will be eligible for re-evaluation in the form of new interior noise level measurements. If the interior noise level in any habitable room exceeds 45 CNEL, then the use will be eligible for the SIP described in Mitigation Measure N-3.

Because mitigation is not feasible for: (i) noise sensitive uses exposed to exterior noise levels that exceed the County's criteria, (ii) residences within the business park, and (iii) residences with a habitable room with noise levels in excess of 45 CNEL but with an average noise level in all of the habitable rooms of less than 45 CNEL, the land use-related impact would be significant and unavoidable.

### 3.4 Noise

3.4.1 Significant Effects. There are significant adverse noise impacts of the Proposed Project as summarized below.

*Noise Increase at a Sensitive Receptor.* The Proposed Project would have a less than significant impact for all Phases with respect to noise increases measured by reference to FAA and County of Orange standards. Specifically, under all Phases of the Proposed Project, all noise level increases would be less than 1.5 CNEL; therefore, there would be no exceedance of the FAA or County of Orange thresholds.

However, when noise increases are evaluated relative to the City of Newport Beach standards, Phase 3 of the Proposed Project would result in a significant noise impact at Noise Monitoring Station ("NMS") 2S in the City of Newport Beach. More specifically, Phases 1 and 2 will not exceed City of Newport Beach thresholds because there is no NMS in Newport Beach where the noise level would be 75 CNEL or greater. However, under Phase 3 conditions, there would be an increase of 1.0 CNEL at NMS 2S in the Santa Ana Heights community of Newport Beach where the forecasted noise level is 66.4 CNEL. This increase equals the City of Newport Beach significance threshold and would be a significant impact.

*Noise Increase at Exterior or Interior Sensitive Receptors.* The Proposed Project would have a significant exterior noise impact on 31 residences in Phase 1, 62 residences in Phase 2, and 77 residences in Phase 3. The Proposed Project would have a potentially significant interior noise impact on 21 residences in Phase 1, 39 residences in Phase 2, and 43 residences and one place of worship in Phase 3.

3.4.2 Findings. The Board adopts CEQA Findings 1, 2, and 3.

3.4.3 Facts in Support of Findings. The following facts or mitigation measures indicate that the identified significant effects of the Project have been reduced or avoided to the extent feasible. Although changes and alterations were incorporated into design of the Proposed Project, and mitigation measures have been adopted to substantially avoid or mitigate significant environmental effects, the noise impacts remain significant and unmitigable. Pursuant to section 15091(a)(3) of the Guidelines, there are no feasible measures that would mitigate the impacts to below a level of significance. As described in the Statement of Overriding Considerations, however, the Board has determined that the significant effects are acceptable because of the specified overriding economic, legal, social, technological, and other considerations.

Several noise control measures are in place and are assumed to be continued under the Proposed Project:

- Nighttime operations restrictions;

- South flow departure left turn over Newport Bay (primarily a responsibility of FAA);
- Class A and Class E departure noise limits;
- ALUC land use restrictions;
- Orange County General Plan land use restrictions;
- Orange County Standard Conditions of Approval, which are applicable to projects where the County of Orange issues permits. (These conditions would minimize potential impacts associated with new development, but would not be applicable to the impacts identified above. The conditions are identified in the *Noise Analysis Technical Report*, provided in Appendix C of Draft EIR 617 (see Section 7.6, Mitigation Measures Recommend for Further Consideration). Each of the surrounding jurisdictions have similar control measures for new noise sensitive development surrounding the Airport. For example, the City of Newport Beach has policies in the Noise Element of its General Plan regarding noise exposure for new development (see Table 4.5-10 in Draft EIR 617 for discussion of these policies).)

In addition, the mitigation measures below are adopted and incorporated as part of the Project to minimize the noise impacts associated with the Proposed Project.

**N-1** Starting with the 2015 Fourth Quarter Noise Report,<sup>3</sup> the annual noise levels at NMS 1S, 2S, and 3S will be compared by the County of Orange to the 2013 annual noise levels. If the noise levels have increased by 1.5 dB or more at any of these NMS, all noise sensitive uses represented by that NMS (i.e., that is the closest NMS to the parcel) that have not been previously insulated under the 1985 AIP will be eligible for evaluation for participation in the Sound Insulation Program (“SIP”) as described in Mitigation Measure N-3. Those uses with interior noise levels exceeding an average of 45 CNEL will be eligible for insulation under the SIP as described in the mitigation measure.

For those uses with interior noise levels less than 45 CNEL, the amount of outdoor-to-indoor noise reduction for each habitable room will be recorded. In each subsequent Fourth Quarter Noise Report, the noise level impacting these uses and the measured noise reduction will be used to estimate the interior noise level. If the estimated interior noise level exceeds an average of 45 CNEL, then the use will be eligible for re-evaluation in the form of new interior noise level measurements. If the interior noise level in any habitable room exceeds an average of 45 CNEL, then the use will be eligible for the SIP described in Mitigation Measure N-3.

**N-2** Starting with the 2015 Fourth Quarter Noise Report,<sup>4</sup> the annual noise levels at NMS 1S, 2S, and 3S will be compared by JWA to the 2013 annual noise levels. If the noise levels have increased by 1.0 dB or more at any of these NMS, all noise sensitive uses represented by that NMS (i.e., that is the closest NMS to the parcel) exposed to noise levels of 65 CNEL or greater that have not been previously insulated under the 1985 AIP

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<sup>3</sup> Quarterly reports are available on the Airport web site.

<sup>4</sup> Quarterly reports are available on the Airport web site.

will be eligible for evaluation for participation in the Sound Insulation Program (“SIP”) as described in Mitigation Measure N-3. Those uses with interior noise levels exceeding 45 CNEL will be eligible for insulation under the SIP as described in the mitigation measure.

For those uses with interior noise levels less than 45 CNEL, the amount of outdoor-to-indoor noise reduction for each habitable room will be recorded. In each subsequent Fourth Quarter Noise Report, the noise level impacting these uses and the measured noise reduction will be used to estimate the interior noise level. If the estimated interior noise level exceeds an average of 45 CNEL then the use will be eligible for re-evaluation in the form of new interior noise level measurements. If the interior noise level in any habitable room exceeds an average of 45 CNEL then the use will be eligible for the SIP described in Mitigation Measure N-3.

- N-3** The only practical way to mitigate indoor noise levels is through a Sound Insulation Program (SIP). Mitigation Measure LU-1, as described in the Section 4.5, Land Use, and Mitigation Measures N-1 and N-2, described above, will determine the sensitive land uses that will be eligible for participation in the SIP described below as Mitigation Measure N-3. FAA regulations require that residences be exposed to an outdoor noise level of 65 CNEL or greater and interior noise levels greater than 45 CNEL for FAA or Airport funds to be used for sound insulation. The referring Mitigation Measures, LU-1, N-1, and N-2, will ensure the outdoor noise criterion is met. The interior noise level criterion will be determined in the evaluation phase of Mitigation Measure N-3. Sensitive uses with interior noise levels greater than 45 CNEL will be eligible for sound insulation.

The FAA guidance for implementing sound insulation programs specifically states that the average noise level in all habitable rooms of a residence or all educational spaces in school must be greater than 45 CNEL for the use to be eligible for sound insulation funded by the Airport or FAA. However, the County’s noise standards specifically require that the noise level in any habitable room or educational space must be less than 45 CNEL. This is implied in the City of Newport Beach’s noise standards, as well. Under CEQA, the lead agency’s noise standard is used to determine impacts. Therefore, a noise sensitive use is considered significant impact if the noise level in any habitable room or educational space exceeds 45 CNEL.

As discussed below, the Airport will request that the FAA waive its requirement that the average noise level in all habitable rooms or educational spaces exceed 45 CNEL in order for sound insulation to be funded by the FAA or Airport in order that all noise related impacts are mitigated to a less than significant level in a timely manner. If the FAA does not agree to waive this requirement, then uses with one or more habitable rooms or educational spaces exceeding 45 CNEL but with the average noise level in all habitable rooms or educational spaces less than 45 CNEL would be significantly and unavoidably impacted as there is no other funding source for a SIP. However, these uses would be eligible for insulation when and if the average noise level exceeded 45 CNEL. As discussed in Mitigation Measures, LU-1, N-1, and N-2, if an individual land use is not eligible for insulation because the interior noise level does not exceed 45 CNEL, there are criteria for re-evaluation. If the annual report noise levels and previous evaluation



measurements indicate that the use may meet the interior noise requirement it will be re-evaluated for insulation eligibility.

**Part 1, Evaluation:** When Mitigation Measures LU-1, N-1, or N-2 determines that a noise sensitive use is significantly impacted based on measured noise levels and the relevant significance thresholds, that use will be evaluated by the County of Orange for eligibility for sound insulation. The evaluation will be performed by measuring the indoor noise levels for each habitable room or educational space. If the average noise level in all habitable rooms or education spaces of a use is greater than an average of 45 CNEL then the use will be eligible for sound insulation. Additionally, if the average noise level is less than 45 CNEL, any use with a noise level greater than an average of 45 CNEL in any habitable room or educational space also will be eligible for sound insulation if the FAA waives its requirement that noise levels be averaged across all habitable rooms or education spaces.

Per FAA guidance, noise levels will be measured with all windows and doors closed. Uses with measured interior noise levels less than 45 CNEL that do not have an existing central ventilation system, but rely on keeping windows open for air circulation will be eligible for a Continuous Positive Ventilation System. Implementation of such a system will be dependent on meeting the FAA requirements for implementation of such a system.

**Part 2, Sound Insulation Program:** Schools or residences that have interior noise levels exceeding 45 CNEL as determined by the evaluation measurements will be eligible for sound insulation. The implementation of sound insulation will depend on satisfying the FAA criteria described in Chapter 812 of Order 5100.38C Airport Improvement Program Handbook.

Note that as an alternative to providing sound insulation, an impacted property may also be mitigated by converting an incompatible use to a compatible use or removing the incompatible use.

Even with implementation of these mitigation measures, unavoidably significant exterior noise impacts are projected to occur under all Phases of the Proposed Project because there is no practical method for mitigating outdoor noise levels. Additionally, unavoidably significant interior impacts may occur because it cannot be determined at this time whether the noise evaluation conducted will find that the average noise levels in all habitable rooms of designated land uses meet the FAA funding criteria.

### 3.5 Transportation/Traffic

3.5.1 Significant Effects. There are significant adverse transportation/traffic impacts of the Proposed Project as summarized below.

*Caltrans.* Traffic generated by Phases 2 and 3 of the Proposed Project would increase traffic volume by more than 2 percent on a Caltrans freeway facility operating at LOS E or F prior to the addition of Proposed Project traffic. This would be a significant impact. Specifically, the

Proposed Project, Phases 2 and 3, would result in a cumulative impact on the northbound SR-55 from the onramp from I-405 to the MacArthur Boulevard off-ramp.

3.5.2 Findings. The Board adopts CEQA Findings 2 and 3.

3.5.3 Facts in Support of Findings. Because the improvements necessary to mitigate the identified significant freeway impacts are beyond the jurisdiction and control of the County, and because the agencies with jurisdiction and control over these facilities (i.e., the California Department of Transportation and Orange County Transportation Authority) have no present plans to construct the necessary improvements within the timeframe necessary to mitigate the identified significant impacts, there is no mechanism by which the Project can contribute its fair-share towards the necessary improvements and, consequently, there is no evidence that even with a fair-share payment the necessary improvements would be constructed. Pursuant to section 15091(a)(3) of the Guidelines, there are no feasible measures that would mitigate the impacts to below a level of significance. As described in the Statement of Overriding Considerations, however, the Board has determined that the significant effects are acceptable because of the specified overriding economic, legal, social, technological, and other considerations.

#### **4.0 EFFECTS DETERMINED TO BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE**

The following section sets forth the effects of the Proposed Project, as approved, determined to be mitigated to below a level of significance, and identifies one or more of the required findings that states facts in support of those findings with respect to each effect.

#### **4.1 Land Use and Planning**

4.1.1 Less than Significant Effects with Mitigation. The land use and planning impacts of the Proposed Project, which are less than significant after mitigation, are summarized below.

*Consistency with Applicable Planning Documents.* The Proposed Project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project with adoption of the recommended mitigation. As discussed in Table 4.5-10 of Draft EIR 617, however, the Proposed Project, Phase 3 would exceed the City of Newport Beach standards at NMS 2S and 8N. With implementation of Mitigation Measure LU-2, however, this impact could be reduced to less than significant.

4.1.2 Findings. The Board adopts CEQA Finding 1.

4.1.3 Facts in Support of Findings. As to consistency with applicable planning documents, the significant impact would be reduced to a less than significant level with implementation of the following mitigation measure.

LU-2 Prior to authorizing the allowed Phase 3 increases for the Proposed Project, the 2025 Annual Noise Report shall be evaluated by the County of Orange/JWA to determine if increased operations would result in a change in the annual 65 CNEL contour as compared to their location relative to the 65 CNEL contour in the 2013 annual contours. If the increase would result in a greater than a 1 CNEL change at NMS 1S

or 2S, the allowed increases in MAP and/or ADD shall be restricted to ensure the increase would be less than 1 CNEL difference at these locations. This shall be done annually to ensure the increase in CNEL as compared to the 2013 annual contours, do not exceed the City of Newport Beach threshold provided for in General Plan Policy N 1.8.

## **4.2 Transportation/Traffic**

4.2.1 Less than Significant Effects with Mitigation. The transportation/traffic impact of the Proposed Project, which is less than significant after mitigation, is summarized below.

*City of Newport Beach.* The addition of Project-generated trips associated with the Proposed Project would result in the intersection capacity utilization (“ICU”) of an intersection in the City of Newport Beach to increase by 0.010 or more at a location where the intersection is projected to operate at Level of Service (“LOS”) E or F under baseline conditions. This would be a significant impact. Specifically, there would be a significant impact at the Campus Drive/Bristol Street North intersection in all three Phases of the Proposed Project.

4.2.2 Findings. The Board adopts CEQA Finding 1.

4.2.3 Facts in Support of Findings. The significant impact to the intersection located within the jurisdiction of the City of Newport Beach would be reduced to a less than significant level with implementation of the following mitigation measure.

T-2           The County of Orange/JWA shall coordinate with the City of Newport Beach and construct a third southbound right-turn lane at the intersection of Campus Drive and Bristol Street North that is fully operational prior to JWA serving 10.8 MAP.

## **5.0 EFFECTS DETERMINED NOT TO BE SIGNIFICANT**

This section of the findings summarizes the potential effects found not to be significant upon implementation of the Proposed Project. The summary of the environmental effects found not to be significant is based on the environmental analysis provided in the Draft EIR 617, Section 4.0 (Existing Conditions, Impact Analysis, and Mitigation Program) and Section 1.6 (EIR Focus and Effects Found Not to be Significant).

### **5.1 Air Quality**

5.1.1 Findings. The Proposed Project would have less than significant impacts on local carbon monoxide (“CO”) concentrations. It would also have less than significant impacts for cancer risk, cancer burden, and chronic non-cancer risk for all receptors and for acute non-cancer risk for residents and other sensitive receptors.

5.1.2 Facts in Support of Findings. Final EIR 617 evaluated the following areas and found the potential air quality effects would be less than significant for the identified reasons:

- The Proposed Project would have a less than significant impact on local CO concentrations. At full implementation of the Proposed Project, the highest average daily

trips at an intersection affected by the Proposed Project would be approximately 68,600 at the Jamboree Road and Michelson Drive intersection, which is less than the daily traffic volumes that would be expected to generate CO exceedances as evaluated in the 2003 AQMP. There is no reason unique to SoCAB meteorology to conclude that the CO concentrations at the Jamboree Road and Michelson Drive intersection would exceed the 1-hour CO standard if modeled in detail, based on the studies undertaken for the 2003 AQMP.

- The Proposed Project would have less than significant impacts for cancer risk, cancer burden, and chronic non-cancer risk for all receptors and for acute non-cancer risk for residents and other sensitive receptors. The Proposed Project cancer risks to all receptors would be less than four in one million and would not exceed the SCAQMD significance threshold of greater than or equal to ten in one million. The cancer burden estimate for the Proposed Project, which is the estimated incremental number of cancer cases in the area where the incremental cancer risk is estimated at greater than or equal to 1 in 1 million, would be approximately 0.14, which is less than the SCAQMD significance threshold of equal to or greater than 0.5. The Proposed Project chronic non-cancer hazard index for all receptors would be less than 0.1 and would not exceed the SCAQMD significance threshold of greater than or equal to 1.0. The acute non-cancer hazard index for residents and other sensitive receptors would be less than the SCAQMD significance threshold of greater than or equal to 1.0.

## 5.2 Biological Resources

5.2.1 Finding. Implementation of the Proposed Project would not result in any significant biological resources impact.

5.2.2 Facts in Support of Finding. Final EIR 617 evaluated the following areas and found the potential effects on biological resources would not be significant for the identified reasons:

- The Proposed Project would not have a substantial adverse direct effect on any candidate, sensitive, or special status species or any riparian habitat or other sensitive natural community. Since the Proposed Project does not propose any physical improvements, it would not have a substantial adverse direct impact on wildlife species. Additionally, wildlife would not be impacted as a result of habitat modification because none is proposed.
- The Proposed Project would not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established wildlife corridors.
- The Proposed Project would have a less than significant impact on the use of native wildlife nursery sites.
- The Proposed Project would not conflict with any local policies or ordinances protecting biological resources. The Proposed Project would not result in removal of trees because the Proposed Project does not propose any physical improvements to the Airport. Thus,

the Proposed Project would not conflict with a tree preservation policy and would not impact nesting birds through removal of vegetation.

- The Proposed Project would not conflict with the provisions of an adopted habitat conservation plan. The Project site is located in the Orange County Central-Coastal Subregion Natural Communities Conservation Plan (“NCCP”) / Habitat Conservation Plan (“HCP”); however, it is located outside the designated protection areas. Although the Proposed Project would slightly increase noise levels and increase areas subject to noise in the NCCP/HCP reserve area, the increase in noise levels would not be substantial and would not jeopardize existence of wildlife species and plant communities in the NCCP/HCP. The Project would not interfere with the NCCP/HCP goals to establish the reserve system because it does not convert any of the Newport Bay Ecological Reserve sensitive habitats to other types of habitat or use. The Proposed Project does not propose new structures that would result in direct adverse impacts to biotic resources that, in turn, could affect the conservation goals and policies established in the NCCP/HCP or other regional local plans. JWA is an existing airport and the Proposed Project does not directly affect the sensitive habitats in the Biological Study Area.

### **5.3 Greenhouse Gas Emissions**

5.3.1 Finding. The Proposed Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases. There would be a less than significant impact.

5.3.2 Facts in Support of Finding. The County of Orange has not yet adopted a local GHG reduction plan (often called a Climate Action Plan), and no regulatory agency with GHG expertise and jurisdiction (e.g., CARB or SCAQMD) has adopted GHG limits or requirements applicable to the airport sector. Thus, the Project would not conflict with state, regional, or local plans, policies, or regulations adopted for the purpose of reducing GHGs.

### **5.4 Hazards and Hazardous Materials**

5.4.1 Findings. Implementation of the Proposed Project would not result in any significant hazards and hazardous materials impact.

5.4.2 Facts in Support of Findings. Because the Project does not propose any construction or change to the nature of Airport operations, including the on-site storage and delivery of jet fuel, and because the Project would not affect ongoing remedial activities at JWA, the sole hazard associated with the Project relates to the potential release of hazardous materials resulting from the increased transport and use of jet fuel commensurate with the increase in the number of flights. Final EIR 617 incorporates by reference Section 3.11 (Risk of Upset) of EIR 582 (SCH No. 2001011068), which analyzed operation of the commercial fuel farm with an extension of the Settlement Agreement, similar to the Project being evaluated in EIR 617. In addition, the EIR evaluated the following areas and found the potential hazards and hazardous materials effects would be less than significant for the identified reasons:

- The Proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. While the Proposed Project would result in an increase in fueling activities to support the increased passenger levels, which could ultimately reach 12.5 MAP, the commercial aircraft would be served by JWA's commercial fuel farm. Access to the fuel farm would not be modified as a result of the Proposed Project. The increased fueling activity would increase the statistical likelihood of a spill (i.e., upset and accident conditions). However, because the current Best Management Practices ("BMPs") for handling the fuel would continue to apply, there is not a reasonably foreseeable significant hazard to the public or environment.
- The Proposed Project would have a less than significant impact related to handling of hazardous materials within one-quarter mile of a school. The quantitative risk modeling of increased fueling operations determined this activity would not create a significant hazard to the public, which includes schools and other sensitive receptors, or the environment. The closest the fuel trucks would come to a school, Mariner's Christian School, is 0.27 miles. Therefore, the distance exceeds the 1/4 mile identified in the threshold of significance, and no mitigation is required.
- The Airport site is not included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5. Therefore, the Proposed Project would not create a significant hazard to the public or the environment attributable to undertaking activity on such a listed site. There would be no impact.
- While the Airport site is located within an existing airport land use plan, the Proposed Project would not result in safety hazards for people residing or working in the project area. Impacts would be less than significant. The Proposed Project would not conflict with the provisions of the Airport Environs Land Use Plan ("AELUP"). No modifications are proposed to on-site or surrounding land uses as part of the Proposed Project; therefore, the Project would not introduce obstructions or other urban encroachment that would affect operations at the Airport with the resulting safety hazard for the people residing or working in the area.

## 5.5 Land Use and Planning

5.5.1 Findings. The Proposed Project would have less than significant land use and planning impacts with respect to the capacity of on-site facilities to serve the projected demand.

5.5.2 Facts in Support of Findings. Final EIR 617 evaluated the following areas and found the potential land use and planning effects would be less than significant for the identified reasons:

- The Proposed Project would not require any unplanned physical improvements to terminal or airfield facilities.
- Based on existing parking facilities, there would be insufficient automobile parking with Phase 3. However, implementation of the planned Parking Structure C2 improvements

would provide the needed capacity. (Parking Structure C was an improvement addressed in Final Supplemental EIR 582, certified in October 2004. The first phase of Parking Structure C was completed with the new Terminal C in November 2011. Design plans for Phase 2 of Parking Structure C (“C2”), which would add 1,381 parking spaces, have been completed and construction will be initiated when the demand warrants. Therefore, with the timely construction of Parking Structure C2, any potential impacts on the on-site facilities would be reduced to a level of less than significant.)

## 5.6 Noise

5.6.1 Findings. The Proposed Project would have less than significant noise impacts with respect to noise increases determined by FAA and County of Orange standards; traffic noise impacts; and groundborne noise for the Proposed Project.

5.6.2 Facts in Support of Findings. Final EIR 617 evaluated the following areas and found the potential noise effects would be less than significant for the identified reasons:

- The Proposed Project would have a less than significant impact for all Phases for noise increases determined by FAA and County of Orange standards. Under the Phases of the Proposed Project, all noise level increases would be less than 1.5 CNEL; therefore, there would be no exceedance of the FAA or County of Orange thresholds.
- The Proposed Project would have less than significant traffic noise impacts. The traffic noise analysis for the Proposed Project shows that there are no roadways with existing adjacent noise-sensitive uses that are projected to experience a traffic noise level increase of 1.5 dB or greater. In Newport Beach, there are no roadways in the Project area with adjacent noise-sensitive uses with traffic volumes that could generate a noise level approaching 75 dBA in a private yard area where the noise standards are applicable. There are also no roadways in Newport Beach with existing adjacent noise-sensitive uses that are projected to experience a traffic noise level increase of 1.0 dB or greater.
- There would be a less than significant impact associated with groundborne noise for the Proposed Project. The Airport has not received any complaints or even any indication that vibration from landing aircraft is noticeable outside of the Airport boundaries. Heavier airplanes are able to generate higher vibration levels than lighter planes. However, the maximum airplane weights are limited by the runway construction and length. The Proposed Settlement Agreement Amendment does not include any physical changes to the Airport or runway that would allow or expect to result in heavier aircraft using the Airport. Because groundborne vibration has not been identified as even being noticeable outside of the Airport property and no part of the Project would change the vibration generation potential of the Airport, the Project would not result in excessive groundborne vibration and the impact would be less than significant. In addition, there are no sensitive uses potentially impacted by airborne noise induced structural vibrations; the noise levels will be at least 18 dB lower and have approximately 63 times less energy than the minimum noise level that would be expected to induce noticeable structural vibrations.

## 5.7 Public Services

5.7.1 Findings. Implementation of the Proposed Project would not result in any significant public services impact.

5.7.2 Facts in Support of Findings. Final EIR 617 evaluated the following areas and found the potential effects on public services would not be significant for the following reasons:

- The Proposed Project would result in less than significant impacts to fire protection services because the existing fire facilities would be able to accommodate the increase in demand for fire protection services.
- The Proposed Project would result in less than significant impacts to police/security protection services because it would not interfere with the sheriff/security response times and because existing facilities can accommodate the increased number of flights and passengers.

## 5.8 Transportation/Traffic

5.8.1 Findings. Implementation of the Proposed Project would result in less than significant transportation/traffic impacts.

5.8.2 Facts in Support of Findings. Final EIR 617 evaluated the following areas and found the potential effects on transportation/traffic would not be significant for the identified reasons:

*City of Irvine.* The addition of Proposed Project-generated trips (all Phases) would not increase the ICU beyond the allowable levels inside or outside of the Irvine Business Complex (“IBC”). Therefore, impacts would be less than significant pursuant to the applicable thresholds.

*City of Newport Beach.* There are no locations in the City of Newport Beach outside of the JWA Area shared with the City of Irvine where the addition of Proposed Project-generated trips (all Phases) would cause the LOS at a study intersection to change from LOS D to LOS E or F. There are no locations in the City of Newport Beach inside the JWA Area shared with the City of Irvine where the addition of Proposed Project-generated trips would cause the LOS at a study intersection to change from an acceptable LOS E to LOS F. There are also no locations in the City of Newport Beach inside of the JWA Area shared with the City of Irvine where the addition of Proposed Project-generated trips would increase the ICU by 0.010 or more at a study intersection operating at LOS F under baseline conditions. These impacts would be less than significant.

*City of Costa Mesa.* The additional trips generated by the Proposed Project (all Phases) would not cause the LOS at any study intersections in the City of Costa Mesa to change from LOS D to LOS E or F. The impacts would be less than significant pursuant to the applicable threshold.

*Caltrans.* For all Phases, the addition of Proposed Project-generated trips would not cause the LOS at study intersections within Caltrans jurisdiction to degrade from LOS A, B, C, or D to LOS E or F. The addition of Proposed Project-generated trips would not cause a two second or greater increase in delay at a study intersection within Caltrans jurisdiction where the



intersection operates at LOS E or LOS F prior to the addition of Proposed Project traffic. The addition of Proposed Project-generated trips would not increase the traffic volume on a freeway mainline, freeway ramp, or merge/diverge section, and cause the LOS to degrade from LOS A, B, C, or D to LOS E or F. These impacts would be less than significant.

*Orange County Transportation Authority Congestion Management Program.* Proposed Project-generated trips would not cause the LOS at a study intersection under the jurisdiction of OCTA's Congestion Management Program ("CMP") to change from an acceptable LOS E to LOS F. Additionally, Proposed Project-generated trips would not increase the ICU by 0.10 or more at a CMP study intersection operating at LOS F under baseline conditions. Impacts would be less than significant.

*Air Traffic Patterns.* The Proposed Project would increase the number of flights at JWA; however, they would not change the air traffic patterns or a change in location. Therefore, the potential for a substantial increase in safety risks is less than significant.

## **5.9 Utilities and Service Systems**

5.9.1 Findings. Implementation of the Proposed Project would not result in any significant utilities and service systems impact.

5.9.2 Facts in Support of Findings. Final EIR 617 evaluated potential impacts relating to the following utilities, with the service provider indicated in parentheses: Wastewater conveyance and treatment (Orange County Sanitation District ["OCS D"]) and water supplies (Mesa Water District). The EIR concluded that the Proposed Project would not exceed the wastewater treatment requirements of the Santa Ana Regional Water Quality Control Board ("RWQCB") or result in discharges that would require the construction of new wastewater treatment facilities or the expansion of existing facilities. In addition, the EIR concluded that the Proposed Project would result in less than significant impacts related to sufficient water supplies or the need for new or expanded water treatment facilities, and no mitigation is required.

## **5.10 Water Quality**

5.10.1 Findings. Implementation of the Proposed Project would not result in any significant water quality impacts.

5.10.2 Facts in Support of Findings. Final EIR 617 found that the Proposed Project would not violate water quality standards or waste discharge requirements; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or otherwise substantially degrade water quality. The Proposed Project would result in an increase in passengers and commercial flights, which would increase the concentration of oils, grease, and total petroleum hydrocarbons ("TPH") within storm water and other runoff at JWA due to increased passenger jet emissions on runways and increased automobile traffic and associated emissions in parking lots. These fuel-related pollutants are dominant constituents of the existing runoff system at JWA; therefore, appropriate Best Management Practices ("BMPs") for these petrochemical pollutants are already in place to meet National Pollutant Discharge Elimination System ("NPDES") permit requirements (i.e., the Industrial General Permit and MS4 Permit). Additionally, because the

Project does not propose any construction or other change to the nature of the Airport operations that would increase the extent of impervious surfaces, there would be no change in the volume of runoff generated at JWA. Because BMPs are in place for petrochemical pollutants and to minimize impacts to surface water quality, and because there would be no increase in the volume of runoff generated at JWA, it is anticipated that the increase in the concentration of petrochemicals would be accommodated within the existing runoff flows.

### **5.11 Issues Deemed No Impact or Less Than Significant Impact in the Initial Study/Notice of Preparation**

In accordance with section 15063 of the Guidelines, the County of Orange prepared an Initial Study/Environmental Checklist for the Proposed Project and distributed it along with the Notice of Preparation (“NOP”) for EIR 617 to responsible and interested agencies, and key interest groups. In preparing the Initial Study/Notice of Preparation (“IS/NOP”), the County determined the following issues not to be significant; and, in accordance with section 15128 of the Guidelines, they did not receive further evaluation in the EIR:

- **Aesthetics:** There are no designated or eligible State or local scenic highways within the vicinity of the Project site. Because the Project does not propose any physical improvements, there would be no change to the visual character or quality of the Project site, nor would the Project result in new substantially adverse light or glare.
- **Agriculture and Forestry Resources:** The Project would not result in any impacts to farmlands listed as “Prime,” “Unique,” or of “Statewide Importance” based on the 2010 Orange County Important Farmland Map prepared by the California Department of Conservation. No part of the Project site or adjacent areas is zoned forest land, timberland or timberland zoned for Timberland Production, nor would the Project result in the loss of forest land or conversion to non-forest use.
- **Air Quality (odors):** The Project does not propose any land uses that are identified by the SCAQMD as odor sources of concern (such as wastewater treatment plants, agricultural operations, landfills, composting, food processing plants, chemical plants, or refineries), nor would the Project be located in the vicinity of a land use of this type.
- **Biological Resources (wetlands):** The Project does not include any physical improvements, including construction or grading activities. Therefore, the Project would not result in a substantial adverse effect on wetlands pursuant to Section 404 of the Clean Water Act through direct removal, filling, or hydrological interruption.
- **Cultural/Scientific Resources:** Because of the absence of ground disturbance, construction activities, and new development associated with the Project, no direct or indirect impacts to historical, archaeological, or paleontological resources would occur, nor would the Project disturb any human remains.
- **Geology and Soils:** Since there would be no land use development as part of the Project, the Project would not result in any direct geology or soils impacts, nor would there be soils impacts related to septic tanks or alternative wastewater disposal systems.

- Hazards and Hazardous Materials (private airstrips; emergency evacuation plan; wildlands): There are no private airstrips in the vicinity of the Project site. The Project would not impair or interfere with implementation of the emergency evacuation plan because it would not alter any of the facilities on site or access to the Airport. The Project is located in an urbanized area and is not adjacent to wildlands.
- Hydrology: The Project does not involve any physical improvements or construction and grading activities that would have the potential to result in alterations to the drainage pattern or result in erosion or siltation. The Airport does not use groundwater, and the Project would not involve any activities that alter groundwater supplies. The Project site does not provide for substantial groundwater recharge due to the amount of impervious surfaces that exist on the site. Since the Project does not involve any physical improvements or construction, no housing or structures would be subjected to a 100-year flood hazard; exposure to flooding as a result of failure of a levee or dam; or inundation by seiche, tsunami or mudflow.
- Land Use (divide an established community): Since the Project does not involve any physical improvements or construction, it would not physically divide an established community.
- Mineral Resources: The Project site does not have significant existing and potential mineral or energy resources within its boundaries.
- Noise (temporary/periodic increase in ambient noise levels; noise from a private airstrip): The overall noise associated with the increased number of flights is addressed in Final EIR 617 (see Section 4.6). Though the Project would increase the number of daily operations at the Airport, the type of aircraft used for the additional flights would be consistent with the fleet mix currently in operation at the Airport. Therefore, the noise characteristics of the aircraft would not be different from the single event noise levels experienced under current conditions and would not result in a substantial temporary or periodic increase in the ambient noise levels in the project vicinity. The Project also does not propose physical construction; therefore, there would not be temporary or periodic increases in ambient noise levels associated with construction activities. There are no private airstrips in the vicinity of the Airport.
- Population and Housing: The Project does not propose any land use development that would increase the population in the study area or within Orange County, nor would the Project be expected to have an effect on the population projections for Orange County because it would not provide infrastructure improvements that would lead to population increase. The increase in permitted service levels provided would not exceed the air travel demand associated with the Orange County population. The Project would not require the conversion of residential uses to comply with State noise requirements nor would it result in the displacement of people or housing.
- Public Services (schools, parks, other public facilities): The Project would not result in the development of any residential units and, therefore, would not result in a population

increase, nor would it create an increased demand for schools, parks, or other public facilities.

- **Recreation:** The Project would not generate an increase in population or provide development that would result in increased usage of existing neighborhood and regional parks. There would be no physical deterioration to existing recreational facilities as a result of Project implementation.
- **Traffic/Transportation (hazards due to a design feature/incompatible uses; inadequate emergency access; conflict with policies, plans, and programs):** The Project does not propose any physical improvements to JWA, nor does it propose modifications to the circulation network, either on or off the site. Therefore, the Project is not anticipated to result in impacts associated with design features; emergency access would not be impeded; and there would be no conflict with policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities.
- **Utilities and Service Systems (storm water drainage and solid waste disposal):** The Project does not propose any construction or activities that would increase the amount of storm water runoff from the Airport site. The Airport site is fully developed and storm drains have been sized to accommodate storm flows in compliance with applicable standards. Although the Project has the potential to increase the number of passengers served at the Airport, any increased solid waste generated at the Airport would be able to be accommodated with the current landfill capacity.

## 6.0 CUMULATIVE IMPACTS

The cumulative impacts analysis evaluated the potential impacts to the environment that could be associated with implementation of the Proposed Project in concert with the cumulative projects and projected growth for the region.

### 6.1 Significant Cumulative Effects That Cannot Be Mitigated to Below a Level of Significance

#### 6.1.1 Air Quality

6.1.1.1 *Significant Effects.* For the Proposed Project, CAP emissions would exceed the SCAQMD's threshold for NO<sub>x</sub> in all three Phases, VOCs in Phases 2 and 3, and PM<sub>10</sub> in Phase 3. For TAC emissions, the acute non-cancer hazard index at a worker receptor would exceed the SCAQMD threshold. Mitigation measures AQ/GHG-1 through AQ/GHG-15 would serve to minimize the impacts associated with the Proposed Project; however, air quality impacts would remain a significant, unavoidable impact. Because the Project would have significant and unavoidable impacts described above, these impacts would be cumulatively considerable. Therefore, the Project would have a significant and unavoidable cumulative air quality impact.

6.1.1.2 *Findings.* The Board adopts CEQA Findings 1, 2, and 3.

6.1.1.3 *Facts in Support of Findings.* The identified significant effects of the Project have been reduced or avoided to the extent feasible through the implementation of the mitigation measures

that have been adopted and incorporated into the Proposed Project, as outlined in Section 3.1.3 of these Findings. However, the impacts cannot be feasibly mitigated to below a level of significance. The remaining significant effects are acceptable because of the specified overriding economic, legal, social, technological, and other considerations described in the Statement of Overriding Considerations.

### 6.1.2 Greenhouse Gas Emissions

6.1.2.1 *Significant Effects*. The criterion selected for evaluating the significance of the Project's forecasted GHG emissions is conformance with the goal established by the State of California in Executive Order S-3-05 and Assembly Bill 32; i.e., the achievement of 1990 GHG emission levels by 2020, as quantified in CARB's 2008 Scoping Plan as 2020 emissions being 28.5 percent less than 2020 BAU emissions. The GHG emissions reductions for the Proposed Project in 2020, when compared to BAU, would be less than 28.5 percent. Therefore, even with incorporation of mitigation measures (AQ/GHG-1 through AQ/GHG-15), the Project's GHG emissions impacts would be cumulatively considerable and would be cumulatively significant.

6.1.2.2 *Findings*. The Board adopts CEQA Findings 1, 2, and 3.

6.1.2.3 *Facts in Support of Findings*. The identified significant effects of the Project have been reduced or avoided to the extent feasible through the implementation of the mitigation measures that have been adopted and incorporated into the Proposed Project, as outlined in Section 3.2.3 of these Findings. However, the impacts cannot be feasibly mitigated to below a level of significance. The remaining significant effects are acceptable because of the specified overriding economic, legal, social, technological, and other considerations described in the Statement of Overriding Considerations.

### 6.1.3 Noise

6.1.3.1 *Significant Effects*. The Proposed Project would have a less than significant impact for all Phases for noise increases determined by FAA and County of Orange standards. However, in accordance with the more-stringent City of Newport Beach Standards, Phase 3 of the Proposed Project is projected to impact residences around NMS 2S in the City of Newport Beach. Therefore, the Proposed Project would result in significant cumulative noise impacts to the residences around the NMS.

6.1.3.2 *Findings*. The Board adopts CEQA Findings 1, 2, and 3.

6.1.3.3 *Facts in Support of Findings*. The identified significant effects of the Project have been reduced or avoided to the extent feasible through the implementation of the mitigation measures that have been adopted and incorporated into the Proposed Project, as outlined in Section 3.4.3 of these Findings. However, the impacts cannot be feasibly mitigated to below a level of significance. The remaining significant effects are acceptable because of the specified overriding economic, legal, social, technological, and other considerations described in the Statement of Overriding Considerations.

#### 6.1.4 Transportation/Traffic

6.1.4.1 *Significant Effects.* As identified in Section 4.8 of Draft EIR 617, the Proposed Project would result in significant cumulative impacts at one freeway/mainline segment under Caltrans jurisdiction. Specifically, the Proposed Project, Phases 2 and 3, would result in a cumulative impact on the northbound SR-55 from the onramp from I-405 to the MacArthur Boulevard off-ramp.

As indicated in Section 4.8, mitigation measures to reduce freeway impacts to less than significant levels would require the addition of travel lanes and upgrading deficient ramp locations. Since the freeways in the study area are interconnected systems, it would not be possible, nor effective, to provide isolated spot improvements along one segment of the freeway where deficient operations are observed. Specific to the Proposed Project, the physical improvement necessary to mitigate the identified significant cumulative impact is the addition of general purpose travel lanes to the impacted segment of SR-55; however, there are no present plans to construct the additional lanes. While OCTA, Caltrans, and other agencies currently are studying potential improvements to SR-55, widening the SR-55 between I-405 and the MacArthur Boulevard off-ramp to add general purpose travel lanes, which is the improvement necessary to mitigate the Proposed Project's identified significant cumulative impact, is not being considered at this time.

Moreover, it would be economically infeasible and undesirable for the County to adopt a mitigation measure requiring the County to remit a fair-share payment to Caltrans in the event that Caltrans, at some point in the future, (i) approves plans to add the necessary general purpose travel lanes, and (ii) adopts a corresponding funding program. Such fair-share payment could range between \$1.4 - \$21.1 million and would, thereby, represent a substantial contingent liability that is both economically infeasible and undesirable for the County to carry over an indefinite time period in light of the inherent fiscal uncertainties.

Therefore, because the improvements necessary to mitigate the identified freeway impacts (i.e., providing increased capacity) are beyond the jurisdiction and control of the County, because the agency with jurisdiction and control over these facilities (i.e., Caltrans) has no present plans to construct the necessary improvements in the timeframe necessary to mitigate the identified significant impacts, and because there is no mechanism in place by which the Project could contribute a fair-share even if the necessary improvements were planned, there is no evidence that the necessary improvements will be constructed. As such, the mitigation necessary to reduce the identified significant cumulative impacts is infeasible and the identified cumulative impacts are significant and unavoidable.

6.1.4.2 *Findings.* The Board adopts CEQA Findings 2 and 3.

6.1.4.3 *Facts in Support of Findings.* Freeway-related impacts cannot be feasibly mitigated to below a level of significance as discussed in Section 3.5.3 of these Findings. The remaining significant effects are acceptable because of the specified overriding economic, legal, social, technological, and other considerations described in the Statement of Overriding Considerations.

## **6.2 Cumulative Effects Determined to be Mitigated to Below a Level of Significance**

### **6.2.1 Transportation/Traffic**

6.2.1.1 *Significant Effect.* As identified in Section 4.8 of Draft EIR 617, the Proposed Project would result in cumulative impacts at one intersection in the City of Newport Beach. The cumulative traffic intersection impact would occur at Campus Drive and Bristol Street North. Impacts associated with the Proposed Project would contribute to an already deficient condition at this intersection. JWA has completed planning studies for this improvement and is currently in the process of preparing construction plans. JWA has also agreed to fund necessary ancillary construction work at this location, including any utility relocation that might be required. This improvement (identified as Mitigation Measure T-2) is currently scheduled to be completed by 2016, which is the first year in which the impact would occur. With implementation of T-2, this cumulative impact would be less than significant.

6.2.1.2 *Finding.* The Board adopts CEQA Finding 1.

6.2.1.3 *Facts in Support of Finding.* The cumulative traffic impact at the Campus Drive/Bristol Street North intersection can be mitigated to below a level of significance with the implementation of mitigation measure T-2, which is adopted and incorporated as part of the Project, and is provided in Section 4.2.3 of these Findings.

## **6.3 Cumulative Effects Determined Not to be Significant**

### **6.3.1 Biological Resources**

6.3.1.1 *Finding.* Implementation of the Proposed Project would not result in any significant cumulative biological resources impacts.

6.3.1.2 *Facts in Support of Finding.* No direct impacts on areas designated to provide for the protection and management of coastally occurring wildlife and plant communities would occur. In addition, the Proposed Project would not result in indirect impacts potentially diminishing function of designated protection areas (the reserve system). From a cumulative perspective, the Orange County Central-Coastal Subregion NCCP/HCP would serve to ensure that cumulative impacts on biological resources would not be considered significant.

### **6.3.2 Hazards and Hazardous Materials**

6.3.2.1 *Finding.* Implementation of the Proposed Project would not result in any significant cumulative hazards and hazardous materials impacts.

6.3.2.2 *Facts in Support of Finding.* Because hazardous materials are often site-specific and localized, the potential for cumulative impacts is limited. For cumulative hazards and hazardous materials impacts to occur the projects would need to be relatively close to each other so project-related impacts would collectively pose a significant impact. There are no cumulative projects immediately adjacent to the Airport where combined hazardous materials impacts would occur. In addition, as outlined in Section 5.4 of these Findings, although the Proposed Project would result in an increase in fueling activities at JWA's commercial fuel farm, this increase in activity

would not result in a significant hazard to the public or environment. Further, the Project would not contribute to a cumulatively significant hazardous materials impact, given that cumulative projects on the Airport, i.e., the John Wayne Airport New Jet Fuel Pipeline and Tank Farm proposal by Wickland Pipelines LLC and the construction of Parking Structure C2, involve less than significant hazardous materials risks.

### 6.3.3 Land Use and Planning

6.3.3.1 *Findings.* Implementation of the Proposed Project would not result in any significant cumulative land use and planning impacts.

6.3.3.2 *Facts in Support of Findings.* Final EIR 617 evaluated cumulative land use impacts with respect to on-site land uses, off-site (surrounding) land uses, and policy consistency. As to on-site land uses, because no construction is proposed with the Project, the impacts of the Project and cumulative projects, i.e., the John Wayne Airport New Jet Fuel Pipeline and Tank Farm proposal by Wickland Pipelines LLC and the construction of Parking Structure C2, would not be collectively significant and no cumulative land use impacts associated with this project would result. As to off-site (surrounding) land uses, the Project's land use impacts are noise-related, and no cumulative surrounding land use compatibility impacts associated with noise are anticipated. As to policy consistency, the Project would not contribute to any cumulative impacts associated with plan or policy inconsistency.

### 6.3.4 Noise

6.3.4.1 *Findings.* Implementation of the Proposed Project would have less than significant cumulative noise impacts with respect to noise impacts determined by FAA and County of Orange standards.

6.3.4.2 *Facts in Support of Findings.* For purposes of CEQA, "cumulative impacts" refer to individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts. Because of the way noise levels are combined, in order for two noise sources to result in a cumulative impact, the noise levels generated by the sources need to generate similar noise levels that are just below or that exceed an applicable noise standard. With the Project, the two primary environmental noise sources are aircraft and roadway traffic. No cumulative significant noise impacts are anticipated to occur with respect to environmental noise sources. In addition, no existing or proposed facilities are anticipated that could generate a cumulative noise impact. The Proposed Project would not result in a significant cumulative impact.

### 6.3.5 Public Services

6.3.5.1 *Findings.* The Proposed Project would not result in significant cumulative public services impacts.

6.3.5.2 *Facts in Support of Findings.* For fire protection services on the airport and police/security services, the two on-site cumulative projects (Parking Structure C2 and the Wickland Pipeline LLC project) would not substantially increase demand for these services. Nonetheless, staffing is based on area coverage and sufficient staffing is available to respond to



multiple concurrent incidents at the Airport. In addition, fire and emergency medical service calls for non-airfield portions of the Airport are responded to by the Orange County Fire Authority (“OCFA”). As development occurs, the need for additional staffing would be evaluated by OCFA and the local fire departments. The growth associated with the cumulative projects is consistent with the long-range projections for Orange County and is considered as the agencies evaluate appropriate staffing levels to meet the needs of the population. Increased staffing, which is paid for through taxes, would not result in an environmental impact.

### 6.3.6 Utilities and Service Systems

6.3.6.1 *Finding*. The Proposed Project would not result in significant cumulative utilities and service systems impacts.

6.3.6.2 *Facts in Support of Finding*. As defined in Section 4.8 of Draft EIR 617, utilities includes water and wastewater used at JWA. For water services, the Mesa Water District, which services the Project, is in the process of updating their Water Master Plan. The District has indicated that they would incorporate the Project’s future water demands into the Master Plan. By incorporating the Project as part of the long-range District planning, impacts associated with cumulative water demands would be less than significant. For wastewater services, the Project is served by the Orange County Sanitation District (“OCSD”). The Proposed Project can be accommodated in the wastewater discharge assumption already incorporated in the long-term planning for the District. Therefore, because this capacity has been planned for within the system, the Proposed Project would not contribute to cumulative impacts for wastewater services.

### 6.3.7 Water Quality

6.3.7.1 *Finding*. The Proposed Project would not result in significant cumulative water quality impacts.

6.3.7.2 *Facts in Support of Finding*. Significant cumulative impacts to water quality are not expected because, even though many of the cumulative projects would discharge into the same drainages, it is anticipated/expected that all future projects within the watersheds will implement treatment and mitigation programs that will reduce pollutants of concern to less than significant levels prior to downstream discharge, consistent with current regulations.

## **7.0 FEASIBILITY OF PROJECT ALTERNATIVES**

Because the Proposed Project will result in some unavoidably significant environmental effects, as outlined above, the County must consider the feasibility of environmentally superior alternatives to the project. The County must evaluate whether such alternatives could avoid or substantially lessen the unavoidable significant environmental effects. These findings contrast and compare the environmental impacts of the alternatives analyzed in Final EIR 617.

If the Board finds that the alternatives are not feasible, it must, before approving the Project, adopt findings including a Statement of Overriding Considerations with regard to the Project setting forth the factors that warrant approval of the Project despite the existence of adverse environmental impacts. The EIR must focus its analysis of alternatives on alternatives that

“could feasibly attain most of the basic objectives of the project.” However, Guidelines section 15126.6(b) also requires an EIR to examine alternatives “capable of avoiding or lessening” environmental effects even if these alternatives “would impede to some degree the attainment of the project objectives or would be more costly.”

CEQA provides the following definition of the term “feasible” as it applies to the findings requirement: “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” Public Resources Code section 21081 provides, in part:

“[N]o public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur: (a) The public agency makes one or more of the following findings with respect to each significant effect:

...

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.”

The concept of “feasibility,” therefore, as it applies to findings, involves a balancing of various economic, environmental, social, legal, and technological factors. (See Pub. Resources Code, §21061.1; Cal. Code Regs., tit. 14, §15364; see also *City of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564–566; *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 415–417.) Further, it has been recognized that, for purposes of CEQA, “feasibility” encompasses “desirability,” to the extent that the latter is based on a reasonable balancing of the relevant economic, environmental, social and technological factors. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001.) This balancing is harmonized with CEQA’s fundamental recognition that policy considerations may render alternatives impractical or undesirable. (*Ibid.*; see also Pub. Resources Code, §21081; Cal. Code Regs., tit. 14, §§15126.6(c), 15364.)

These Findings contrast and compare the alternatives, where appropriate, to show that the selection of the Proposed Project, while still resulting in significant environmental impacts, has substantial environmental, planning, fiscal, and other benefits. In rejecting certain alternatives, the County has examined both the environmental impacts and the project objectives and weighed the ability of the various alternatives to meet the objectives. The County Board of Supervisors finds, after due consideration of a reasonable range of alternatives as set forth in the EIR and below, that the Proposed Project best attains a balance between increasing air service at JWA and protecting against local environmental impacts and best meets the approved objectives with the least environmental impact.

## 7.1 Alternative A

Alternative A is the same as the Proposed Project with regards to the expiration of the terms of the Settlement Agreement (December 31, 2030) and restrictions on modifications to the curfew (December 31, 2035). This Alternative would also maintain the restriction on the number of passenger loading bridges until December 31, 2020, at which point the limitation would be removed. Alternative A would also not modify the number of ADDs allocated to air cargo operations. Also, like the Proposed Project, separate environmental documentation pursuant to CEQA would be required prior to implementation of any expansion of Airport facilities.

Alternative A is different than the Proposed Project with regards to the number of regulated Class A passenger service ADDs and MAP served at the Airport. Alternative A would maintain the 10.8 MAP through December 31, 2020. However, effective January 1, 2016, the number of regulated Class A passenger service ADDs would be allowed to increase to 107 ADD (an increase of 22 ADD over what is currently allowed under the Settlement Agreement). The number of regulated ADDs and MAP would then be allowed to increase on January 1, 2021, to 120 regulated Class A passenger service ADDs (an increase of 13 ADD over the 2020 levels and 35 ADD compared to what is currently allowed under the Settlement Agreement). The permitted MAP levels would be allowed to increase to 11.4 MAP, which is 0.6 million additional passengers annually compared to what is currently allowed under the Settlement Agreement.

A final increase in MAP and regulated Class A passenger service ADDs would be permitted to occur after January 1, 2026. Through the end of the Settlement Agreement term (December 31, 2030), a total of 135 regulated Class A passenger service ADDs would be permitted and a total of 12.8 MAP would be allowed.

Alternative A would not be considered environmentally superior to the Proposed Project. The Proposed Project will result in significant unavoidable impacts associated with air quality, greenhouse gas emissions, land use and planning, noise, and transportation/traffic. Alternative A would also have significant unavoidable impacts in each of these areas, and the impacts would be incrementally larger due to the additional capacity served by Alternative A. Additionally, Alternative A, Phase 3, would have significant unavoidable impacts related to land use and planning (insufficient gate capacity), which would not be experienced with the Proposed Project.

Alternative A would also not meet the project objectives as effectively as the Proposed Project. The project objectives are outlined in Section 2.3 of these Findings. Although Alternative A would fully implement objectives 1, 3, and 4, it would only partially implement objectives 2 and 5. (See EIR 617, Table 7-1.)

In summary, the Board finds that Alternative A is undesirable because it incrementally increases the significance of the environmental impacts associated with the Proposed Project, and does not meet the project objectives as effectively as the Proposed Project.

## 7.2 Alternative B

As with Alternative A and the Proposed Project, Alternative B proposes to extend the term of the Settlement Agreement until December 31, 2030, and restrictions on modifications to the curfew would apply until December 31, 2035. This Alternative would also maintain the restriction on

the number of passenger loading bridges until December 31, 2020, at which point the limitation would be removed. Alternative B would also not modify the number of ADD allocated to air cargo operations. Prior to the implementation of any expansion of Airport facilities, separate environmental documentation pursuant to CEQA would be required.

Alternative B is different with regards to the number of regulated Class A passenger service ADDs and MAP served at the Airport. Alternative B would also maintain the 10.8 MAP through December 31, 2020. However, effective January 1, 2016, the number of regulated Class A passenger service ADDs would be allowed to increase to 100 ADD (an increase of 15 ADD over what is currently allowed under the Settlement Agreement). The number of regulated ADDs and MAP would then be allowed to increase on January 1, 2021, to 110 regulated Class A passenger service ADDs (an increase of 10 ADD over the 2020 levels and 25 ADD compared to what is currently allowed under the Settlement Agreement). The permitted MAP levels would be allowed to increase to 13.0 MAP, which is a 2.2 MAP annual increase compared to what is currently allowed under the Settlement Agreement. A final increase in MAP and regulated Class A passenger service ADDs would be permitted to occur after January 1, 2026. Through the end of the term of the Settlement Agreement (December 31, 2030), a total of 115 regulated Class A passenger service ADDs would be permitted and a total of 15.0 MAP would be allowed.

Alternative B would not be considered environmentally superior to the Proposed Project. The Proposed Project will result in significant unavoidable impacts associated with air quality, greenhouse gas emissions, land use and planning, noise, and transportation/traffic. Alternative B would also have significant unavoidable impacts in each of these areas, and the impacts would be incrementally larger due to the additional capacity served by Alternative B. Additionally, Alternative B would have significant unavoidable impacts related to land use and planning (Phases 2 and 3 – exceeding capacity of various on-site facilities) and traffic (Phase 3), which would not be experienced with the Proposed Project.

Alternative B would also not meet the project objectives as effectively as the Proposed Project. The project objectives are outlined in Section 2.3 of these Findings. Although Alternative B would fully implement objectives 1 and 4, it would only partially implement objectives 2, 3 and 5. (See EIR 617, Table 7-1.)

In summary, the Board finds that Alternative B is undesirable because it incrementally increases the significance of the environmental impacts associated with the Proposed Project, and does not meet the project objectives as effectively as the Proposed Project.

### **7.3 Alternative C**

Alternative C reflects the physical capacity of the JWA airfield. Alternative C would not carry forward the restrictions on the number of regulated Class A passenger service ADDs and MAP served at the Airport. Rather, the passenger and flight levels would be dictated by airfield capacity. Under this alternative, as of January 1, 2016, there also would be no restrictions on the number of passenger loading bridges.

Alternative C does propose to maintain the current curfew until December 31, 2020, at which point the County could modify the General Aviation Noise Ordinance (“GANO”, Ordinance

3505). This Alternative does not propose the modification of the GANO at this time. However, to ensure that the full impacts associated with Alternative C are addressed, assumptions have been made on flight activity with the modification of the GANO. Based on other airports that operate without a curfew and have similar operations and geographic conditions as JWA (i.e., a regional airport near a large hub airport and without major cargo operations), assumptions were made on the flight distributions. It was determined that, without the curfew, a reasonable assumption would be 75 percent day operations (7:00 AM to 7:00 PM), 14 percent evening operations (7:00 PM to 10:00 PM), and 11 percent night operations (10:00 PM to 7:00 AM). The bulk of the night operations would be between the hours of 6:00 AM and 7:00 AM due to the congestion during the 7:00 AM peak hour. There would be some operations after 10:00 PM as well, but most likely concentrated between 10:00 PM and 11:00 PM. This is discussed further in the *John Wayne Airport Environmental Impact Report Aviation Forecasts Technical Report* and the *John Wayne Airport Environmental Impact Report Noise Analysis Technical Report*, Appendices B and C, respectively, to EIR 617. Should the County desire to modify the GANO after December 31, 2020, it would be considered a project pursuant to CEQA, and separate environmental documentation would be required to address the potential impacts associated with that action.

With Alternative C, the increase in flights and passenger levels would be permitted starting on January 1, 2016, and would remain the same throughout the entire study period (through 2030). Based on the current airfield capacity, this alternative would allow 228 regulated Class A passenger service ADDs, an increase of 143 regulated Class A passenger service ADDs over what is currently allowed under the Settlement Agreement. It is expected that this flight level would serve approximately 16.9 MAP, which is 6.1 MAP more than what is currently permitted under the Settlement Agreement. The differences in impacts associated with Phase 1 (2016-2020), and Phases 2 (2021-2025) and 3 (2026-2030) are attributable to the loss of the curfew after December 31, 2020.

Alternative C would not be considered environmentally superior to the Proposed Project. The Proposed Project will result in significant unavoidable impacts associated with air quality, greenhouse gas emissions, land use and planning, noise, and transportation/traffic. Alternative C would also have significant unavoidable impacts in each of these areas, and the impacts would be incrementally larger due to the additional capacity served by Alternative C. Additionally, Alternative C would have significant unavoidable impacts related to air quality, biological resources, land use and planning, noise, and traffic, which would not be experienced with the Proposed Project.

Alternative C would also not meet the project objectives of the Proposed Project. The project objectives are outlined in Section 2.3 of these Findings. Alternative C does not implement any of the five project objectives outlined in Section 2.3 of these Findings. (See EIR 617, Table 7-1.)

In summary, the Board finds that Alternative C is undesirable because it incrementally increases the significance of the environmental impacts associated with the Proposed Project, and does not meet the project objectives as effectively as the Proposed Project.

## 7.4 No Project Alternative

CEQA requires that the definition of the No Project Alternative include the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project was not approved. Specifically, section 15126.6(e)(3)(A) of the Guidelines addresses the definition of the No Project Alternative for land use or regulatory plans. It states: “When a project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the ‘no project’ alternative will be the continuation of the existing plan, policy or operation into the future. Typically this is a situation where other projects initiated under the existing plan will continue while the new plan is developed. Thus, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan.” Based on this guidance, EIR 617 assumes that no action would be taken by the County under the No Project Alternative, and the Settlement Agreement would be allowed to expire on December 31, 2015. The No Project Alternative also assumes the continuation of the provisions in the Settlement Agreement, as currently amended. Specifically, this alternative assumes there would be 85 regulated Class A passenger service ADDs and 10.8 MAP throughout the study period (i.e., beginning on January 1, 2016 and extending through December 31, 2030). This represents an increase of approximately 1.6 MAP and 5 noise-regulated ADD over 2013 activities.<sup>5</sup> With the No Project Alternative, there would be no change to the curfew; the number of ADD provided for air cargo operations; or the number of passenger loading bridges at the terminal.<sup>6</sup>

Under the No Project Alternative, although the assumption is made that operations at JWA would remain unchanged, upon expiration of the Settlement Agreement, the normal legislative discretion of the Board, as the owner and operator of JWA, to consider possible expansion of facilities or operations at JWA would, once again, be unconstrained by any judicial order. Therefore, the Board would be able to consider increasing the permitted levels of commercial operations. The Board would also be able to consider elimination of other restrictions on JWA operations including, but not limited to, the preexisting nighttime flight restrictions (curfew) independent of the City of Newport Beach, SPON, and AWG. But none of those things would happen automatically without further express action of the Board. Any of those actions would be “projects” within the meaning of CEQA and would require CEQA (and perhaps NEPA) compliance before they could be approved and implemented.

With expiration of the 1985 Settlement Agreement (as amended) under the No Project Alternative, and irrespective of whether the County exercises its discretion to modify JWA’s existing noise and access restrictions, other interested parties — such as the FAA and commercial air carriers — may argue that the restrictions violate ANCA and take action against the County seeking to eliminate the restrictions. (See 49 U.S.C. §47254(d)(3) [restrictions are exempt from ANCA to the extent an intergovernmental agreement is in place].)

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<sup>5</sup> The No Project Alternative assumes an increase of approximately 1.6 MAP over the actual passenger 2013 counts of 9.2 MAP. However, the technical studies for EIR 617 projected 9.17 MAP in 2013 based on passenger data through August. Therefore, the analysis of the No Project Alternative would result in a 1.63 MAP increase compared to the 2013 baseline assumed in the EIR.

<sup>6</sup> It should be noted that this level of passenger and air cargo service is greater than current operations but is permitted under the Settlement Agreement (as amended in 2003).

The No Project Alternative would incrementally reduce the impacts associated with air quality, GHG emissions, and traffic compared to the Proposed Project; however, the impacts would not be reduced to a level below significance. The Proposed Project will result in significant unavoidable impacts associated with air quality, greenhouse gas emissions, land use and planning, noise, and transportation/traffic. The No Project Alternative would also have significant unavoidable impacts in each of these areas.

The No Project Alternative would also not meet the project objectives of the Proposed Project. The project objectives are outlined in Section 2.3 of these Findings. Although the No Project Alternative would fully implement objective 2, it does not implement the remaining project objectives, objectives 1, 3, 4, and 5. (See EIR 617, Table 7-1.)

In summary, the Board finds that the No Project Alternative is undesirable because it does not reduce the environmental impacts associated with the Proposed Project to a level below significance, and does not meet the project objectives as effectively as the Proposed Project. Additionally, adoption of the No Project Alternative may result in the undesirable exposure of the County to litigation concerning this alternative's compliance with ANCA, and thereby jeopardize JWA's long-standing curfew and other noise and access restrictions.

## **7.5 2025 Horizon Year Alternative**

The 2025 Horizon Year Alternative would maintain limitations on the operations and facilities at JWA. This alternative proposes the same ADDs and MAP levels ultimately provided by Phase 2 of the Proposed Project, and would only extend the Settlement Agreement through December 31, 2025. This would allow the continuation of the Settlement Agreement, but would not commit to the higher flight and passenger levels provided in Phase 3 of the Proposed Project. More specifically, the 2025 Horizon Year Alternative would increase the number of regulated Class A commercial passenger flights and the number of passengers departing and arriving annually. There would be no change in the permitted number of flights and passengers in Phase 1 (2016 through 2020). Rather, Phase 1 would permit a maximum of 85 Class A commercial passenger ADDs and a 10.8 MAP cap consistent with the parameters of the Settlement Agreement (as amended in 2003). (This is an increase of 5 ADD and 1.6 MAP over 2013 levels.) On January 1, 2021, the MAP would be permitted to increase to 11.8 and the number of Class A commercial passenger ADDs would increase to 95. This is an increase of up to 1.0 million additional passengers annually compared to what is currently allowed under the Settlement Agreement and an increase of 10 additional ADDs. The number of permitted air cargo operations would not change.

As with the Proposed Project, under the 2025 Horizon Year Alternative, no physical improvements are proposed. The passenger loading bridges would be limited to the 20 existing bridges through December 31, 2020, and hardstanding would be permitted. Similar to the Proposed Project, it is assumed that the 2025 Horizon Year Alternative would be "grandfathered" under the terms of the ANCA; however, this would be subject to change after 2025 unless another Settlement Agreement Amendment were to be processed.

There would be no guarantees that the flights and passengers levels would not increase at the end of 2025. Rather, prior to the expiration of the terms of the Settlement Agreement in 2025, the

signatories may elect to again amend the Settlement Agreement to extend the terms beyond 2025. This would require subsequent CEQA documentation.

The 2025 Horizon Year Alternative would incrementally reduce the impacts associated with air quality, GHG emissions, and traffic compared to the Proposed Project; however, the impacts would not be reduced to a level below significance. Based on the evaluation contained in EIR 617, the 2025 Horizon Year Alternative would be the environmentally superior alternative because it would reduce the severity of the Proposed Project's impacts by serving fewer passengers and resulting in fewer automobile trips. However, this alternative would extend the benefits of the noise and access restrictions for a shorter duration (10 years, as compared to the Proposed Project's 15 years). In addition, this alternative is only able to fully meet two of the objectives (objectives 1 and 4) and partially meet the remaining three objectives (objectives 2, 3, and 5). (See EIR 617, Table 7-1.)

In summary, the Board finds that 2025 Horizon Year Alternative is undesirable because it does not reduce the environmental impacts associated with the Proposed Project to a level below significance, and does not meet the project objectives as effectively as the Proposed Project.

## **7.6 Alternatives Considered But Not Carried Forward**

Section 15126.6(c) of the Guidelines provides that an "EIR should also identify any alternatives that were considered by the Lead Agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the Lead Agency's determination. . . Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts."

In furtherance of the disclosure objective of section 15126.6(c), one type of alternative considered but rejected for detailed analysis in this EIR during the scoping process was any alternative that provides *less* operational capacity than currently permitted by the Settlement Agreement (i.e., less than 10.8 MAP and 85 Class A ADDs). This type of alternative, which also could be described as an alternative providing less operational capacity than the No Project Alternative, was rejected for two important reasons, as discussed below.

First and foremost, such an alternative would be legally unenforceable by the County of Orange and is therefore infeasible. (See Cal. Code Regs., tit. 14, §15364.) More specifically, any operational restrictions that are more prohibitive than the No Project Alternative (i.e., the current Settlement Agreement terms) would result in the County's Settlement Agreement and implementing Access Plan losing their "grandfathered" status under ANCA, which limits an airport operator's right to impose new restrictions on aircraft operations without obtaining federal approval.

Pursuant to the United States Code (49 U.S.C. §47524[d][4]), the "grandfathered" status of the County's Settlement Agreement and implementing Access Plan only remains intact if the "subsequent amendment to an airport noise or access agreement or restriction . . . does not reduce or limit aircraft operations or affect aircraft safety." In this instance, this type of alternative would constitute a subsequent amendment to the Settlement Agreement (as most



recently amended in 2003) that reduces or limits aircraft operations relative to the existing, authorized regulatory limits (i.e., 10.8 MAP and 85 Class A ADDs), thereby precluding the FAA from rendering a favorable legal opinion regarding JWA's standing under ANCA (and its Airport Improvement Program grant assurances). Further, because this alternative would reduce aircraft operations, the County would be divested of its legal authority to implement the types of restrictions needed to reduce operation levels to those below the existing parameters of the Settlement Agreement absent the speculative success of a Part 161 application to the FAA. (See generally 14 *Code of Federal Regulations* ["CFR"] §§161.1–161.505; see also 14 CFR §161.3[b] ["This part also applies to airports enacting amendments to airport noise and access restrictions in effect on October 1, 1990, but amended after that date, where the amendment reduces or limits aircraft operations or affects aircraft safety."].)

Second, an alternative proposing to reduce operational capacity below the existing levels authorized by the Settlement Agreement, and in violation of ANCA, would fail to meet most of the basic objectives, as explained below:

1. To modify some existing restrictions on aircraft operations at JWA in order to provide increased air transportation opportunities to the air-traveling public using the Airport without adversely affecting aircraft safety, recognizing that aviation noise management is crucial to continued increases in JWA's capacity.

*This type of alternative would not provide "increased air transportation opportunities" at JWA, but would instead reduce air transportation opportunities. Additionally, this type of alternative would threaten the implementation status of JWA's "aviation noise management" regulations due to the loss of the Settlement Agreement's "grandfathered" status under ANCA.*

2. To reasonably protect the environmental interests and concerns of persons residing in the vicinity of the JWA, including their concerns regarding "quality of life" issues arising from the operation of JWA, including but not limited noise and traffic.

*This type of alternative would threaten the implementation of JWA's current efforts to "protect the environmental interests and concerns of persons residing in vicinity of JWA" due to the loss of the Settlement Agreement's "grandfathered" status under ANCA. Absent the continuation of that status, the County's ability to protect the community and environment would be constrained by ANCA and subject to the County's ability to successfully process a Part 161 application with the FAA.*

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

*This type of alternative would result in JWA's restrictions losing their "grandfathered" status under ANCA.*

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

*This type of alternative would not provide a "reasonable level of certainty" regarding the level of permitted aviation activity for a defined period of time because the loss of JWA's restrictions being "grandfathered" under ANCA would preclude immediate implementation of the alternative absent the County's ability to successfully process a Part 161 application with the FAA.*

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

*This type of alternative, which would reduce existing, permitted operations levels, would not be consistent with the currently anticipated demand for aviation services at JWA, as forecast by the FAA and air carriers operating at the Airport.*

In light of the information above, and in accordance with section 15126.6(c) of the Guidelines, EIR 617 does not give further consideration to any alternative providing less operational capacity than currently authorized by the Settlement Agreement.

## **8.0 STATEMENT OF OVERRIDING CONSIDERATIONS**

### **8.1 Background**

Section 15093 of the Guidelines provides as follows:

- “(a) CEQA requires the decision making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a Proposed Project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a Proposed Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to supports its action based on the final EIR and/or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to § 15091.”

In accordance with the provisions of CEQA and the Guidelines, and as part of its certification of the adequacy of Final EIR 617 for the JWA Settlement Agreement Amendment, the Board finds that the mitigation measures discussed in these findings and the Mitigation Monitoring and Reporting Plan, when implemented, avoid or substantially lessen the significant effects identified in the Final EIR. Nonetheless, certain significant effects of the project are unavoidable even after incorporation of all feasible mitigation measures. In summary, even with implementation of the mitigation measures described in Final EIR 617 and the MMRP, the following effects of the Proposed Project are considered to be significant and unmitigable at this time:

### **Air Quality**

The Proposed Project would result in significant and unavoidable impacts to regional mass emissions of air pollutants and precursors of pollutants for which the region is classified as in nonattainment for federal or State ambient air quality standards. In addition, the Proposed Project would result in significant and unavoidable impacts to local concentrations of air pollutants, and could conflict with the AQMP. The Proposed Project also would result in significant and unavoidable impacts for non-cancer health risk for worker receptors. These same impacts also are cumulatively considerable.

Note that these findings are conservative in the sense that the air quality analysis does not account for future improvements in the aircraft fleet mix that utilizes JWA. There are a number of international and national efforts underway, including those led by the International Civil Aviation Organization, U.S. Environmental Protection Agency and FAA, to improve aircraft engine efficiency and fuel economy, which would contribute to an overall lessening of emissions when compared to those presented in Final EIR 617.

### **Greenhouse Gas Emissions**

The Proposed Project would have a significant and unavoidable impact related to achieving GHG emission reductions consistent with AB 32 goals.

Note that these findings are conservative in the sense that the GHG analysis does not account for future improvements in the aircraft fleet mix that utilizes JWA. There are a number of international and national efforts underway, including those lead by the International Civil Aviation Organization, U.S. Environmental Protection Agency and FAA, to improve aircraft engine efficiency and fuel economy, which would contribute to an overall lessening of emissions when compared to those presented in Final EIR 617.

### **Land Use and Planning**

With the Proposed Project, there would be an increase in the number of noise-sensitive uses exposed to exterior noise levels in excess of 65 CNEL, resulting in a land use incompatibility. This would be a significant impact. There are no feasible mitigation measures to reduce exterior noise levels to below 65 CNEL, consistent with the County of Orange standards for noise sensitive uses.

With the Proposed Project, potential significant impacts for interior noise also have been identified. Mitigation is proposed; however, the FAA guidance for implementing sound insulation programs specifically states that the average noise level in all habitable rooms of a residence must be greater than 45 CNEL for the use to be eligible for sound insulation funded by the Airport or FAA. The County's noise standards specifically require that the noise level in any habitable room or educational space must be no greater than 45 CNEL. For those residences within the business park and those residences with a habitable room with noise levels in excess of 45 CNEL but the average noise levels in the habitable rooms is less than 45 CNEL, mitigation would not be feasible. Therefore, the impact would be significant and unavoidable due to lack of funding source for implementing the mitigation provided for in Mitigation Measure LU-1.

Note that these findings are conservative in the sense that the land use and planning analysis does not account for the anticipated reductions in noise levels associated with the next generation of aircraft. As these newer aircraft are developed by aircraft manufacturers and incorporated into the fleets of commercial airlines, it is likely that this impact will be less significant than anticipated by Final EIR 617.

### **Noise**

Significant exterior noise impacts are projected to occur with each Phase of the Proposed Project as residences currently exposed to noise levels less than 65 CNEL are exposed to noise levels greater than or equal to 65 CNEL. As discussed above, under Land Use and Planning, there is also the potential for interior noise levels to exceed the County threshold of 45 CNEL but due to FAA regulations, mitigation would not be feasible, resulting in a significant unavoidable impact.

Note again that these findings are conservative in the sense that the noise analysis does not account for the anticipated reductions in noise levels associated with the next generation of aircraft. As these newer aircraft are developed by aircraft manufacturers and incorporated into the fleets of commercial airlines, it is likely that this impact will be less significant than anticipated by Final EIR 617.

### **Transportation/Traffic**

The Proposed Project, Phases 2 and 3 would increase traffic by more than 2 percent on the northbound SR-55 between the onramp from the I-405 northbound to the MacArthur Boulevard off-ramp, a Caltrans facility operating at LOS E or F prior to the addition of Proposed Project traffic. As there presently are no plans and corresponding fee programs in place to address the subject deficiency, mitigation in the form of a fair share payment presently is infeasible. As such, the impact would remain significant and unavoidable.

## **8.2 Overriding Considerations**

The County has identified the following overriding considerations in making the determination to adopt the Proposed Project despite the significant unavoidable adverse environmental impacts analyzed in the Final EIR for the Project, and identified in Section 3, above. The Board finds that these considerations, individually and cumulatively, are relevant and valid reasons that make the selected Project acceptable despite the fact that significant remaining unavoidable adverse effects

of the Project have been identified. The Board has concluded that the adopted Project is of sufficient benefit to the people of Orange County for economic, fiscal, social, technological, legal and other reasons to be acceptable and to warrant its adoption.

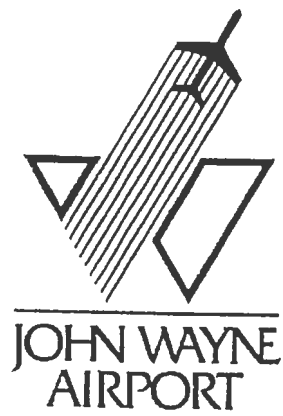
The benefits of the Project, which are described below, outweigh the significant unavoidable adverse environmental impacts.

1. The adoption of the Proposed Project allows JWA to help meet a greater portion of the air travel demand generated in Orange County by increasing the number of passengers to be served from 9.8 MAP to up to 12.5 MAP. This will benefit the residents of Orange County by providing more convenient air travel without having to travel to other regional airports.
2. Adoption of the Proposed Project establishes a reasonable level of commercial passenger service at JWA and provides certainty to the local community, airport users, and the air traveling public regarding the level of permitted aviation activity at JWA: (i) through December 31, 2030 as measured by number of average daily departures and million annual passengers, and (ii) through December 31, 2035 for purposes of maintaining JWA's long-standing, one-of-a-kind curfew. Having this certainty better allows the airlines to schedule flights and establish routes that best meet the needs of Orange County residents.
3. The Proposed Project protects the environmental interests and concerns of persons residing in the vicinity of JWA, including their concerns regarding "quality of life" issues relating to the operation of JWA to a greater extent than the other alternatives evaluated in the EIR by establishing a framework for operational levels through 2030 and protection of the curfew through 2035.
4. The Proposed Project will preserve and continue to implement important restrictions on the use of JWA that are "grandfathered" under the Airport Noise and Capacity Act of 1990. It reflects historical policy decisions of the Orange County Board of Supervisors regarding the appropriate point of balance between the competing interests of the air transportation and aviation community and local residents living in the vicinity of the airport. These include the existing nighttime operations restrictions and maximum permitted single-event noise levels.
5. After analyzing the impacts of a range of alternatives, the County has determined that the Proposed Project represents the optimal balancing of the County's need to provide increased air transportation opportunities to the air traveling public in response to an increased demand, and the protection of the important environmental interests and concerns of persons residing in the vicinity of JWA.
6. The Proposed Project best balances the provision of increased air service with the need to minimize the County's risk of noise damage claims.
7. The *John Wayne Airport Economic Impact Study*, dated March 4, 2014, measured the direct, indirect, and induced economic impacts generated by JWA for calendar year 2012 in Orange County and three neighboring counties (Los Angeles, Riverside, and San

Bernardino). Key findings of the study, which is incorporated into these Findings by reference, include:

- Economic Output (Spending Impacts): \$6 billion. The dollar value of industrial output produced; reflects spending by firms, organizations and individuals.
- Employment: 43,000 jobs. Full time, part time and seasonal jobs.
- Earnings: \$1.7 billion. Wages, salaries and benefits associated with employment tied to the Airport.
- Gross Domestic Product: \$3.3 billion. A measure of the money value of final goods and services produced locally as a result of economic activity.

The Proposed Project will allow the County to further enhance the economic benefits of the Airport while balancing environmental concerns and interests.



**EXHIBIT B**

**MITIGATION MONITORING AND REPORTING PROGRAM  
FOR FINAL ENVIRONMENTAL IMPACT REPORT 617**

**Mitigation Monitoring and Reporting  
Program for  
Final Environmental Impact Report No. 617  
John Wayne Airport  
Settlement Agreement Amendment**

**SCH No. 2001111135**

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

August 2014





**Mitigation Monitoring and Reporting Program for  
Final Environmental Impact Report No. 617  
John Wayne Airport  
Settlement Agreement Amendment  
SCH No. 2001111135**

**August 2014**

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# MITIGATION MONITORING AND REPORTING PROGRAM

## 1.1 INTRODUCTION

In accordance with the requirements of Public Resources Code section 21081.6, and as part of its certification of the adequacy of Final Environmental Impact Report No. 617 (“Final EIR 617”) for the John Wayne Airport Settlement Agreement Amendment, the Board of Supervisors (“Board”) of the County of Orange (“County”) adopts the following “Mitigation Monitoring and Reporting Plan” (“MMRP” or “Plan”). The Board adopts this MMRP in its capacity as the lead agency for Final EIR 617 in accordance with the provisions of the California Environmental Quality Act (“CEQA”) (*California Public Resources Code* §21000 et seq.) and the State CEQA Guidelines (14 California Code of Regulations § 15000 et seq.).

The principal purpose of the MMRP is to ensure that the Board-approved mitigation measures for the adopted Project are reported and monitored so as to ensure compliance with the measures’ requirements. In general, John Wayne Airport (“JWA”) is responsible for overseeing implementation and completion of the adopted mitigation measures. This includes the review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the attached MMRP Table. However, the Board retains overall responsibility for verifying implementation of all adopted mitigation measures.

## 1.2 MITIGATION MONITORING PROCEDURES

The County is the designated lead agency for the MMRP. JWA is the department responsible for review of all monitoring reports, enforcement actions, and document disposition, unless otherwise noted in the MMRP Table.

## 1.3 MITIGATION MONITORING AND REPORTING PLAN

The MMRP is provided in tabular format to facilitate effective tracking and documentation of the status of mitigation measures. The attached MMRP Table provides the following monitoring information:

- **Mitigation Measure.** The text of all adopted mitigation measures for the Project from Final EIR 617.
- **Approving or Verifying Authority.** The County Department(s) or other public agency(ies) responsible for overseeing the implementation and completion of each mitigation measure.
- **Date of Completion.** The date the mitigation measure is completed. (This column of the MMRP Table is to be filled in by the approving/verifying authority at a later date.)

## **ACRONYM LIST**

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The following are acronyms used in the Mitigation Monitoring Matrix:

<b>A</b>	
AB	Assembly Bill
ACI-NA	Airports Council International – North America
ADDs	Average Daily Departures
AIP	Santa Ana Heights Acoustical Insulation Program
AQ	Air Quality
<b>B</b>	
Board	County of Orange Board of Supervisors
<b>C</b>	
CAPCOA	California Air Pollution Control Officer’s Association
CEQA	California Environmental Quality Act
CNEL	Community Noise Equivalent Level
CNG	Clean natural gas
County	County of Orange
CUPPS	Common Use Passenger Processing System
<b>D</b>	
dB	decibel
<b>E</b>	
EIR	Environmental Impact Report
EIR 617	<i>2014 Final Environmental Impact Report No. 617, John Wayne Airport Settlement Agreement Amendment</i>
<b>F</b>	
FAA	Federal Aviation Administration
<b>G</b>	
GHG	Greenhouse gas
<b>I</b>	
ISWMP	Integrated Solid Waste Management Plan
<b>J</b>	
JWA	John Wayne Airport, Orange County
<b>L</b>	
LED	Light-emitting diode
LNG	Liquefied natural gas
<b>M</b>	
MAP	Million Annual Passengers
MMRP	Mitigation Monitoring and Reporting Plan
<b>N</b>	
N	Noise
NMS	Noise Monitoring Station
<b>O</b>	
OCSD	Orange County Sanitation District
OCTA	Orange County Transportation Authority

<b>P</b>	
PARCS	JWA Parking Program
Plan	Mitigation Monitoring and Reporting Plan
<b>R</b>	
RWQCB	Regional Water Quality Control Board
Rx	Reduction Exchange
<b>S</b>	
SCAQMD	South Coast Air Quality Management District
SET	Single engine taxiing
SIP	Sound Insulation Program
<b>T</b>	
T	Traffic

Attachment B  
 Mitigation Monitoring and Reporting Program

AIR QUALITY	Mitigation Measure	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
AQ/GHG-1	Upon Project approval, the County of Orange shall support single/reduced engine taxiing procedures authorized by the Federal Aviation Administration ("FAA") that achieve corresponding benefits in air quality and/or greenhouse gas ("GHG") emission reductions and do not result in adverse noise impacts.	Upon approval of Project	JWA Deputy Airport Director, Facilities or designee	
AQ/GHG-2	Upon Project approval, the County of Orange shall support the efforts of the airport industry—including those of the FAA, commercial air carriers, and aircraft manufacturers—to develop air quality and Greenhouse Gas ("GHG") emission benchmarking databases that improve the understanding of the relative efficiencies of aviation operations by actively participating in aviation community networks and participating in the biannual Airports Council International - North America ("ACI-NA") Environmental Benchmark Survey.	Upon approval of Project	JWA Deputy Airport Director, Facilities or designee	
AQ/GHG-3	Upon Project approval, the County of Orange shall continue to evaluate the effects of future Airport-related improvement projects cognizant of and informed by the resulting air quality and GHG emissions in accordance with the requirements of the California Environmental Quality Act ("CEQA").	Upon approval of Project	JWA Deputy Airport Director, Facilities or designee	
AQ/GHG-4	<p>By January 1, 2018, the County of Orange shall develop and adopt a Climate Action Plan for greenhouse gas emissions sources at the Airport under the County's control. The Climate Action Plan shall be consistent with the requirements of the Global Warming Solutions Act of 2006 ("AB 32") and the goals of Executive Order S-3-05.</p> <p>In order to secure greenhouse gas emission reductions from sources under the County's control, the Climate Action Plan shall identify one or more of the following greenhouse gas reduction strategies, or combination thereof.</p> <ul style="list-style-type: none"> <li>i. Maximizing the energy efficiency of existing Airport structures and facilities through retrofitting and redevelopment at the conclusion and/or expiration of their useful life;</li> <li>ii. Tracking energy use at intervals no less than every 12 months in order to allow for the efficient optimization of energy use;</li> <li>iii. Utilizing energy-efficient (light-emitting diode ["LED"] or equivalent) lighting on the airfield, within terminal buildings, and in connection with surface and parking lot security lighting;</li> <li>iv. Installing window awnings, sunshades, or window tinting in</li> </ul>	Completion by January 1, 2018	JWA Deputy Airport Director, Facilities or designee	

Mitigation Measure	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<p>appropriate areas;</p> <ul style="list-style-type: none"> <li>v. Providing a minimum of 60 electric car charging stations consistent with AQ/GHG-11 below;</li> <li>vi. Increasing the purchase and use of renewable energy;</li> <li>vii. Requiring third parties, concurrent with the execution of new, renewed or amended lease or contractual agreements, to meet the more stringent energy efficiency requirements required in AQ/GHG-5 below;</li> <li>viii. Continuing to maximize use of hybrid or alternatively fueled on-site equipment, including equipment fueled by Clean Natural Gas ("CNG"), Liquefied Natural Gas ("LNG"), or Biodiesel;</li> <li>ix. Installing light colored "cool" roofs and cool pavements in any new development subsequently proposed at the Airport;</li> <li>x. Purchasing carbon offset credits through an adopted program such as the California Air Pollution Control Officer's Association ("CAPCOA's") Greenhouse Gas Reduction Exchange ("Rx") Registry, of which the South Coast Air Quality Management District ("SCAQMD") is a participating air district (<a href="http://www.ghgrx.org">www.ghgrx.org</a>);</li> <li>xi. Increasing solid waste reduction and recycling in accordance with AQ/GHG-10 below; and/or</li> <li>xii. Collaborating with commercial air carriers to reduce ground-based aircraft engine greenhouse gas emissions through single engine taxiing ("SET") for purposes of taxi-in and taxi-out between the runway ends and terminal areas to the extent feasible and without compromising passenger safety and aircraft engine operational considerations.</li> </ul> <p>The above list of greenhouse gas reduction strategies is non-exclusive and can be supplemented by any additional strategies subsequently identified by the County of Orange.</p> <p>In order to ensure progress in implementation of the Climate Action Plan and its reduction objectives, the County of Orange shall conduct annual greenhouse gas emission inventories for all stationary sources and other sources over which JWA has control.</p>			

Attachment B  
 Mitigation Monitoring and Reporting Program

AQ/GHG-5	Mitigation Measure	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
AQ/GHG-5	<p>Upon Project approval, the County of Orange shall specify energy efficiency requirements and goals for equipment and appliances in contractual agreements, as applicable. At a minimum:</p> <ul style="list-style-type: none"> <li>i. Concurrent with the execution of lease agreements, amendments, and/or renewals with commercial air carriers, the County of Orange shall set a Ground Support Equipment electrification requirement of a 15 percent increase above baseline by 2016, 35 percent above baseline by 2021, and 50 percent increase above baseline by 2026. (The baseline electrification conditions are established by reference to calendar year 2013.)</li> <li>ii. Concurrent with the execution of lease agreements, amendments, and/or renewals with all applicable Airport tenants, the County of Orange shall require that any new equipment or appliances purchased by the tenant for the provision of services under its contract with JWA shall be ENERGY STAR rated or equivalent, to the extent such equipment and appliances are commercially and technologically available.</li> <li>iii. Concurrent with the execution of lease agreements, amendments, and/or renewals with all applicable Airport tenants, the County of Orange shall require that all tenants develop, implement and submit to the Airport—within six months of lease execution—a fleet-wide, anti-idling policy. At a minimum, the anti-idling policy shall include the requirement that vehicle engines shall be turned off when vehicles are not occupied, and that occupied vehicles be turned off after no more than a five-minute idling period.</li> </ul>	<p>Upon approval of Project</p>	<p>JWA Deputy Airport Director, Facilities or designee</p>	
AQ/GHG-6	<p>Upon Project approval, the County of Orange shall install energy efficient equipment and controls for equipment being replaced as technologically available.</p>	<p>Upon approval of Project and ongoing as technologically available</p>	<p>JWA Deputy Airport Director, Facilities or designee</p>	
AQ/GHG-7	<p>Upon Project approval, the County of Orange shall install variable speed drives and optimize the control of air handling unit pumps for equipment being replaced as technologically available.</p>	<p>Upon approval of Project and ongoing as technologically available</p>	<p>JWA Deputy Airport Director, Facilities or designee</p>	



Mitigation Measure	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<p><b>AQ/GHG-8</b> Upon Project approval, and as technologically available, the County of Orange shall install energy efficient elevators and escalators as the existing ones require replacement.</p>	<p>Upon approval of Project and ongoing as technologically available</p>	<p>JWA Deputy Airport Director, Facilities or designee</p>	
<p><b>AQ/GHG-9</b> By 2016, the County of Orange shall optimize the energy efficiency and control of the conveyor motors in the baggage handling system by adding more “photo eyes” to track bags and reduce the time that the system runs after a bag has gone through from 20 minutes to 10 minutes. The County of Orange also will replace the older electric conveyor drive motors in Terminals A and B with new, more efficient ones capable of variable frequency by 2016.</p>	<p>Completion by 2016</p>	<p>JWA Deputy Airport Director, Facilities or designee</p>	
<p><b>AQ/GHG-10</b> By 2016, the County of Orange shall develop an Integrated Solid Waste Management Plan (“ISWMP”) that strives to achieve the policy goal of the State of California—set forth in Section 41780.01 of the <i>California Public Resources Code</i>—that not less than 75 percent of solid waste generated be source reduced, recycled, or composted by the year 2020, and annually thereafter. In furtherance of the State’s policy goal, the ISWMP shall evaluate further improvements to the Airport’s existing solid waste diversion rate through enhanced recycling and composting opportunities.</p>	<p>Plan completion by 2016. Implementation ongoing with goal met by 2020 and maintained annually thereafter</p>	<p>JWA Deputy Airport Director, Facilities or designee</p>	
<p><b>AQ/GHG-11</b> By 2016, the County of Orange shall install electric vehicle chargers in public parking structures A1, A2, B2 and C, the Main Street parking lot, and the employee parking lots. Chargers will be located close to the terminals to give preference to the electric vehicle users. By 2021, the County of Orange shall also provide preferential parking for vehicles powered by compressed natural gas and other low emission sources.  JWA’s parking program (“PARCS”) will be used to track the demand/use of the low emission vehicle spaces/chargers, and the County of Orange will re-evaluate the percentage/quantity of spaces required every two years. The County of Orange will optimize the efficiency of the parking program and adjust it according to future demands for electric chargers and the other types of low-emission vehicles driven by the public.</p>	<p>Upon approval of Project and ongoing with installation of electric vehicle chargers in parking structures A1, A2, B2 and C, the Main Street parking lot and the employee parking lots installed by 2016; provision of preferential parking for compressed natural gas and other low emission source vehicles by 2021.</p>	<p>JWA Deputy Airport Director, Facilities or designee</p>	

Mitigation Measure	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<p><b>AQ/GHG-12</b> Upon Project approval, the County of Orange shall support the expansion of public transit opportunities to the Airport by coordinating with the Orange County Transportation Authority ("OCTA"), Irvine iShuttle, and MetroLink upon the request of the transit providers. Additionally, the County of Orange will continue to make available—on the Airport's website—current information about public transit options that can be utilized to access the Airport.</p>	<p>Upon approval of Project</p>	<p>JWA Deputy Airport Director, Facilities or designee</p>	
<p><b>AQ/GHG-13</b> Upon Project approval, the County of Orange shall support bicycle use by Airport employees and the air traveling public by providing convenient, secure bicycle racks for use on the Airport's premises.</p>	<p>Upon approval of Project</p>	<p>JWA Deputy Airport Director, Facilities or designee</p>	
<p><b>AQ/GHG-14</b> Upon Project approval, the County of Orange shall continue to support the use of alternatively fueled taxis and shuttles through the Request for Proposal process and in the contractual agreements (most taxis are currently CNG). JWA also shall support the use of alternatively fueled rental vehicles by providing electricity for chargers where practicable by 2020.</p>	<p>Upon approval of Project</p>	<p>JWA Deputy Airport Director, Facilities or designee</p>	
<p><b>AQ/GHG-15</b> Upon Project approval, the County of Orange shall support the efforts of commercial air carriers to utilize paperless ticket technology by upgrading the current kiosks and Common Use Passenger Processing System ("CUPPS") system with new, more efficient technology as it becomes commercially available.</p>	<p>Upon approval of Project and ongoing as technologically available</p>	<p>JWA Deputy Airport Director, Facilities or designee</p>	
<p><b>GREENHOUSE GAS EMISSIONS</b></p>			
<p>See Air Quality, above, for mitigation measures.</p>			
<p><b>LAND USE AND PLANNING</b></p>			
<p><b>LU-1</b> Starting with the 2015 Annual Noise Report, the annual noise contours presented in the report will be used by the County of Orange/JWA to identify parcels with noise sensitive uses (i.e., residences, schools, or churches) that are newly located either partially or completely within the 65 CNEL contour as compared to their location relative to the 65 CNEL contour in the 2013 Annual Contours, which will serve as the baseline condition. All uses that were established before 1985 and have not been insulated under the previous AIP will be eligible for evaluation under the SIP described in Mitigation Measure N-3. Those uses with an average interior noise levels exceeding 45 CNEL will be eligible for insulation under the SIP described in Mitigation Measure N-3.</p>	<p>Starting with the 2015 Annual Noise Report</p>	<p>JWA Deputy Airport Director, Facilities or designee</p>	
<p>For those uses with interior noise levels less than 45 CNEL, the amount of outdoor-to-</p>			

Mitigation Measure	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<p>indoor noise reduction for each habitable room will be recorded. In each subsequent Annual Noise Report, the noise level impacting these uses and the measured noise reduction will be used to estimate the interior noise level. If the estimated interior noise level exceeds 45 CNEL, then the use will be eligible for re-evaluation in the form of new interior noise level measurements. If the interior noise level in any habitable room exceeds 45 CNEL, then the use will be eligible for the SIP described in Mitigation Measure N-3.</p>			
<p><b>LU-2</b> Prior to authorizing the allowed Phase 3 increases for the Proposed Project, the 2025 Annual Noise Report shall be evaluated by the County of Orange/JWA to determine if increased operations would result in a change in the annual 65 CNEL contour as compared to their location relative to the 65 CNEL contour in the 2013 annual contours. If the increase would result in a greater than a 1 CNEL change at NMS 1S or 2S, the allowed increases in MAP and/or ADD shall be restricted to ensure the increase would be less than 1 CNEL difference at these locations. This shall be done annually to ensure the increase in CNEL as compared to the 2013 annual contours, do not exceed the City of Newport Beach threshold provided for in General Plan Policy N 1.8.</p>	<p>Prior to authorizing the allowed Phase 3 increases for the Proposed Project (2026)</p>	<p>JWA Deputy Airport Director, Facilities or designee</p>	
<b>NOISE</b>			
<p><b>N-1</b> Starting with the 2015 Fourth Quarter Noise Report, the annual noise levels at NMS 1S, 2S, and 3S will be compared by the County of Orange to the 2013 annual noise levels. If the noise levels have increased by 1.5 dB or more at any of these NMS, all noise sensitive uses represented by that NMS (i.e., that is the closest NMS to the parcel) that have not been previously insulated under the 1985 AIP will be eligible for evaluation for participation in the Sound Insulation Program ("SIP") as described in Mitigation Measure N-3. Those uses with interior noise levels exceeding an average of 45 CNEL will be eligible for insulation under the SIP as described in the mitigation measure.</p> <p>For those uses with interior noise levels less than 45 CNEL, the amount of outdoor-to-indoor noise reduction for each habitable room will be recorded. In each subsequent Fourth Quarter Noise Report, the noise level impacting these uses and the measured noise reduction will be used to estimate the interior noise level. If the estimated interior noise level exceeds an average of 45 CNEL, then the use will be eligible for re-evaluation in the form of new interior noise level measurements. If the interior noise level in any habitable room exceeds an average of 45 CNEL, then the use will be eligible for the SIP described in Mitigation Measure N-3.</p>	<p>Starting with the 2015 Fourth Quarter Noise Report</p>	<p>JWA Deputy Airport Director, Facilities or designee</p>	

Mitigation Measure	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<p><b>N-2</b></p> <p>Starting with the 2015 Fourth Quarter Noise Report, the annual noise levels at NMS 1S, 2S, and 3S will be compared by JWA to the 2013 annual noise levels. If the noise levels have increased by 1.0 dB or more at any of these NMS, all noise sensitive uses represented by that NMS (i.e., that is the closest NMS to the parcel) exposed to noise levels of 65 CNEL or greater that have not been previously insulated under the 1985 AIP will be eligible for evaluation for participation in the Sound Insulation Program ("SIP") as described in Mitigation Measure N-3. Those uses with interior noise levels exceeding 45 CNEL will be eligible for insulation under the SIP as described in the mitigation measure.</p> <p>For those uses with interior noise levels less than 45 CNEL, the amount of outdoor-to-indoor noise reduction for each habitable room will be recorded. In each subsequent Fourth Quarter Noise Report, the noise level impacting these uses and the measured noise reduction will be used to estimate the interior noise level. If the estimated interior noise level exceeds an average of 45 CNEL then the use will be eligible for re-evaluation in the form of new interior noise level measurements. If the interior noise level in any habitable room exceeds an average of 45 CNEL then the use will be eligible for the SIP described in Mitigation Measure N-3.</p>	<p>Starting with the 2015 Fourth Quarter Noise Report</p>	<p>JWA Deputy Airport Director, Facilities or designee</p>	
<p><b>N-3</b></p> <p>The only practical way to mitigate indoor noise levels is through a Sound Insulation Program ("SIP"). Mitigation Measure LU-1, as described in the Section 4.5, Land Use, and Mitigation Measures N-1 and N-2, described above, will determine the sensitive land uses that will be eligible for participation in the SIP described below as Mitigation Measure N-3. FAA regulations require that residences be exposed to an outdoor noise level of 65 CNEL or greater and interior noise levels greater than 45 CNEL for FAA or Airport funds to be used for sound insulation. The referring Mitigation Measures, LU-1, N-1, and N-2, will ensure the outdoor noise criterion is met. The interior noise level criterion will be determined in the evaluation phase of Mitigation Measure N-3. Sensitive uses with interior noise levels greater than 45 CNEL will be eligible for sound insulation.</p> <p>The FAA guidance for implementing sound insulation programs specifically states that the average noise level in all habitable rooms of a residence or all educational spaces in school must be greater than 45 CNEL for the use to be eligible for sound insulation funded by the Airport or FAA. However, the County's noise standards specifically require that the noise level in any habitable room or educational space must be less than 45 CNEL. This is implied in the City of Newport Beach's noise standards, as well. Under CEQA, the lead agency's noise standard is used to determine impacts. Therefore,</p>	<p>Completion of measures LU-1, N-1 and N-2</p>	<p>JWA Deputy Airport Director, Facilities or designee</p>	

Mitigation Measure	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<p>a noise sensitive use is considered significantly impacted if the noise level in any habitable room or educational space exceeds 45 CNEL.</p> <p>As discussed below, the Airport will request that the FAA waive its requirement that the average noise level in all habitable rooms or educational spaces exceed 45 CNEL in order for sound insulation to be funded by the FAA or Airport in order that all noise related impacts are mitigated to a less than significant level in a timely manner. If the FAA does not agree to waive this requirement, then uses with one or more habitable rooms or educational spaces exceeding 45 CNEL but with the average noise level in all habitable rooms or educational spaces less than 45 CNEL would be significantly and unavoidably impacted as there is no other funding source for a SIP. However, these uses would be eligible for insulation when and if the average noise level exceeded 45 CNEL. As discussed in Mitigation Measures, LU-1, N-1, and N-2, if an individual land use is not eligible for insulation because the interior noise level does not exceed 45 CNEL, there are criteria for re-evaluation. If the annual report noise levels and previous evaluation measurements indicate that the use may meet the interior noise requirement it will be re-evaluated for insulation eligibility.</p> <p><b>Part 1, Evaluation:</b> When Mitigation Measures LU-1, N-1, or N-2 determines that a noise sensitive use is significantly impacted based on measured noise levels and the relevant significance thresholds, that use will be evaluated by the County of Orange for eligibility for sound insulation. The evaluation will be performed by measuring the indoor noise levels for each habitable room or educational space. If the average noise level in all habitable rooms or education spaces of a use is greater than an average of 45 CNEL then the use will be eligible for sound insulation. Additionally, if the average noise level is less than 45 CNEL, any use with a noise level greater than an average of 45 CNEL in any habitable room or educational space also will be eligible for sound insulation if the FAA waives its requirement that noise levels be averaged across all habitable rooms or education spaces.</p> <p>Per FAA guidance, noise levels will be measured with all windows and doors closed. Uses with measured interior noise levels less than 45 CNEL that do not have an existing central ventilation system, but rely on keeping windows open for air circulation will be eligible for a Continuous Positive Ventilation System. Implementation of such a system will be dependent on meeting the FAA requirements for implementation of such a system.</p> <p><b>Part 2, Sound Insulation Program:</b> Schools or residences that have interior noise levels exceeding 45 CNEL as determined by the evaluation measurements will be</p>			

Attachment B  
 Mitigation Monitoring and Reporting Program

Mitigation Measure	Timing of Mitigation	County Department or Other Agency for Review/Approval	Completion Date
<p>eligible for sound insulation. The implementation of sound insulation will depend on satisfying the FAA criteria described in Chapter 812 of Order 5100.38C Airport Improvement Program Handbook.</p> <p>Note that as an alternative to providing sound insulation, an impacted property may also be mitigated by converting an incompatible use to a compatible use or removing the incompatible use.</p>			
<b>TRANSPORTATION/TRAFFIC</b>			
<p>T-2 The County of Orange/JWA shall coordinate with the City of Newport Beach and construct a third southbound right-turn lane at the intersection of Campus Drive and Bristol Street North that is fully operational prior to JWA serving 10.8 MAP.</p>	<p>The improvement will be completed by 2016.</p>	<p>JWA Deputy Airport Director, Facilities or designee in coordination with the City of Newport Beach</p>	

The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors. on September 30, 2014, to wit:

AYES: Supervisors: JOHN M.W. MOORLACH, TODD SPITZER, JANET NGUYEN  
PATRICIA BATES, SHAWN NELSON  
NOES: Supervisor(s):  
EXCUSED: Supervisor(s):  
ABSTAINED: Supervisor(s):



CHAIRMAN

STATE OF CALIFORNIA )  
                                  )  
COUNTY OF ORANGE )

I, SUSAN NOVAK, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange County Board of Supervisors

IN WITNESS WHEREOF, I have hereto set my hand and seal.

  
SUSAN NOVAK  
Clerk of the Board  
County of Orange, State of California



Resolution No: 14-084  
Agenda Date: 09/30/2014  
Item No: 29



I certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of Supervisors , Orange County, State of California

Susan Novak, Clerk of the Board of Supervisors

By:   
Deputy