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Angeles Chapter
Airport Marina Regional Group
3435 Wilshire Blvd. Ste. 660
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April 27, 2013

Los Angeles City Council
200 No. Spring St.
Los Angeles, CA 90012

Regarding: ITEM 5 (13-0285) CD 11
Letter and Resolution to: OPPOSE FEIR. SUPPORT ALTERNATIVES 2, 9

Honorable Council Members,

The Airport Marina Regional Group of the Angeles Chapter of the Sierra Club opposes the expansion of Los Angeles International Airport.

On April 27th, 2013 the Regional Group approved the following resolution.

RESOLUTION

Whereas, the City of Los Angeles has proposed to expand the Los Angeles International Airport North, towards residential neighborhoods, schools, open space, vernal pools, and valuable coastal dune habitat that is home to the endangered El Segundo Blue Butterfly, and

Whereas, increases in ground, water, noise, light, and air pollution generated by the project and continuing after construction ends will adversely affect the environment, and

Whereas, the project would increase the generation of ultrafine particles and other pollutants that migrate to nearby communities. Such particles can cause harm in nearby communities adversely affecting the health in residents of all ages, and,

Whereas, LAX is already a major contributor to traffic congestion and the project EIR has not considered its adverse impacts on traffic in conjunction with another proposed project, the Ballona Wetlands Restoration Project. When taken together, the impact on traffic may be more severe than the EIR states, and

Whereas, the proposed project is outside the California Coastal Zone, but the project will adversely impact resources in the California Coastal Zone. And, that the City has not conformed with the provisions of *Secretary of Interior v. California* (1983), given that there is no analysis in the FEIR of whether the project is in full conformance with Chapter 3 Planning Policies of the California Coastal Act as required, *Sierra Club v. Coastal Commission* (2005), and

Whereas, The California Coastal Plan, a State of California publication, funded by the U.S. National Oceanic and Atmospheric Administration, clearly demonstrates LAX is excluded from the Coastal Zone due to prior federal ownership. The EIR fails to address the issue of federal this ownership, and

Whereas, the State of California Coastal Management Program and Final Environmental Impact Statement was published by NOAA, U.S. Department of Commerce in 1977, citing to Section 304(a) of the U.S. Coastal Zone Management Act of 1972 and Section 3008 of the California Coastal Act, both of which state the following provision:

“Excluded from the coastal zone are land, the use of which is by law subject solely to the discretion of or which is held in trust by the Federal Government, its officers, or agents.”

The EIR contains no reference to either the U.S. CZMA or the California Coastal Act in either regard, and

Whereas, the Sierra Club supports a regional solution for future distribution of increased amounts of air traffic to be shared by other regional airports,

Therefore, the Airport Marina Regional Group of the Angeles Chapter of the Sierra Club hereby resolves to Oppose the LAX FEIR and Support Alternatives 2, and 9.

REFERENCES

SIERRA CLUB et al., Plaintiffs and Appellants, v. CALIFORNIA COASTAL COMMISSION, Defendant and Respondent; CATELLUS RESIDENTIAL GROUP, Real Party in Interest and Respondent. S116081 SUPREME COURT OF CALIFORNIA 35 Cal. 4th 839; 28 Cal. Rptr. 3d 316; 2005 Cal.

The Coastal Commission's jurisdiction and it's duty to minimize impacts under the Coastal Act, "extends the Commission's authority to control the generation point(s) of

adverse effects originating outside the coastal zone causing impacts to resources within the coastal zone...

...the second sentence of section 30200, subdivision (a), provides that: "All public agencies carrying out or supporting activities outside the coastal zone that could have a direct impact on resources within the coastal zone shall consider the effect of such actions on coastal zone resources in order to assure that the policies [set forth in Chapter 3 of the Coastal Act] are achieved."

By contrast, rejecting Sierra Club's view of section 30200, subdivision (a), does not affect that provision's application to agencies other than the Commission.

(Secretary of Interior v. California (1983) 464 U.S. 312, 320, fn. 6 [78 L. Ed. 2d 496, 104 S. Ct. 656].) Under it, the Commission's issuance of a permit for project activities inside the coastal zone does not create a conflict with CZMA so long as the Commission ensures that agencies issuing permits for proposed activities outside the coastal zone are reviewing those activities for "consistency with all applicable State management program policies." (15 C.F.R. 930.6)

California Coastal Plan (1975) prepared with financial assistance from the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, under the provisions of the Federal Coastal Zone Management Act of 1972. It was published by the California Coastal Zone Conservation Commissions.

The map delineating LAX shows a dot, long dash, dot, and legend. The map legend is described as follows on the PLAN MAPS LEGEND (FOLD OUT):

Under the provisions of the Federal Coastal Zone Management Act of 1972, "Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion or of which is held in trust by the Federal Government, its officers or agents."

State of California Coastal Management Program and Final Environmental Impact Statement (1977), published by NOAA, U.S. Department of Commerce in 1977, Page D-1, the EIS specifies that lands owned by the Federal Government are excluded from the Coastal Zone under the U.S. Coastal Zone Management Act of 1972, Section 304(a) and Section 3008 of the California Coastal Act of 1976.

The Los Angeles International Airport as a Source of Ultrafine Particles and Other Pollutants to Nearby Communities Westerthal, D., Fruin, A., Fine, P., Constantinos S. (2007, September), *California Air Resources Board, Research Division, 1001 I Street, Sacramento, CA 95812, USA* *Civil and Environmental Engineering, University of Southern California, 3620 South Vermont Avenue, Los Angeles, CA 90089, USA*

from [http://energy.mae.cornell.edu/PDF/The Los Angeles International Airport as a source of ultrafine particles and other pollutants to nearby communities.pdf](http://energy.mae.cornell.edu/PDF/The%20Los%20Angeles%20International%20Airport%20as%20a%20source%20of%20ultrafine%20particles%20and%20other%20pollutants%20to%20nearby%20communities.pdf)