



April 5, 2013

Los Angeles City Council
City of Los Angeles
Room 395, City Hall
Los Angeles, CA 90012

LAX
LA/Ontario
Van Nuys
City of Los Angeles
Antonio R. Villaraigosa
Mayor

Attention: Trade, Commerce, and Tourism Committee

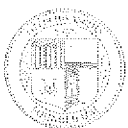
RE: CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) APPEAL OF
CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT FOR LAX
SPECIFIC PLAN AMENDMENT STUDY (COUNCIL FILE NO. 13-0285-S1)

Board of Airport
Commissioners
Michael A. Lawson
President
Valeria C. Velasco
Vice President
Joseph A. Aredas
Robert D. Beyer
Boyd Hight
Ann M. Hollister
Fernando M. Torres-Gil
Gina Marie Lindsey
Executive Director

Honorable City Council:

At a special meeting on February 5, 2013, the City of Los Angeles Board of Airport Commissioners (BOAC), acting pursuant to the California Environmental Quality Act (CEQA), Public Resources Code § 21000, et seq., approved BOAC Resolution No. 25022, certifying the Final Environmental Impact Report (EIR) for the Los Angeles International Airport (LAX) Specific Plan Amendment Study (SPAS). On the basis of the Final EIR, BOAC adopted the SPAS CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program (MMRP); determined that the LAX SPAS required by Section 7.H.1 of the LAX Specific Plan, including the SPAS EIR and the SPAS Report, is complete; selected the Los Angeles World Airports (LAWA) Staff-Recommended Alternative as the best alternative to the problems that the LAX Master Plan Yellow Light Projects were designed to address, subject to future detailed planning, engineering, and project-level environmental review, such as project-level review of individual improvements under CEQA and the evaluation and approval process of the Federal Aviation Administration (FAA); and adopted voluntary commitments associated with the LAWA Staff-Recommended Alternative as outlined in the February 5, 2013 Report to the Board of Airport Commissioners.

In a letter dated February 14, 2013, Chatten-Brown & Carstens LLP, on behalf of the Alliance for a Regional Solution to Airport Congestion (ARSAC), appealed BOAC's certification of the SPAS EIR pursuant to Public Resources Code § 21151(c). ARSAC claims that the basis for its appeal is set forth in its letters to BOAC dated October 8, 2012, January 31, 2013, and February 4, 2013. ARSAC does not identify any specific portion(s) of these letters that support any of the general allegations included in its appeal letter, i.e., that the SPAS EIR should be recirculated and "improved to legally adequate standards", that the EIR should "adequately address regionalization", and that BOAC should have selected Alternative 2, instead of Alternative 1, as its preferred alternative.



The City Council's decision on the appeal should be based on its own independent judgment and consideration of the materials in the administrative record before it, including but not limited to public comment and testimony; the ARSAC Appeal Letter; the attached LAWA Staff Report; the Final EIR certified by BOAC¹; the CEQA Findings, Statement of Overriding Considerations, and MMRP adopted by BOAC¹; the Final LAX SPAS Report¹; proposed Plan Amendments¹; and BOAC's February 5, 2013 Staff Report.¹ Copies of the Final EIR (which consists of the Draft EIR and the Part II Final EIR), and the Final LAX SPAS Report (which consists of the Preliminary LAX SPAS Report and Final LAX SPAS Report) were previously delivered to members of the City Council on the following dates: Draft EIR and Preliminary LAX SPAS Report on July 27, 2012; Final EIR on January 25, 2013 with Errata delivered on or before January 29, 2013; and Final LAX SPAS Report on February 1, 2013. Electronic copies of these documents, as well as electronic copies of the CEQA Findings, Statement of Overriding Consideration, MMRP, proposed Plan Amendments, BOAC's adopted February 5, 2013 Staff Report, and BOAC Resolution No. 25022¹ will be provided to members of the City Council on or before April 9, 2013. Copies of these documents are available to the City Council upon request.

Recommended City Council Actions

LAWA staff has carefully reviewed the February 14, 2013 appeal letter, as well as the referenced letters dated October 8, 2012, January 31, 2013, and February 4, 2013. The October 8, 2012 letter contains ARSAC's comments on the SPAS Draft EIR. The January 31 and February 4, 2013 letters contain ARSAC's comments on the SPAS Final EIR. LAWA responded in writing to each of the comments contained in the October 8, 2012 letter in the Final EIR. LAWA staff responded in writing to all comments raised in the January 31, 2013 and February 4, 2013 letters in a memorandum to BOAC and Gina Marie Lindsey dated February 5, 2013. These three letters are provided as part of the attached Staff Report for your review.

In its appeal letter, ARSAC does not identify any specific way in which LAWA failed to fully and adequately comply with the requirements of CEQA or any other applicable law or regulation. The letter thus provides the City Council with no adequate basis for granting the appeal, and also arguably fails to satisfy CEQA's requirement that all objections to the adequacy of an EIR or other claims of error in compliance with CEQA be presented to final agency decision-makers before a decision is made. In its letter, ARSAC does refer to complaints asserted in previous comment letters submitted during the EIR project process, but these letters are not attached to the appeal nor incorporated by reference. Given the volume of previous comments, it is impossible for staff to identify which specific issues ARSAC now wishes to base its appeal on, or to analyze why ARSAC believes that LAWA's responses to these comments during the administrative process have not adequately addressed these complaints.

ARSAC also fails to acknowledge, or even identify, the comprehensive and detailed evidence that the BOAC relied upon to reach the various factual conclusions that support its actions, and ARSAC also fails to suggest any evidence that would

¹ These documents are contained in the Council File (Council File 13-0825).

The Honorable City Council

April 5, 2013

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reasonably support any contrary conclusion by the BOAC. ARSAC's appeal thus fails to state a colorable claim that the BOAC violated CEQA or any other pertinent law or regulation in certifying the Final EIR and approving actions based on the Final

EIR. All issues raised by ARSAC during the LAWA review process were in fact fully and adequately addressed in responses to comments in the Final EIR or in BOAC's adopted February 5, 2013 Staff Report, CEQA Findings and Statement of Overriding Considerations. (Copies of the relevant responses to comments are provided with this staff report.) In sum, ARSAC's claims in this appeal are both factually and legally baseless.

Based on the administrative record, including but not limited to, the February 14, 2013 ARSAC appeal letter, the attached Staff Report, the LAX SPAS EIR, the CEQA Findings, the Statement of Overriding Considerations, MMRP, and public comment and testimony, LAWA recommends that the City Council take the following actions:

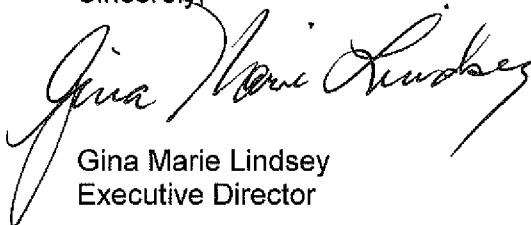
1. DENY ARSAC's February 14, 2013 appeal of BOAC's certification of the LAX SPAS EIR.
2. AFFIRM BOAC's certification of the EIR, and CERTIFY that:
 - a. The LAX SPAS EIR, including the Draft EIR and Final EIR, has been completed in compliance with CEQA and the State and City of Los Angeles CEQA Guidelines;
 - b. The SPAS EIR was presented to the City Council and that the City Council reviewed and considered the information contained in the EIR prior to approving the project; and
 - c. The Final EIR reflects the independent judgment and analysis of the lead agency.
3. ADOPT the SPAS Mitigation Monitoring And Reporting Program; and
4. ADOPT the SPAS CEQA Findings and Statement Of Overriding Considerations as the Findings of the City Council.

To assist in your review of this appeal, the attached Staff Report also includes a copy of ARSAC's February 14, 2013 appeal letter, other letters referenced in the February 14, 2013 appeals letter, and materials prepared by LAWA staff in response to the appeal letter.

If the City Council decides to grant this appeal, LAWA staff recommends that the Council remand this matter to the BOAC for reconsideration of its certification of the Final EIR and approval of the Project.

For further information regarding this CEQA appeal, please feel free to contact Diego Alvarez, SPAS Program Director at (424)646-5179.

Sincerely,



Gina Marie Lindsey
Executive Director

Attachments:

Staff Report and Attachments, including the following:

- Attachment A – February 14, 2013 Appeal Letter from Chatten-Brown & Carstens LLP on behalf of ARSAC
- Attachment B – Comment Letters Referred to in February 14, 2013 Appeal Letter
 - Attachment B-1 - October 8, 2012 Comment Package on SPAS Draft EIR from ARSAC
 - Attachment B-2 - January 31, 2013 Comment Letters on SPAS Final EIR from Chatten-Brown & Carstens LLP and ARSAC
 - Attachment B-3 - February 4, 2013 Comment Letter on SPAS Final EIR from Chatten-Brown & Carstens LLP
- Attachment C – Responses by LAWA to Comment Letters on SPAS EIR From Chatten-Brown & Carstens LLP and ARSAC
 - Attachment C-1- Responses to ARSAC October 8, 2012 Comment Package on SPAS Draft EIR
 - Attachment C-2 - February 5, 2013 Memorandum to the Board of Airport Commissioners
 - Attachment C-3 - Responses to January 31, 2013 Comment Letters on SPAS Final EIR from Chatten-Brown & Carstens LLP and ARSAC
 - Attachment C-4 - Responses to February 4, 2013 Comment Letter on SPAS Final EIR from Chatten-Brown & Carstens LLP

Staff Report

LAX Specific Plan Amendment Study Final Environmental Impact Report (Final EIR)

Appeal Filed by the
Alliance for a Regional Solution to Airport Congestion (ARSAC)

State Clearinghouse No. 1997061047
Council File No. 13-0285-S1

Prepared by:
CITY OF LOS ANGELES
LOS ANGELES WORLD AIRPORTS

INTRODUCTION

At a special meeting on February 5, 2013, the City of Los Angeles Board of Airport Commissioners (BOAC), acting pursuant to the California Environmental Quality Act (CEQA), Public Resources Code § 21000, et seq., approved BOAC Resolution No. 25022, certifying the Final Environmental Impact Report (EIR) for the Los Angeles International Airport (LAX) Specific Plan Amendment Study (SPAS). On the basis of the Final EIR, BOAC adopted the SPAS CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program (MMRP); determined that the LAX SPAS required by Section 7.H.1 of the LAX Specific Plan, including the SPAS EIR and the SPAS Report, is complete; selected the Los Angeles World Airports (LAWA) Staff-Recommended Alternative as the best alternative to the problems that the LAX Master Plan Yellow Light Projects were designed to address, subject to future detailed planning, engineering, and project-level environmental review, such as project-level review of individual improvements under CEQA and the evaluation and approval process of the Federal Aviation Administration (FAA); and adopted voluntary commitments associated with the LAWA Staff-Recommended Alternative as outlined in the February 5, 2013 Report to the Board of Airport Commissioners.

In a letter dated February 14, 2013, Chatten-Brown & Carstens LLP, on behalf of the Alliance for a Regional Solution to Airport Congestion (ARSAC), appealed BOAC's certification of the SPAS EIR pursuant to Public Resources Code § 21151(c). ARSAC claims that the basis for its appeal is set forth in its letters to BOAC dated October 8, 2012, January 31, 2013, and February 4, 2013. ARSAC does not identify any specific portion(s) of these letters that support any of the general allegations included in its appeal letter, i.e., that the SPAS EIR should be recirculated and "improved to legally adequate standards", that the EIR should "adequately address regionalization", and that BOAC should have selected Alternative 2, instead of Alternative 1, as its preferred alternative. A copy of the appeal is provided in Attachment A.

The City Council's decision on the appeal should be based on its own independent judgment and consideration of the materials in the administrative record before it, including but not limited to public comment and testimony; the ARSAC Appeal Letter; this LAWA Staff Report; the Final EIR certified by BOAC¹; the CEQA Findings, Statement of Overriding Considerations, and MMRP adopted by BOAC¹; the Final LAX SPAS Report¹; proposed Plan Amendments¹; and BOAC's February 5, 2013 Staff Report.¹ Copies of the Final EIR (which consists of the Draft EIR and the Part II Final EIR), and the Final LAX SPAS Report (which consists of the Preliminary LAX SPAS Report and Final LAX SPAS Report) were previously delivered to members of the City Council on the following dates: Draft EIR and Preliminary LAX SPAS Report on July 27, 2012; Final EIR on January 25, 2013 with Errata delivered on or before January 29, 2013; and Final LAX SPAS Report on February 1, 2013. Electronic copies of these documents, as well as electronic copies of the CEQA Findings, Statement of Overriding Consideration, MMRP, proposed Plan Amendments, BOAC's adopted February 5, 2013 Staff Report, and BOAC Resolution No. 25022¹ will be provided to members of the City Council on or before April 9, 2013. Copies of these documents are available to the City Council upon request.

Recommended City Council Actions

LAWA staff has carefully reviewed the February 14, 2013 appeal letter, as well as the referenced letters dated October 8, 2012, January 31, 2013, and February 4, 2013. The October 8, 2012 letter contains ARSAC's comments on the SPAS Draft EIR. The January 31 and February 4, 2013 letters contain ARSAC's comments on the SPAS Final EIR. LAWA responded in writing to each of the comments contained in the October 8, 2012 letter in the Final EIR. LAWA staff responded in writing to all comments raised in the January 31, 2013 and February 4, 2013 letters in a memorandum to BOAC and Gina Marie

¹ These documents are contained in the Council File (Council File 13-0285).

Lindsey dated February 5, 2013. These three letters are provided as Attachments B-1, B-2, and B-3 of this Staff Report.

In its appeal letter, ARSAC does not identify any specific way in which LAWA failed to fully and adequately comply with the requirements of CEQA or any other applicable law or regulation. The letter thus provides the City Council with no adequate basis for granting the appeal, and also arguably fails to satisfy CEQA's requirement that all objections to the adequacy of an EIR or other claims of error in compliance with CEQA be presented to final agency decision-makers before a decision is made. In its letter, ARSAC does refer to complaints asserted in previous comment letters submitted during the EIR project process, but these letters are not attached to the appeal nor incorporated by reference. Given the volume of previous comments, it is impossible for staff to identify which specific issues ARSAC now wishes to base its appeal on, or to analyze why ARSAC believes that LAWA's responses to these comments during the administrative process have not adequately addressed these complaints.

ARSAC also fails to acknowledge, or even identify, the comprehensive and detailed evidence that the BOAC relied upon to reach the various factual conclusions that support its actions, and ARSAC also fails to suggest any evidence that would reasonably support any contrary conclusion by the BOAC. ARSAC's appeal thus fails to state a colorable claim that the BOAC violated CEQA or any other pertinent law or regulation in certifying the Final EIR and approving actions based on the Final EIR. All issues raised by ARSAC during the LAWA review process were in fact fully and adequately addressed in responses to comments in the Final EIR or in BOAC's adopted February 5, 2013 Staff Report, CEQA Findings and Statement of Overriding Considerations. (Copies of the relevant responses to comments are provided with this staff report.) In sum, ARSAC's claims in this appeal are both factually and legally baseless.

Based on the administrative record, including but not limited to, the February 14, 2013 ARSAC appeal letter, the attached Staff Report, the LAX SPAS EIR, the CEQA Findings, the Statement of Overriding Considerations, MMRP, and public comment and testimony, LAWA recommends that the City Council take the following actions:

1. DENY ARSAC's February 14, 2013 appeal of BOAC's certification of the LAX SPAS EIR.
2. AFFIRM BOAC's certification of the EIR, and CERTIFY that:
 - a. The LAX SPAS EIR, including the Draft EIR and Final EIR, has been completed in compliance with CEQA and the State and City of Los Angeles CEQA Guidelines;
 - b. The SPAS EIR was presented to the City Council and that the City Council reviewed and considered the information contained in the EIR prior to approving the project; and
 - c. The Final EIR reflects the independent judgment and analysis of the lead agency.
3. ADOPT the SPAS Mitigation Monitoring And Reporting Program; and
4. ADOPT the SPAS CEQA Findings and Statement Of Overriding Considerations as the Findings of the City Council.

Project Description

The proposed project is the LAX Specific Plan Amendment Study (SPAS). Completion of the SPAS is a requirement of the 2006 Stipulated Settlement between the City of El Segundo, the City of Inglewood, the City of Culver City, the County of Los Angeles, and the ARSAC, which settled a challenge to the approval of the 2004 LAX Master Plan. Section V of the Stipulated Settlement and Section 7.H of the LAX Specific Plan require completion of a Specific Plan Amendment Study prior to seeking a determination of compliance with the LAX Plan for the following projects:

- Development of a Ground Transportation Center (GTC);
- Construction of the Automated People Mover (APM) 2 from the GTC to the Central Terminal Area (CTA);
- Demolition of CTA Terminals 1, 2, and 3;

Specific Plan Amendment Study Project

- North Runway re-configuration as contemplated in the LAX Master Plan, including center taxiways; and
- On-site road improvements associated with development of the GTC and construction of APM 2.

These projects are referred to as the "Yellow Light Projects."

Pursuant to the Stipulated Settlement, and in accordance with the LAX Specific Plan, and consistent with previous local and federal approvals, the SPAS identified

potential amendments to the LAX Specific Plan that plan for the modernization and improvement of LAX in a manner that is designed for a practical capacity of 78.9 million annual passengers (MAP) while enhancing safety and security, minimizing environmental impacts on the surrounding communities, and creating conditions that encourage airlines to go to other airports in the region, particularly those owned and operated by LAWA.

The SPAS process focused on, among other things, the identification and evaluation of potential alternative designs, technologies, and configurations for the LAX Master Plan Program that would provide solutions to the problems that the Yellow Light Projects were designed to address. The EIR prepared for the SPAS is a program-level EIR, which addresses the LAX SPAS as the proposed project.

The SPAS EIR analyzed nine alternatives offering various options to the Yellow Light Projects, including one alternative that provides for implementation of the Yellow Light Projects (i.e., implement the Yellow Light Projects as generally reflected in the LAX Master Plan instead of options to those improvements). The alternatives include airfield, terminal and/or ground access improvements. Airfield improvements include changes to the runways, taxiways, navigational aids, and service and maintenance roads associated with the north airfield. Terminal improvements consist primarily of additions/demolitions to existing terminals/concourses, and, for most SPAS alternatives, the construction of a new terminal - Terminal 0 ("zero"). Ground access improvements consist of changes to on-airport and off-airport roads, addition of specific transportation facilities, development of dedicated access (i.e., busway or APM) into the CTA, and changes in parking locations.

Following completion of the SPAS Draft EIR, and receipt and review of public comments on the SPAS Draft EIR, LAWA staff identified a recommended alternative, which includes airfield, terminal, and ground access components. Specifically, the LAWA Staff-Recommended Alternative, which was later selected by the Board of Airport Commissioners (BOAC), combines the airfield and terminal components associated with Alternative 1 with the ground access components associated with Alternative 9. The key features of the selected alternative include:

- ◆ Relocation of Runway 6L/24R 260 feet north
- ◆ Construction of a centerline taxiway
- ◆ Easterly extension of Runway 6R/24L
- ◆ Improvements to north airfield taxiways
- ◆ Development, redevelopment, and/or extension of Terminal 0, Terminal 3, Tom Bradley International Terminal, and the future Midfield Satellite Concourse
- ◆ 153 passenger gates
- ◆ Development of an Intermodal Transportation Facility (ITF), Consolidated Rent-A-Car Facility (CONRAC), and parking outside the Central Terminal Area (CTA)
- ◆ Construction of an Automated People Mover (APM) to link new facilities to the CTA and provide connectivity with planned Metro facilities

Preparation and Circulation of the EIR

The SPAS EIR was prepared in compliance with CEQA (Pub. Res. Code § 21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.). The EIR identifies, analyzes, and evaluates impacts on the environment and feasible mitigation measures and project alternatives by which the significant impacts of the Project can be avoided or substantially reduced.

In accordance with CEQA and CEQA Guidelines § 15082, LAWA circulated a Notice of Preparation (NOP) to prepare the SPAS EIR on March 12, 2008. The NOP was circulated for 97 days, with comments due on June 18, 2008. Two public scoping meetings were held during that time, on May 7 and May 10, 2008. LAWA issued a revised NOP in October 2010. The Revised NOP was circulated for a 46-day review period, commencing on October 14, 2010 and closing on November 29, 2010. Two public scoping meetings were held during the review period for the Revised NOP, including meetings on November 3, 2010, and November 6, 2010. Both the NOP and the Revised NOP were available for review online at www.ourlax.org and at LAWA's offices.

On July 27, 2012, LAWA published the SPAS Draft EIR, which was circulated for public review for 75 days, providing an expanded opportunity for public review and input beyond the 45-day review period required by § 15105 of the State CEQA Guidelines, with the SPAS Draft EIR review period closing on October 10, 2012. Additional means for public involvement during the SPAS Draft EIR review and comment period were provided through three public meetings, held during the comment period on August 25, 2012, August 28, 2012, and August 29, 2012, as well as through a "virtual meeting" available online between September 10, 2012 and October 10, 2012, and through a project website (laxspas.org).

LAWA undertook an extensive process to notify public agencies and members of the public of the availability of the SPAS Draft EIR for review and the three open house/public meetings that were held in late August 2012 during the public comment period. As required by CEQA, a Notice of Completion was filed with the State Clearinghouse and the Notice of Availability (NOA) was posted with the County Clerk. In addition to providing information about the availability of the SPAS Draft EIR, the length of the public review period, and the process for providing comments, the NOA listed the three open house/public meeting dates. In addition, a mailer was sent to 7,080 individuals with information regarding the availability of the SPAS Draft EIR and the open house/public meetings. The mailing list included names in the LAX Master Plan Stakeholder Liaison's database, which was originally compiled during preparation of the LAX Master Plan EIS/EIR. 1,500 postcards were distributed, along with supplemental Spanish-language materials where appropriate. These postcards were distributed in person at Terminal 1 (baggage claim), the Westwood FlyAway, Union Station FlyAway, and Van Nuys FlyAway. Notices announcing availability of the SPAS Draft EIR and the open house/public meetings were also published in area newspapers, including the Los Angeles Times, Argonaut, Daily Breeze, La Opinion, and Hoy. Meeting information was also published in LA Streets Blog, and onsite advertisements appeared in the Los Angeles Times, Daily Breeze, and Daily News. LAWA posted several press releases announcing the open house/public meetings on its website (www.lawa.org) and distributed press releases to over one dozen travel- and airport-related media outlets. The press releases also notified the public of the virtual meeting platform, which enabled the online audience to access information that was presented at the open house/public meetings and submit comments. Finally, the meetings were announced via LAWA's social media platforms (i.e., Facebook and Twitter).

A total of 251 commentors submitted comments in conjunction with the SPAS Draft EIR public review period, through written correspondence and e-mails to LAWA, oral testimony and video-taped comments at the aforementioned public meetings, and comments on the virtual meeting and project website. A total of 2,063 individual comments were received by LAWA.

Pursuant to § 15088 of the State CEQA Guidelines, LAWA evaluated comments received from persons who reviewed the SPAS Draft EIR and prepared written response to those comments. Those comments and written responses, along with other information, are included as part of the SPAS Final EIR. As required by § 15088(c) of the State CEQA Guidelines, the focus of the responses to comments is on "the disposition of significant environmental issues raised."

As required by Public Resources Code § 20192.5, all agencies who commented on environmental issues in the Draft EIR were provided with responses to comments at least 10 days prior to the Final EIR being submitted to BOAC for certification.

BOAC's February 5, 2013 Actions

Specific Plan Amendment Study Project

LAWA provided early notification of the availability of the SPAS Final EIR and of the scheduled BOAC meetings on SPAS in several ways. For the Final EIR, over 75 copies were distributed via overnight delivery on January 24, 2013 (including one copy each to ARSAC and Chatten-Brown & Carstens), and an additional 50 copies were sent out the following day. Additionally, mailers indicating where the Final EIR could be found on-line or in libraries were sent to over 70 parties. On January 25, 2013, a LAWA press release (and LAWA's Official Facebook Page) announced publication of the Final EIR and where it could be found. The Final EIR was made available for review on LAWA's SPAS website on January 25, 2013.

Public notification of the February 5, 2013 BOAC meeting was posted online (to laxspas.org and lacity.org) on February 1, 2013; there was a press release issued on February 3, 2013 specifically about the meeting; notification of the meeting was included in the LAWA press release of January 25, 2013; and an e-mail reminder of the meeting was sent on February 4, 2013 to all parties on the SPAS e-mail list. For those unable to attend the February 5th BOAC meeting, a link to video of the meeting was made available at LAWA's Official Twitter Feed on February 5th. A press release regarding the outcome of the February 5th BOAC meeting was issued early evening of February 5th.

At a special meeting on February 5, 2013, BOAC, acting pursuant to CEQA, approved BOAC Resolution No. 25022, certifying the LAX Specific Plan Amendment Study EIR and, on the basis of the Final EIR, adopted the SPAS CEQA Findings and Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program (MMRP); determined that the LAX SPAS required by Section 7.H.1 of the LAX Specific Plan, including the SPAS EIR and the SPAS Report, is complete; selected the LAWA Staff-Recommended Alternative as the best alternative to the problems that the LAX Master Plan Yellow Light Projects were designed to address, subject to future detailed planning, engineering, and project-level environmental review, such as project-level review of individual improvements under CEQA and the evaluation and approval processes of the Federal Aviation Administration (FAA); and adopted voluntary commitments associated with the LAWA Staff-Recommended Alternative as outlined in the February 5, 2013 Report to the Board of Airport Commissioners.

ARSAC'S STATED "BASIS" FOR APPEAL

The ARSAC appeal letter did not identify specific grounds of appeal. Rather, the letter indicates that the basis for the appeal is set forth in ARSAC's prior letters to BOAC including but not limited to those dated October 8, 2012, January 31, 2013, and February 4, 2013 (Attachments B-1, B-2, and B-3, respectively). ARSAC did not include these letters with its appeal, did not provide them to City Council, and did not incorporate them by reference or any other means.

LAWA'S RESPONSES TO ARSAC'S PRIOR LETTERS

On October 8, 2012, ARSAC submitted an LAX SPAS DEIR Comments Package, which contained 1,051 individual comments. In accordance with State CEQA Guidelines § 15088, LAWA prepared written responses to all comments received on the SPAS Draft EIR during the public review period, including ARSAC's October 8, 2012 letter (comment package), identified in the Final EIR as SPAS-PC00130. The October 8, 2012 ARSAC comment package included several previous ARSAC letters and other materials as attachments. These letters and materials include those dated June 17, 2008 (SPAS-PC00130-819 through SPAS-PC00130-969 and SPAS-PC00130-970), November 9, 2006 (SPAS-PC00130-1034 through SPAS-PC100130-1049), July 12, 2010 (SPAS-PC00130-1051), September 15, 2010 (SPAS-PC00130-1015 through SPAS-PC00130-1033), November 22, 2010 (SPAS-PC00130-1050) and November 29, 2010 (SPAS-PC00130-729 through SPAS-PC00130-818), as well as a 2007 presentation prepared by ARSAC (SPAS-PC00130-971 through SPAS-PC00130-988), and a press release dated July 26, 2012 (SPAS-PC00130-989 through SPAS-PC00130-1014). LAWA's written responses are thorough, detailed, and provide good faith, reasoned analyses. These responses are provided as part of the Final EIR (see Attachment C-1).

On January 31, 2013, ARSAC submitted a letter to BOAC regarding "Comments on LAX Specific Plan Amendment Study Final EIR." Also on January 31, 2013, Chatten-Brown & Carstens LLP submitted a

letter to BOAC on behalf of ARSAC regarding "Comments on Final Environmental Impact Report for Specific Plan Amendment Study." Chatten-Brown & Carstens LLP submitted an additional letter to BOAC on behalf of ARSAC dated February 4, 2013 regarding "Comments of the Final Environmental Impact Report for Specific Plan Amendment Study."

Neither the January 31, 2013 letters nor the February 4, 2013 letter contain any new issues or "significant new information" that would trigger recirculation under State CEQA Guidelines § 15088.5. The Final EIR addressed all environmental issues raised in the January 31, 2013 letters from Chatten-Brown & Carstens LLP and from ARSAC. Clarifications and amplifications concerning the issues raised in these letters, and in the February 4, 2013 letter from Chatten-Brown & Carstens LLP, were provided in a memorandum to BOAC and Gina Marie Lindsey, dated February 5, 2013 (Attachment C-2).

LAWA has, therefore, already responded to all of ARSAC's prior letters, including those cited in its Appeal Letter. The responses to comments on the SPAS Draft EIR were considered by the decision-makers during project deliberations.

To further assist in the City Council's review of ARSAC's appeal, LAWA has provided specific citations identifying its responses to the issues raised in the January 31 letters (Attachment C-3) and the February 4, 2013 letter (Attachment C-4), as well as additional clarification as appropriate.

LAWA'S RESPONSES TO ARSAC'S "SUMMARY" OF ITS "BASIS" FOR APPEAL

ARSAC's February 14, 2013 letter of appeal identified the following as the "summary" of its "basis for appeal."

1. ARSAC's Claim that "the EIR must be recirculated" is without merit

ARSAC's February 14, 2013 appeal did not specify why ARSAC believes the EIR must be recirculated. However, the issue of recirculation was addressed in Section H of the SPAS CEQA Findings. As stated in that section, the SPAS Final EIR did not identify any new significant environmental impacts that were not already identified by the SPAS Draft EIR. No new mitigation measures were imposed on the project that could result in a new significant environmental impact. The SPAS Final EIR also did not identify any increases in the severity of any environmental impacts discussed in the SPAS Draft EIR. In addition, public comment on the SPAS Draft EIR did not identify any new alternatives to the project that are considerably different from those evaluated in the EIR and that would clearly lessen the significant environmental impacts of the project.

The environmental effects of the selected alternative (i.e., the LAWA Staff-Recommended Alternative identified in the SPAS Final EIR) are the same as Alternative 1, Alternative 9, or a combination of the impacts of these alternatives, as set forth in the SPAS Draft EIR, or the impact of the LAWA Staff-Recommended Alternative falls within the low and high ends of the ranges of impacts presented in the Draft EIR. Similarly, all LAX Master Plan commitments, LAX Master Plan mitigation measures, and SPAS-specific mitigation measures that pertain to the LAWA Staff-Recommended Alternative were identified in the SPAS Draft EIR, except for those that were modified as a result of responses to comments, and added to the SPAS Draft EIR through corrections and additions to that document, as identified in Chapter 5 of Part II of the Final EIR. The LAWA Staff-Recommended Alternative would not result in any new significant environmental impacts beyond those described in the SPAS Draft EIR or a substantial increase in the severity of an environmental impact described in the SPAS Draft EIR, and does not represent an alternative or mitigation measure that is considerably different from others analyzed in the SPAS Draft EIR, as amended by corrections and additions noted in the Final EIR.

Responses to comments made on the SPAS Draft EIR and revisions made in the SPAS Final EIR merely clarify and amplify the analysis presented in the document and do not amount to significant new information that changes the EIR in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that LAWA has declined to implement. Therefore, the BOAC found that recirculation of the SPAS EIR is not required pursuant to CEQA Guidelines §15088.5(b).

In addition, the SPAS Project Mitigation Monitoring and Report Program, Statement of Overriding

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Considerations, CEQA Findings, and Proposed Plan Amendments do not constitute "significant new information" as defined in § 15088.5 of the State CEQA Guidelines. Further, CEQA does not require publication, public review, or circulation of the Mitigation Monitoring and Report Program, Statement of Overriding Considerations, or Draft CEQA Findings prior to a lead agency's consideration of the EIR for certification or the project for approval. (State CEQA Guidelines §§ 15091, 15093, and 15097.)

2. ARSAC's Claim that the EIR's "analysis of various impacts and mitigation measures must be improved to legally adequate standards" is without merit

ARSAC's February 14, 2013 appeal did not specify what impacts or mitigation measures it alleges do not meet "legally adequate standards" or reasons why it alleges such standards have not been met. LAWA has responded to all comments raised by ARSAC regarding mitigation measures, including in response to ARSAC's October 8, 2012, January 31, 2013, and February 4, 2013 letters. On February 5, 2013, BOAC certified that the SPAS Final EIR was completed in compliance with CEQA.

3. ARSAC's Claim that the EIR's "analysis of alternatives must adequately address regionalization as a means to avoid significant impacts" is without merit

ARSAC's February 14, 2013 appeal did not specify how the EIR allegedly did not adequately address regionalization as a means to avoid significant impacts. The issue of regionalization of air travel demand as a SPAS alternative was addressed in the SPAS EIR and the SPAS CEQA Findings. Topical Response TR-SPAS-REG-1 (Section 4.3 of the SPAS Final EIR) explains the relationship of SPAS to regionalization of air travel, sets forth LAWA's participation in efforts for regionalization of air travel, and identifies LAWA's efforts to market and develop air service at LA/Ontario International Airport and LA/Palmdale Regional Airport. For the reasons discussed in Topical Response TR-SPAS-REG-1 (Section 4.3 of the SPAS Final EIR), the BOAC determined that regionalization of air travel demand would not reduce or avoid impacts of the project, and specific economic, legal, social, technological, or other considerations make it infeasible. Specifically, under the Airport Noise and Capacity Act of 1990 (commonly called "ANCA"), and its implementing regulations (14 C.F.R. Part 161), LAWA cannot force passengers or airlines to utilize one airport over another. More specifically, federal law prohibits an airport proprietor from unilaterally imposing any restrictions on "access" to an airport by Stage 3 aircraft. Following the phase-out of most noisy Stage 2 aircraft during the 1990s, Stage 3 aircraft comprise essentially all commercial aircraft landing at any U.S. airport. Any Stage 3 restriction is subject to review and approval by the FAA based on strict regulatory criteria that limit the ability to implement any such measures. The FAA strongly discourages any operational limits imposed under Part 161 and prefers and promotes permanent solutions to operational concerns and inefficiencies through capacity improvements. Further, the federal Airline Deregulation Act of 1978 expressly preempted the ability of airport proprietors to control the "price, route or service of an air carrier." (49 USC § 41713(b)(1).) The United States Supreme Court has interpreted this prohibition broadly to mean that airports "may not seek to impose their own public policies or theories of . . . regulation on the operations of an air carrier." (*Morales v. Trans World Airlines, Inc.* (1992) 504 US 374, 384.) For this reason, an alternative that would have required passengers or airlines to utilize another airport, even one managed by LAWA, is legally infeasible.

Additionally, as discussed in Section 6.2 of the Preliminary LAX SPAS Report, all of the SPAS alternatives were designed with 153 gates and analyzed at a practical capacity of 78.9 MAP, which is consistent with the planning framework of the LAX Master Plan that was taken into account in the SCAG regional aviation plan (i.e., air aviation element of the Southern California Association of Governments Regional Transportation Plan). LAWA acknowledges that while the passenger activity projections are based upon the best available evidence and expert opinion, history demonstrates it is possible that over the next ten years, currently unexpected fluctuations in the economy, aviation industry practices, passenger demand, and other known and unknown factors may result in LAX annual passengers increasing (or decreasing) at a different rate than expected. Therefore, in addition to alternatives with physical configurations of no more than 153 gates, the SPAS considered a potential amendment to Section 7.H. of the LAX Specific Plan. The LAX Specific Plan Section 7.H amendment (applicable to all alternatives, including the existing LAX Master Plan) would provide opportunities for adjustments if LAX reaches 75 or 78.9 MAP earlier than expected. This amendment, set forth in detail in Chapter 7 of the

Preliminary LAX SPAS Report, would address potential variations over time, first by requiring action (where feasible and lawful) to encourage further shifts in passenger and airline activity to other regional airports if the annual aviation activity analysis forecasts that the annual passengers for that year at LAX are anticipated to exceed 75 MAP, and, second, by requiring a Specific Plan Amendment Study if the annual aviation activity analysis forecasts that LAX annual passengers for that year are anticipated to exceed 79.9 MAP. This amendment is intended to enhance LAWA's ability to anticipate and plan for the potential for aviation activities at LAX to reach 78.9 MAP and identify appropriate actions to help shift additional growth to other airports in the region, including, in particular, LA/Ontario International Airport.

4. ARSAC's Claim that "the Environmentally Superior Alternative 2—rather than Alternative 1—should be chosen in order to modernize but not expand the airport" is without merit

ARSAC's February 14, 2013 appeal did not specify why it believes "Alternative 2, rather than Alternative 1, should be chosen in order to modernize but not expand the airport." As noted in Section 1.5 of the SPAS Draft EIR, Alternative 2 is identified as the environmentally superior alternative in the SPAS Draft EIR. Based on previous comments on the SPAS Draft EIR and SPAS Final EIR by ARSAC, and because the LAWA Staff-Recommended Alternative (the BOAC-selected alternative) is not simply Alternative 1, but rather consists of the airfield and terminal components associated with Alternative 1 and the ground access components associated with Alternative 9, it can be assumed that ARSAC is referring to a preference for the airfield and terminal components associated with Alternative 2, as opposed to those of Alternative 1, combined with the ground access components associated with Alternative 9.

The EIR's designation of Alternative 2 as the environmentally superior alternative does not apply when Alternative 2 is paired with the ground access elements of Alternative 9. While this combination of alternatives would have fewer impacts than other alternatives or combinations for some environmental topics (such as on-airport transportation impacts, where, as indicated in Table 4.12.1-43 and discussed on page 4-1171 of the SPAS Draft EIR, the ground access improvements associated with Alternative 9 would significantly impact fewer on-airport roadway links than would Alternatives 1, 2, 4, and 8), the impacts would be greater for other environmental topics. For example, this combination (i.e., Alternatives 2 plus 9) would significantly impact more off-airport intersections than would all of the other ground access alternatives (with the exception of Alternative 8, whose significant impacts would be the same), and would have greater construction-related air quality impacts than some of the other alternatives, including greater construction-related impacts than Alternative 2 not in combination with Alternative 9. Operational emissions from Alternative 2, coupled with the ground access components of Alternative 9, would be environmentally superior in good weather conditions, but would not be the environmentally superior alternative in poor weather conditions. In addition, as indicated in Tables 1-17 and 1-18 of the SPAS Draft EIR, Alternative 2 would have the second highest impacts of all the alternatives relative both to population newly exposed to 65 CNEL and to population that would experience a 1.5 dBA CNEL increase over 65 CNEL due to aircraft noise.

Alternative 2 is also not as responsive to meeting the project objectives as the LAWA Staff-Recommended Alternative, particularly those objectives related to airfield safety, as set forth in detail in the BOAC's CEQA Findings.

In light of the above, BOAC found Alternative 2 to be infeasible and rejected it in favor of the LAWA Staff-Recommended Alternative.

It should be noted that the 2006 Stipulated Settlement requires LAWA to, among other things, "identify Specific Plan amendments that plan for the modernization and improvement of LAX in a manner that is designed for a practical capacity of 78.9 million annual passengers while ... minimizing environmental impacts on the surrounding communities." It also requires the Specific Plan Amendment Study to focus on, among other things, "potential mitigation measures that could provide a comparable level of mitigation to that described for the Yellow Light Projects in the LAX Master Plan Program." Consistent with these requirements, the SPAS Draft EIR identifies applicable LAX Master Plan commitments and mitigation measures for each SPAS alternative, as well as additional mitigation measures specific to SPAS. These measures would reduce the significant impacts of the various SPAS alternatives, including the LAWA Staff-Recommended Alternative, to the greatest extent feasible (see CEQA Findings). Thus, the SPAS

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alternatives would minimize environmental impacts on the surrounding communities to the greatest extent feasible and would provide a comparable level of mitigation to that described for the Yellow Light Projects in the LAX Master Plan Program. In fact, the LAWA Staff-Recommended Alternative would reduce the magnitude and severity of significant environmental impacts that would occur if the Yellow Light Projects were implemented (see CEQA Findings). Nothing in the Stipulated Settlement requires LAWA to ignore its project objectives and adopt the most environmentally protective alternative of those studied in the SPAS.

Moreover, a lead agency is not required to adopt an alternative that does not meet the project objectives, even if it is the "environmentally superior alternative" for purposes of CEQA. When specific economic, environmental, legal, social, or other considerations make infeasible an alternative that might substantially lessen the significant environmental effects of a project, a lead agency may approve the project in spite of its significant environmental effects and may reject the alternative. (Pub. Resources Code § 21002; State CEQA Guidelines § 15091(a) (3).) As set forth in the SPAS Draft EIR and the CEQA Findings, Alternative 2 was identified as the environmentally superior alternative, in part due to the fact that it would require less construction than all of the other alternatives, except Alternative 4 and, therefore, would result in reduced/fewer significant construction-related impacts. However, as explained in the CEQA Findings, LAWA staff believes, and the BOAC agreed, that Alternative 2 does not meet the SPAS project objectives compared to the LAWA Staff-Recommended Alternative, and because it would not substantially reduce or avoid the significant effects of the project. See also the February 5, 2013 memorandum to the BOAC for additional discussion of the environmentally superior alternative.

Finally, it should be noted that neither Alternative 1 nor Alternative 2 would *expand* the airport. Both alternatives, as well as the other alternatives evaluated in the SPAS, would modernize the airport by making physical improvements to the airfield, terminals, and ground access facilities. All of the alternatives include no more than 153 aircraft gates used for scheduled passenger service, the same number as provided in the approved LAX Master Plan.

List of Attachments:

- Attachment A – February 14, 2013 Appeal Letter from Chatten-Brown & Carstens LLP on behalf of ARSAC
- Attachment B – Comment Letters Referred to in February 14, 2013 Appeal Letter
 - Attachment B-1 - October 8, 2012 Comment Package on SPAS Draft EIR from ARSAC
 - Attachment B-2 - January 31, 2013 Comment Letters on SPAS Final EIR from Chatten-Brown & Carstens LLP and ARSAC
 - Attachment B-3 - February 4, 2013 Comment Letter on SPAS Final EIR from Chatten-Brown & Carstens LLP
- Attachment C – Responses by LAWA to Comment Letters on SPAS EIR From Chatten-Brown & Carstens LLP and ARSAC
 - Attachment C-1- Responses to ARSAC October 8, 2012 Comment Package on SPAS Draft EIR
 - Attachment C-2 - February 5, 2013 Memorandum to the Board of Airport Commissioners
 - Attachment C-3 - Responses to January 31, 2013 Comment Letters on SPAS Final EIR from Chatten-Brown & Carstens LLP and ARSAC
 - Attachment C-4 - Responses to February 4, 2013 Comment Letter on SPAS Final EIR from Chatten-Brown & Carstens LLP

ATTACHMENT A

February 14, 2013 Appeal Letter from
Chatten-Brown & Carstens LLP on behalf of ARSAC

CHATTEN-BROWN & CARSTENS LLP

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February 14, 2013

City Clerk
City of Los Angeles
200 North Spring Street,
Room 360
Los Angeles, CA 90012

Re: Appeal of Board of Airport Commissioners' Certification of Final
Environmental Impact Report for Specific Plan Amendment Study, SCH
1997061047

Honorable City Clerk:

On behalf of the Alliance for a Regional Solution for Airport Congestion (ARSAC), we hereby appeal the February 5, 2013 decision of the Board of Airport Commissioners (BOAC) to certify the Final Subsequent Environmental Impact Report (Final EIR) prepared for the Specific Plan Amendment Study and to approve actions based on the Final EIR. We file this appeal pursuant to Public Resources Code section 21151 subdivision (c) which allows the appeal of the decision to certify an EIR by a nonelected decisionmaking body of a lead agency such as the City of Los Angeles to the elected decisionmaking body of the lead agency.

The basis for this appeal is set forth in ARSAC's letters to BOAC including but not limited to those dated February 4, 2013, January 31, 2013, and October 8, 2012. In summary, the EIR must be recirculated, its analysis of various impacts and mitigation measures must be improved to legally adequate standards, its analysis of alternatives must adequately address regionalization as a means to avoid significant impacts, and the Environmentally Superior Alternative 2- rather than Alternative 1- should be chosen in order to modernize but not expand the airport.

Please advise us as soon as possible when this appeal will be heard by the City Council.

Sincerely,



Douglas P. Carstens

Cc: Board of Airport Commissioners
Suzanne Tracy, Office of the City Attorney

ATTACHMENT B

Comment Letters Referred to in
February 14, 2013 Appeal Letter

Attachment B-1

October 8, 2012 Comment Package on SPAS Draft EIR from ARSAC

This comment package appears on pages 128 through 226 in
Volume 7 of the SPAS Final EIR.

Attachment B-2

**January 31, 2013 Comment Letters on SPAS Final EIR
from Chatten-Brown & Carstens LLP and ARSAC**

CHATTEN-BROWN & CARSTENS LLP

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January 31, 2013

By Hand

Board of Airport Commissioners
Los Angeles World Airports
One World Way
Los Angeles, CA 90045-5803

Re: Comments on Final Environmental Impact Report for Specific Plan
Amendment Study, SCH 1997061047

Honorable Commissioners:

On behalf of the Alliance for a Regional Solution for Airport Congestion (ARSAC), we provide these comments on the Final Subsequent Environmental Impact Report (FEIR) prepared for the Specific Plan Amendment Study ("SPAS" or "Project") at Los Angeles International Airport (LAX). Upon review of the FEIR's responses to our comments and those of others, we conclude that LAWA may not legally approve the proposed Project on the basis of the FEIR and a statement of overriding considerations. The FEIR remains deficient in a number of areas and its responses to public comments.¹ Now that LAWA has identified a proposed project other than the environmentally superior Alternative 2, the EIR must be recirculated so the public and public agencies reviewing it can focus their comments on the proposed combination of Alternatives 1 and 9 that is recommended by staff.

Even if the FEIR were improved to legally sufficient standards, and were recirculated, LAWA may not approve a project that includes Alternative 2 rather than Alternative 1 on the basis of a statement of overriding considerations. Alternative 2 is feasible and avoids significant environmental impacts associated with Alternative 1 including significant impacts to air quality, exposure of people to significant noise, and avoidable biological resource and land use impacts associated with condemning properties north of the airport for northward runway movement.

For these reasons, we urge you to recirculate the EIR, to obtain and provide

¹ Due to the short time available to review the lengthy FEIR since it was released last week, we incorporate all of our previous objections and do not waive any because they are not be mentioned in this letter.

adequate information about the various impacts associated from the proposed project, including air quality, traffic, noise, biological resources, land use impacts, and the Lincoln Boulevard realignment including coordinating with Caltrans, and to choose Alternative 2, rather than Alternative 1, in combination with Alternative 9.

I. Recirculation is Required Now that a Proposed Project Has Been Identified That is Not the Environmentally Superior Alternative 2.

ARSAC objected that LAWA's failure to designate a single proposed project deprived the public of its ability to meaningfully review and comment on the draft EIR. (FEIR, p. 4-441.) The FEIR states that the staff recommended project, and therefore, the proposed project that is the subject of environmental review, includes the movement of the northern runway 260 feet to the north (260 North Alternative-Alternative 1). (FEIR, p. 2-1). Identification of the specific proposed project at this late date in the Final EIR rather than the Draft EIR defeats the purpose of CEQA to involve the public in a meaningful way in project review and modification to mitigate environmental damage.

An EIR is supposed to be an environmental "alarm bell" whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached the point of no return. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392.)

LAWA's process of failing to designate a specific proposed project stifled the alarm bell and deprived the public of the ability to focus their comments on the proposed project earlier in the process. In early meetings about the Project, the public was not advised that LAWA was likely to choose the 260 North Alternative.² Attendance at meetings was low, though not sparse. However, after LAWA designated the 260 North as its preferred alternative, hundreds of people became aware of the actual nature of the proposed project and turned out to object to it. At the meeting held on January 8, 2013 at the Proud Bird, approximately 800 people attended, with "scores of residents" expressing opposition to the proposal that was made clear at that point, but had not been clear earlier when the DEIR was released. (<http://latimesblogs.latimes.com/lanow/2013/01/lax-neighbors-question-north-runway-separation-plan.html>.)

² There is considerable evidence that LAWA staff knew that its recommendation would be the 260 North Alternative all along. The progression to the 260 feet north alternative is evident in PowerPoint presentations given by staff to BOAC. For LAWA to make a precommitment to a particular proposal prior to completing environmental review (as opposed to merely preferring a particular project), and not to identify its preferred project to the public until the FEIR, violates CEQA.

The FEIR claims that the analysis of nine alternatives instead of a single proposed project comports with CEQA's requirements. (FEIR, p. 4-441.) However, this process defeated the public's ability to meaningfully participate in commenting on a single, identifiable, proposed project. LAWA claims that its process of giving what it calls a component approach in a project description was upheld in *California Oak Foundation v. Regents of the University of California* (2010) 188 Cal.App.4th 227. (FEIR, p. 4-171, RTC SPAS-AL00007-6). However, *California Oak* is significantly different since in that case, the public agency proposing the project disclosed the seven discrete projects that were proposed. Each of them would eventually be built in turn, with a stadium occurring first. They were not mixed and matched in the sense that one component might substitute for a different component, as LAWA's mix and match of alternatives would do here. While the EIR in that case did not disclose the material that would be used to build the buildings, their environmental impacts were still understandable and identifiable from the information given. Here, on the other hand, LAWA's description of nine different alternatives without any indication of which the public should focus attention and comments on was distracting and confusing. Not all the alternatives would be built, so without LAWA's identification of the most likely proposal or combination to be approved (i.e., the "proposed project"), meaningful public participation in reviewing the draft EIR was precluded.

CEQA Guideline section 15088.5 requires that an EIR be recirculated when significant new information is added such as "a new significant environmental impact would result from the project" or "The draft EIR was so fundamentally and basically inadequate . . . that meaningful public review and comment were precluded." (CEQA Guidelines s. 15088.5.) To the extent the public could have believed LAWA would choose the less impactful and designated Environmentally Superior Alternative 2 (DEIR Table 4.7-2-8), possibly in combination with Alternative 9, rather than choosing the 260 North Alternative, the FEIR contains new information of new significant impacts which would result from the choice of the 260 North Alternative. Additionally, the draft EIR was fundamentally and basically inadequate in failing to identify a single proposed project so that meaningful public review and comment were precluded. Therefore, recirculation of the EIR is required.

II. LAWA Would Violate the Settlement Agreement and CEQA by Rejecting Environmentally Superior Alternative 2.

ARSAC objected that the DEIR contradicted the Settlement Agreement signed in 2006 between LAWA and various petitioners including ARSAC because it emphasized north runway movement, while failing to address traffic and other consequences, rather

than focusing on alternatives that would provide solutions to the problems that the Yellow Light Projects were designed to address. (FEIR, p. 4-442.) Specifically, the Settlement Agreement stated

- . . . LAWA will focus the LAX Specific Plan Amendment Study on the following:
1. Potential alternative designs, technologies, and configurations for the LAX Master Plan that would provide solutions to the problems that the Yellow Light Projects were designed to address consistent with a practical capacity of 78.9 million annual passengers (the "Alternative Projects"). . . .
 2. Security, traffic and aviation activity of such alternatives designs, technologies, and configurations for the Alternative Projects.
 3. Possible environmental impacts that could result from replacement of the Yellow Light projects with the Alternative Projects, and potential mitigation measures that could provide a comparable level of mitigation to that described for the Yellow Light Projects in the LAX Master Plan Program EIR.

(Stipulated Settlement Agreement, Section V [LAX Specific Plan Amendment Process], Paragraph D, p. 9.)

The FEIR asserts that the combination of Alternative 1 and Alternative 9 provides mitigation measures to reduce or eliminate significant impacts. (FEIR, p. 4-442.) However, the choice of Alternative 1 rather than Alternative 2 creates significant additional impacts that could be avoided by the choice of Alternative 2. These impacts would be on noise, vibration, air and water pollution, and aircraft safety hazards. (FEIR, p. 4-443.) The FEIR responds that such impacts would be created under all alternatives. (FEIR, p. 4-443.) However, they would be less under Alternative 2 compared to Alternative 1. Hence, Alternative 2 was correctly designated in the DEIR as the environmentally superior alternative.

Alternative 2 was identified in the Draft EIR as the Environmentally Superior Alternative. (DEIR, p. 1-103 to 1-104.) It would eliminate the same Yellow-Light projects as Alternative 1 would, but would not require northerly movement of a runway, as Alternative 1 would. (DEIR, p. 2-14.) It was considered superior to the other alternatives, including Alternative 1, because it would result in fewer construction and operation-related air quality impacts, including greenhouse gas emissions; it would result in no biological resource impacts that would occur in connection with movement of the Argo channel associated with Alternative 1 and others; and it would result in fewer people being exposed to significant noise levels. (DEIR, p. 1-104.) Although not identified in this section of the DEIR, Alternative 2 would also avoid the potentially significant land use impact of requiring existing structures to be removed from the

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Runway Protection Zone (RPZ) that is associated with Alternative 1. (DEIR, p. 4-522 [stating FAA may require existing structures to be removed]; FEIR, p. 4-444 [ARSAC objection to northward expansion requiring demolition of existing homes or businesses³].) The environmentally superior alternative 2 is feasible and it is preferable since it avoids impacts associated with Alternative 1. Therefore, LAWA may not approve Alternative 1 on the basis of a statement of overriding considerations.

CEQA requires public agencies to deny approval of a project with significant adverse effects when feasible alternatives (such as Alternative 2) or feasible mitigation measures can substantially lessen such effects. (Pub. Resources Code § 21002; *Sierra Club v. Gilroy City Council* (6th Dist. 1990) 222 Cal.App.3d 30, 41.) The Legislature has stated:

The Legislature finds and declares that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. . . .

(Pub. Resources Code § 21002.) CEQA mandates that:

Pursuant to the policy stated in Sections 21002 and 21002.1, no 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) . . . (3) Specific economic, legal, social, technological, or other considerations . . . make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(Pub. Resources Code § 21081.) The Guidelines that implement CEQA restate this requirement. (Guidelines § 15091 (a)(3).) Therefore, LAWA may not legally approve Alternative 1 rather than Alternative 2 because the LAWA cannot substantiate the findings required by Public Resources Code section 21081 for the lack of a feasible, environmentally superior alternative.

3 The FEIR asserts that the westward movement of the RPZ would mean homes are no longer in the RPZ, but it does not address the potential demolition of existing businesses. (FEIR, pp. 4-444 to 4-445.)

III. Several Significant Impacts Could Be Mitigated or Avoided by Alternative 2, But Not Alternative 1.

A. Impacts on Communities East of LAX Will be More Severe Under Alternative 2 Than Under Alternative 1.

ARSAC objected that significant impacts would affect communities located east of LAX. (FEIR, p. 4-445, comment SPAS-PC00130-6.) The FEIR responded that "some or all SPAS alternatives would result in significant impacts after mitigation." (FEIR, p. 4-445.) However, the FEIR does not acknowledge that, as stated in the DEIR, several impacts including air quality impacts would be more severe under Alternative 1 than they would be under Alternative 2. (DEIR, p. 1-104.)

B. More Detailed Analysis of the Impacts of Lincoln Boulevard Realignment Is Required.

ARSAC noted that runway movement northward as would occur with Alternative 1 would require relocation and potential tunneling of the busy Lincoln Boulevard (California State Highway 1), with widespread traffic impacts. (FEIR, p. 4-445.)

The FEIR evades answering questions about the planned realignment of Lincoln Boulevard by asserting that detailed analysis will be disclosed in a future project level environmental review and that the draft EIR is "a program-level document." (FEIR, p. 4-59 to 4-60.) However, the fact that this EIR is labeled a "program" EIR rather than a "project" EIR matters little for purposes of the sufficiency of its analysis and informational value to the public. "The level of specificity of an EIR is determined by the nature of the project and the 'rule of reason' (*Laurel Heights [I]*, *supra*, 47 Cal.3d at p. 407 [253 Cal.Rptr. 426, 764 P.2d 278]), rather than any semantic label accorded to the EIR." (*Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 741-742; see also Guidelines, § 15146.) Here, the nature of the project includes a planned runway realignment. Since sufficient specific information is available about the planned realignment including its approximate length of 540 linear feet, its location, and approximate depth of 30 feet (FEIR, p. 4-59), specific analysis should also have been included in the EIR, not deferred to a future process. "An agency must use its best efforts to find out and disclose all that it reasonably can." (CEQA Guidelines § 15145.)

LAWA may not evade review of the Lincoln Boulevard Realignment or responding to public questions about it by deferring to possible, but uncertain, future

CEQA review. Additionally, LAWA does not commit to a future EIR for the Lincoln Boulevard Realignment but rather vaguely refers to "project-specific CEQA review" that might be done by LAWA or by Caltrans, depending upon who has responsibility for ownership and control of that portion of road in the future. (FEIR, p. 4-61.) This is a vague deferral to an unspecified future form of environmental review by an undetermined agency. Such future review might result in a negative declaration or claim of exemption from CEQA. Thus, the FEIR's deferral of analysis does not meet CEQA's requirements for full disclosure of meaningful information.

C. Air Apportionment Analysis Must Be Included in the FEIR.

ARSAC objected to the inadequate air quality analysis in the DEIR. An adequate air quality analysis was part of the Settlement Agreement between LAWA and petitioners including ARSAC. (Settlement Agreement, Exhibit A, para. E.) In its comment letter on the draft EIR, the Southern California Air Quality Management District (SCAQMD) stated that the results of a monitoring and air quality apportionment study for "a diverse suite of pollutants" including black carbon and ultrafine particles should have been included in the EIR, but that staff could not locate any discussion of it. (FEIR, p. 4-114, comment AR00002-45.) SCAQMD also referred to a black carbon and ultrafine particle study that was posted on the Air Resources Board's website. (<http://arb.ca.gov/research/apr/past/04-325.pdf>.) That study is incorporated in our comments by reference. SCAQMD rightly pointed out "As both of these studies were conducted to help the public and decisionmakers for this project evaluate potential air quality impacts from this facility, a robust description should be included in the Final EIR." (FEIR, p. 4-114.) Instead of complying with SCAQMD's clear recommendation, LAWA responded that it is committed to publishing a study in the Spring of 2013. The FEIR should not be approved until the results of both studies referenced by SCAQMD are included in the EIR and circulated to the public.

D. Biological Resource Impacts Would Be More Significant Under Alternative 1 Than Alternative 2.

ARSAC objected that sensitive biological resources could be impacted by the relocation of navigational aids to support the relocated runway. (FEIR, p. 4-445.) The FEIR responded that such impacts would be mitigated with implementation of various measures. (FEIR, p. 4-445.) However, the effectiveness of the mitigation measures is not clear, and the impacts could be avoided altogether by the choice of Alternative 2. Additionally, the FEIR admits that Alternative 1 would create significant biological resource (ACOE jurisdictional waters and wetlands, and CDFG streambed and riparian habitat) impacts associated with the modification of the Argo Drainage Channel that

would not occur under Alternative 1. (DEIR 1-104.) Although the EIR claims these impacts would be mitigated by acquisition or creation of wetlands and habitat elsewhere, no such mitigation would be required for Alternative 2.

E. Wastewater Treatment Line and Water Seepage Issues Would be Avoided Under Alternative 2 But Not Alternative 1.

ARSAC noted that tunneling that would be required under Alternative 1 would give rise to issues with wastewater treatment line relocation and water seepage. (FEIR, p. 4-445.) However, the FEIR avoids confronting these issues in Topical Response TR-SPAS-LR-1 by deferring them to a future analysis. Deferral of this analysis, as with deferral of analysis and mitigation for other impacts, violates CEQA. The FEIR denies that the project would impact the North Outfall Replacement Sewer (NORS) and the North Central Outfall Sewer (NCOS) because of their depth at 60 feet under the surface. (FEIR, p. 4-70.) However, the FEIR admits "LAWA has not identified other major utilities, including oil pipelines, in the vicinity of the Lincoln Boulevard realignment." (FEIR, p. 4-70.) LAWA anticipates there will be numerous utility lines such as sewers, water lines, storm drains, electrical lines, pipelines, and other utilities, but relies on a yet-to-be-developed utility relocation program to minimize impacts. (FEIR, p. 4-71.) This is impermissible deferral of analysis and mitigation for a foreseeable impact that is already planned under Alternative 1. LAWA must either choose Alternative 2 to avoid these impacts, or find out and disclose all that it can about them before approving Alternative 1.

F. Airspace Redesign Information Should Have Been Supplied.

We requested information on the potential airspace redesign about LAX. (FEIR, 4-456.) The FEIR referred to its answer to comment SPAS-PC00130-301. The FEIR states no proposed airspace designs or alternatives have yet been proposed. However, the FEIR should describe what designs were studied in the August 2011 preliminary study mentioned in the FEIR.

IV. Joinder in Other Public Comments And Request for Notification.

We join in the comments submitted by Barbara Lichman on behalf of the City of Inglewood, Culver City, and Ontario, and County of San Bernardino, the comments of William T. Fujioka on behalf of the County of Los Angeles Chief Executive Office Operations and Budget; Drollinger Properties; and other comments raising issues identified in our various letters. These comments include, but are not limited to, objections to the analysis regarding traffic congestion, air pollution, hazardous materials, public safety, noise, land use, and other impacts. We also request notification of any

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future hearings and notices pursuant to Public Resources Code section 21092.2.

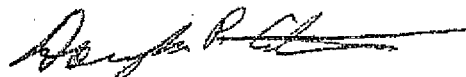
V. CONCLUSION.

ARSAC urges you to provide the additional information and responses to comments identified in our letter and other comments on the draft EIR. After that, we request that you recirculate the EIR with its recent identification of a particular proposed project so that members of the public can meaningfully review and provide comments on it. The process of approval of such an important expansion of LAX deserves compliance with the letter and spirit of California's environmental laws and the Settlement Agreement reach between LAWA and petitioners in 2006.

Finally, after the procedural requirements of CEQA are observed, we ask you select Alternative 2 rather than Alternative 1, as Alternative 2 would be most protective of the environment while still achieving most of LAWA's project objectives. Choosing Alternative 1 would be a disservice to the community and all others who hope to see approval of environmentally and fiscally responsible plans for LAX. As we have stated, the Settlement Agreement is based on a good faith effort to reach a workable solution for everyone, and ARSAC is disappointed with the results of that agreement thus far. Even so, ARSAC remains committed to working with LAWA to improve and modernize LAX.

Thank you for your time and consideration of these comments.

Sincerely,



Douglas P. Carstens



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www.regionalsolution.org 310-641-4199

January 31, 2013

Board of Airport Commissioners
City of Los Angeles
1 World Way
Westchester, CA 90045

Re: Comments on LAX Specific Plan Amendment Study Final EIR

Dear Commissioners:

Since 1995, ARSAC has been at the forefront of fighting LAX expansion and fighting for expanding our regional airports (e.g. Ontario and Palmdale) to meet Southern California's future airport capacity needs. We support making LAX safe, secure and convenient so long as it does not expand airport and aircraft operations, noise, pollution, vibration and ground traffic into surrounding communities.

We know that your task as a decision maker on this EIR must be very thorough and thoughtful, cognizant of the law (especially CEQA), aware of the history and sentiment of the surrounding communities against LAX expansion into airport neighborhoods, and the consequences of your decision for the next 50 years.

We again strongly encourage you to adopt Alternative 2, the Environmentally Superior Alternative, and Alternative 9 with the Automated People Mover (APM) and Consolidated Rental Car Garage (CONRAC) at Manchester Square.

We also strongly reject any runway movement towards the north. We already know from the experience of El Segundo residents living near Imperial Highway that their perceived noise levels have increased since the Runway 25 Left was moved 55 feet south and closer to homes. We not only do not want to inflict more noise on Westchester/Playa del Rey residents, but also we do not want any more LAX impacts on our friends and neighbors in Inglewood and South Los Angeles. Increasing noise, vibration, pollution and safety impacts on LAX area neighborhoods becomes an environmental justice issue. While it may be possible to soundproof someone's home, one cannot soundproof a backyard for a child's birthday party or family BBQ. All Angelinos should be able to enjoy quality of life. Some neighbors do not have to be newly impacted or more impacted for the "greater good" of a modern, world class airport. LAWA and BOAC do have options to move aircraft and airport impacts away from neighborhoods while meeting the needs of passengers and airlines. Please consider those options, especially Alternatives 2 and 9.



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These comments are our first letter on the Final EIR and we reserve the right to submit additional comments. The release of the Final EIR with about 10 days to read and respond is not sufficient to address all deficiencies.

We have arranged our comments by topic:

1. CEQA non-compliance
2. ARSAC preference for Alt 2- Environmentally Superior Alternative and Alt 9 (APM and ConRAC)
3. No response from CalTrans
4. Key questions unanswered
5. Insufficient analysis
6. Other ideas not considered
7. Airfield safety
8. Airfield efficiency
9. Competition for international service
10. Construction phasing
11. Independent engineering Peer Review needed

TOPICAL COMMENTS

1. CEQA non-compliance

ARSAC believes that LAWA has failed to comply with CEQA. Please see the letter from our attorney Doug Carstens for complete details.

2. ARSAC preference for Alt 2- Environmentally Superior Alternative and Alt 9 (APM and ConRAC)

ARSAC supports Alternatives 2 and 9 with the APM and CONRAC at Manchester Square.

The selection of Alternatives 2 and 9 will assure that LAX modernization can move forward faster than any of the other alternatives without delays due to litigation.

Clearly, Alt 2 and Alt 9 make the best sense for the community, airport, and travelers and have one of the lowest build costs and least complicated construction.

These alternatives offer the least risks of runaway costs from unanticipated complications from design and construction issues.

The draft Environmental Impact Report presented by LAWA backs this selection of Alternative 2:

- Alternative 2 can be constructed more quickly and creates jobs sooner.



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- Alternative 2 will cost several billion dollars but is far less expensive than Alternative 1.
- Alternative 2 substantially reduces unanticipated construction cost increases and construction delays.
- Alternative 2 is rated most operationally efficient due to the taxiway upgrades it incorporates.
- Alternative 2 is the least impacting on surrounding communities. No moving of major highways.
- Alternative 2 creates the most jobs for the dollars spent.

3. No response from CalTrans

Since the release of the Final EIR, ARSAC has been making inquiries with CalTrans as to why they did not submit comments. Considering that CalTrans has an extremely important role to play in any alternatives that deal with re-routing Lincoln Boulevard (California State Highway 1), it seems highly unusual that their input is missing.

4. Key questions unanswered

Although LAWA has prepared this EIR document of thousands of pages as a programmatic level review, we have expected LAWA to perform sufficient evaluations to ensure project feasibility. This has not been demonstrated and numerous questions raised before the NOP, during NOP comments, and during draft EIR comments remain unaddressed or incomplete. Because of the nature of this SPAS and its genesis being the 2006 Stipulated Settlement we are concerned that not only technical questions remain unanswered, but also fiscal and schedule ones as well. The intent of SPAS was to result in a buildable Master Plan. The dovetailing of major renovations and repairs must fit into this planning, but has never been addressed.

5. Insufficient analysis

ARSAC finds that the Final EIR is insufficient on a few issues. We may address more of them in a future letter.

a. Air Pollution Apportionment Study

The EIR should not move forward without first having the results of the Air Pollution Apportionment Study. LAWA started this study, but has sat on the data for about 6 years. BOAC should have this information to consider before making a decision. Waiting a short time to receive and analyze this information will assure that a good decision on the entire EIR is being made for the future.

b. Design Day fleet mix problems

The Design Day Fleet mix is wrought with errors. For example, two widebody aircraft, the Airbus A330 and A350XWB are underreported or missing, respectively. The design day chosen did not show an A330 flight, although that aircraft has operated at LAX during 2009 and continues to operate at LAX on a regular basis. The future design day of 2025 also does



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not reflect a new aircraft, the Airbus A350 XWB, which is expected to come into service in 2014. The A350 is a competitor aircraft to both of the Boeing 777 and Boeing 787. As of December 31, 2012, there are 592 orders for the A350. Several airlines at LAX have ordered the A350 and will likely operate it at LAX including United Airlines, Hawaiian Airlines, Singapore Airlines, Cathay Pacific and others. The A350 may have wingspan, length, tail height, wheel track and other features that should be studied to assure aircraft compatibility with LAX. The future design day did not list Boeing 717 in 2025 that did operate at LAX (Midwest Airlines, AirTran) and probably will come back to LAX (Delta). The 717 was manufactured between 1998 and 2006 and should be in service for the next 20 years. Please also see our comments in the Final EIR for other examples of fleet mix problems.

c. Runway Status Lights and Final Approach Runway Occupancy Signal

The EIR did not adequately consider Runway Status Lights and Final Approach Runway Occupancy Signal (FAROS) as airfield safety measures. The response was that LAWA considers these to be Project Level EIR issues.

d. Runway Safety Area analysis

For north movement of runways, EIR does not appear to consider FAA Interim Guidance on Runway Protection Zones- one of the first steps is not to add more hazards into RPZ. Also see ATTACHMENT- FAA Interim Guidance on Runway Safety Areas.

LAWA staff has made statements in public meetings and at the BOAC meeting announcing the Staff Preferred Alternative that In-N-Out Burger and the Parking Spot would not be affected by Alternative 1. We do not see how LAWA can make any assurances to affected property owners, affected businesses and the public when the FAA has not analyzed LAWA's RSA plans and the FAA has issued a Record of Determination.

e. Impacts of Non-SPAS projects

Cumulative and increased impacts of Non-SPAS projects were not fully examined: Terminals 1.5 and 2.5 and Midfield Satellite Concourse Processor east of parking garages P3 and P4. MSC Processor will take out parking garages P2B and P5 and eliminate the roadway ramp that goes between the departures and arrivals levels. Traffic impacts and circulation could be significant. There was no detail for Terminal 2.5 in either the Draft or Final EIR.

6. Other ideas not considered

The Final EIR did not fully examine other options submitted by commenters. In the ARSAC 340 feet south / LCC plan submitted to expand the range of alternatives, the comments received back that LCC Terminal 1, 2 and 3 was almost same as Alt D. However, since the 340 / LCC plan was not considered an alternative (a more cost effective Alt D without tearing down parking garages and needing a GTC at Manchester Square), decision makers (BOAC and City Council) cannot consider this as an option.



7. Airfield safety

Airfield safety is being used as a red herring to justify increasing runway separation.

The north complex is deemed safe otherwise the FAA would prohibit its use. The largest aircraft, the Airbus A380 and the Boeing 747-8, regularly land and depart on the north runway complex. LAX has safely handled the 747 since 1970 and the A380 since October 2008.

The north runways are currently at 700 feet separation and that meets the current FAA airport design standard. If runway separation is increased by 300 feet and a centerline taxiway is added, then the aircraft would be less than 500 feet apart when an aircraft is on the taxiway. Keep in mind that the Airbus A380 has a wingspan of 262 feet; the Boeing 747-8 has a wingspan of 213 feet. The 787 Dreamliner is smaller than a 747 with a 199 feet wingspan. Less lateral (side to side) distance between aircraft increases the possibility of a wing strike against another aircraft.

Table 1- Centerline taxiways decrease safety margins between aircraft

Alternatives	Runway separation	Runway to centerline taxiway separation	A380 to A380 wingtip separation (including 8 feet over steer)
Alt 2 & 4	700'	n/a	430'
Alt 6 & 7- 100'	800'	400'	130'
Alt 1- 260' N	960'	500' & 460'	230' & 190'
Alt 3- 340' S	1040'	520'	250'
Alt 5- 350' N	1050'	525'	255'

All centerline taxiway options reduce wingtip-to-wingtip separation increasing the possibility of wingstrikes between aircraft. Wingstrikes have become an increasing problem. Just this month there were two incidents involving jumbo jets in Miami (Aerolineas Argentinas Airbus A340 and Air France Boeing 777) and Washington Dulles airports (two United Airlines Boeing 777's).

Story links:

- <http://www.usatoday.com/story/travel/flights/2013/01/18/jets-collide-miami-airport/1844513/>
- <http://www.usatoday.com/story/todayinthesky/2013/01/24/report-planes-clip-wings-at-washington-dulles/1862319/>

Excursions have not been addressed by LAWA and are identified by the International Civil Aviation Organization (ICAO) as a major cause of accidents. Lesser spacing logically



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increases the risk of accidents from excursions. In response to the excursion problem Boeing and Embraer announced plans to work together in helping pilots avoid runway excursions.

Story link:

http://www.aviationweek.com/Article.aspx?id=/article-xml/avd_12_19_2012_p03-01-530044.xml&p=1

A centerline taxiway adds a new failure mode as well: landing/departing on it by mistake. Taxiway takeoff and landing errors have become a worldwide problem in places such as Amsterdam, Hong Kong, Seattle, Las Vegas and Palm Springs. In 2004, the National Transportation Safety Board (NTSB) made taxiway safety one of its top ten safety issues.

Runway safety has been dramatically improved with the community advocated Runway Status Lights (RWSL). The FAA has credited RWSL with a 50% reduction in runway incursions. Other LAX airfield safety improvements that can be made include a new control tower to give controllers an unobstructed view of the entire airfield, a fully staffed tower with highly experienced controllers, and installation of new technology such as Final Approach Runway Occupancy Signal (FAROS) to warn pilots not to land on a runway that is use by another aircraft.

8. Airfield efficiency

Airfield efficiency is being used as a red herring to justify increasing runway separation.

When LAWA analyzed the north runway complex for the SPAS EIR they demonstrated equal efficiency ratings with and without the runway movement that included construction of a new centerline taxiway. Runway movement to the north increases pollution and noise impacts on Westchester/Playa del Rey homes, businesses, schools and churches. The number of large aircraft operating at LAX will remain so small (about 1% of 2,053 daily flights; that's 12 A380's and 10 747-8's a day) through at least 2025 that no impact on capacity is expected even during peak activity. No matter what the runway separation is, the A380 will always require special handling at LAX. Some of the taxiways are not fully A380 compatible. Wake turbulence produced by the A380 on takeoff and landings will require the shutdown the north or south runway complex for a few minutes until the A380 has left the runway (flying or taxiing). ATTACHMENT: FAA Tower Procedures for Airbus A380.

Alternative 1, 260 feet north, actually worsens conditions for Group VI on north airfield- See Final EIR, Table SRA-2.3.7.2-1 (page 2-112; PDF page 124). Among these downgrades of standards and capabilities:

1. Good Weather- Maximum Aircraft Design Group (ADG) allowed on Runway 6R/24L drops from Group VI to Group V.



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2. Poor Weather- Maximum ADG allowed on Runway 6R/24L (departures only) drops from Group VI to Group V.
3. Taxilane D- Maximum ADG Size Allowed drops from Group III/VI to Group V.

Also, please do not buy into the argument that LAX noise will be reduced by newer, cleaner and quieter aircraft. In its Current Market Outlook, Boeing predicts that worldwide commercial aircraft fleet will double by 2031 and only 85% of the fleet will be new deliveries. Keep in mind that 15% of older aircraft will still be around creating annoying single-event noise. Stand underneath the flight path by In-N-Out Burger and see if you can hear a significant decrease in noise to a tolerable level between older and newer aircraft. You probably won't!

http://www.boeing.com/commercial/cmo/global_trends.html

The same report also notes that 69% of the fleet will be single aisle aircraft (e.g. Boeing 737, Airbus A320) and only 3% will be 747 or larger. Looking at the LAX year 2025 forecast, LAX projects 2,053 daily flights (about the same as the year 2000). Of these 2,000+ daily flights, about 1% will be for the Airbus A380. Should we be spending billions of dollars in support of 12 or so A380 daily flights that will require special handling around the airfield and gates no matter what the runway configuration is?

RETURN ON INVESTMENT- \$15 million in annual fuel savings- 100-year payback on \$1.5 billion in airfield improvements.

9. Competition for international service

Competition for international flights is being used as a red herring to justify increasing runway separation. There is no fully Group VI compatible airport in the United States. Only 19 airports in the United States are known to be able to handle the Airbus A380 and Las Vegas and Phoenix are not among those airports. Today 7 US airports have A380 service and LAX is the top A380 destination in the United States with 7 daily flights. The next airport is New York JFK with 6. Other US airports have 1 daily flight. San Francisco has summer only A380 with Lufthansa. The north airfield at LAX has 700 feet separation between runways which meets current FAA airport design standards. SFO has 750 feet separation between runways. Runway separation has not had any affect on attracting or retaining A380 flights.

LAX is not losing international flights to other airports. If a route has been dropped, it was due to the route not being profitable (Qantas- LAX to Auckland, New Zealand) or the airline went out of business (e.g. Aero California, Mexicana). Other airlines have immediately jumped in to fill those service gaps (Air New Zealand added more LAX-Auckland flights and Volaris took over Mexicana's routes).



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The quality of the terminal facilities has nothing to do with an airlines desire to serve a market. Qantas did threaten to send the A380 to San Francisco instead of LAX. Qantas and Asian A380 airlines made that threat to push LAWA to install A380 capable gates; LAWA responded by adding 2 A380 gates on the ends of the Tom Bradley Terminal. Today, LAX has 3 A380 gates and will have a total of 9 when the Bradley West project is completed in 2014. While San Francisco did open a "gleaming international terminal" with 3 A380 gates in 2000, the first A380 capable terminal in the USA, it only has one summertime A380 flight. SFO also lost airline service in 2002 due to its high landing fees (over \$5 per 1,000 pounds of landed weight). Southwest Airlines departed SFO in 2002 and only returned in 2007 when SFO had lowered its fees and when JetBlue and Virgin America began service at SFO. San Francisco did lose its Qantas flight to Dallas/Fort Worth (DFW). This was due to \$3.1 million in incentives DFW offered Qantas so that Qantas would connect with American Airlines at American's home base at DFW. Qantas and American Airlines are partners in the OneWorld airline alliance. SFO is no threat to the Los Angeles market!

Other airports are using incentives to attract airline service such as waived or reduced landing fees and rents. San Jose, Denver, Tampa and Orlando have used these corporate welfare techniques to attract air service that otherwise would not have bothered to look at these airports. All Nippon Airways would not be at San Jose without incentives. As in many cases, once the subsidy runs out, the airline drops the service. This was sadly true with the United Express service in Palmdale. LAX does not have to engage in incentives to attract air service because airlines want to serve this passenger rich market.

The airlines are going to fly where there is most potential for profit. So long as the sun shines, Hollywood makes movies and the amusement parks remain in operation, LAX will continue to one be of the top 10 airports in the world. The strength of the LAX market is Southern California- its geography as the center of the world, our great weather, the second largest metropolitan area in the US, premiere tourist attractions and its creative, financial and industrial economies.

LAX has remained the number 3 busiest passenger airport in the United States probably from the start of the "Jet Age" in October 1958 to today. (Annual reports from the Air Transport Association show LAX's #3 rank going back as far the 1960's. Jet service started at LAX in January 1959.) LAX has maintained its number 3 ranking despite the effects of 9/11, the Great Recession, airline bankruptcies and mergers and high oil prices. While LAX has not regained its pre 9/11 passenger levels, this is not due to aging terminal facilities or airfield configuration; it is due to the US airline industry changing its prime focus from market share to profitability. After 9/11, airlines dropped unprofitable routes, "right sized" aircraft to increase passenger loads, retired less efficient older aircraft, instituted fees for services such as baggage check that had been traditionally included in ticket prices and used bankruptcy actions to lower overhead carrying costs such as aircraft and airport leases, employee pay and pension costs. Again, despite the 20% post 9/11 cutbacks by the airlines, LAX continues to



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be the number one origin-and-destination airport in the world. Moreover, since 9/11 many airlines have added new international service at LAX to diverse locations such as Dubai, United Arab Emirates; Berlin, Germany; Istanbul, Turkey; Tokyo-Haneda Airport, Japan; and Lima, Peru. Existing international services at LAX are being enhanced with new aircraft such as the Airbus A380, Boeing 747-8 (passenger and freighter versions) and the Boeing 787 Dreamliner (Boeing 767 replacement).

Furthermore, while new longer-range aircraft come into service and "Open Skies" bi-lateral air service agreements between the US and many foreign countries have allowed for more US airports to attract international service, these two developments will not have a detrimental effect on LAX. Since the start of the Jet Age, worldwide air traffic has generally doubled every 20 years. This means that the "pie" of passengers is growing over the long term; the pie is not a fixed size and is not being cut into smaller-and-smaller pieces.

Airline service is a very good barometer of the economy. When other US cities add international service, this is a positive development for LAX as it demonstrates the growth of the economy. On one hand, when passengers do not have to transfer at LAX and can fly non-stop, this then opens a seat for someone who wants to fly to or from LAX, thereby purifying the passenger base to the more valuable (to City tax revenue) origin-and-destination passenger. On the other hand, new international service at other US airports provides more connectivity options for people wanting to come to or fly from LAX. For example, a connecting flight from LAX to Frankfurt via Philadelphia, PA may allow a business traveler to arrive earlier in the day in Germany (6:15am arrival) than if he had flown the non-stop from LAX to Frankfurt (10:45am arrival). Leisure travelers using frequent flyer miles also benefit from the connectivity if non-stop seats are not available to their desired destination from LAX.

Finally, LAX does not need to worry about the A380 overflying LAX to Las Vegas and Phoenix. Both of these airports cannot support the A380 and there are only about 19 US airports capable of handling the A380. Some of the A380 capable US airports are cargo hubs (e.g. Anchorage, Louisville, Memphis, Ontario) and none are likely to see an A380 since the A380 freighter program was cancelled.

Here is a link to the Las Vegas McCarran Airport Emergency Contingency Plan. It explicitly states, "Unable to accept the A380 aircraft"

https://www.mccarran.com/Portals/0/LAS_ECP.pdf

Also, here is a Las Vegas Sun article describing why McCarran Airport won't accept the A380:

<http://www.lasvegassun.com/news/2006/jan/23/airbus-wouldnt-fly-in-las-vegas/>



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Here is a link to the Phoenix Sky Harbor Emergency Contingency Plan. It states, "PHX has approximately 40 remote parking positions. Of those, approximately 15 are capable of supporting larger aircraft, up to aircraft group 5." Note that the Airbus A380 is an Aircraft Design Group VI aircraft.

<http://skyharbor.com/pdfs/ExtendedTarmacDelayPlan.pdf>

**US Airports capable of A380 operations and
 current A380 service as of January 31, 2013**

Airport	Airline	Route	Comments
Anchorage			FedEx and UPS hub. FedEx and UPS cancelled their orders for the A380 Freighter
Fort Worth Alliance			FedEx hub
Atlanta	Korean Air	Seoul-Incheon	Starts August 2013
Chicago O'Hare			
Dallas/Fort Worth			
Denver			
Houston Intercontinental	Lufthansa	Frankfurt	
Indianapolis			FedEx hub
Los Angeles	Air France China Southern Korean Air Qantas Airways Qantas Airways Singapore Airlines	Paris-Charles de Gaulle Guangzhou Seoul-Incheon Sydney Melbourne Tokyo-Narita and onto Singapore-Changi	12 weekly flights
Louisville			UPS hub
Memphis			FedEx hub
Miami	Lufthansa	Frankfurt	Winter only; aircraft switches to San Francisco route in summer
New York-JFK	Air France Emirates Korean Air Lufthansa	Paris-Charles de Gaulle Dubai Seoul Frankfurt	2 daily flights 2 daily flights



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Ontario			UPS hub
Orlando			
Philadelphia			UPS hub
San Francisco	Lufthansa	Frankfurt	Summer only (Winter in Miami)
Tampa			
Washington-Dulles	Air France	Paris	

10. Construction phasing

Since the customer experience is the most important, work on landside projects should be completed first. Any airfield projects such as runways should be done last should there be unresolved legal and/or construction issues on the north airfield.

11. Independent engineering Peer Review needed

LAX modernization can rightly be characterized as a “mega project.” There is no doubt that LAX modernization will be the largest public works project in the City of Los Angeles, if not the nation. Considering the “mega projects” such as the “Big Dig” in Boston, Denver International Airport and other places have encountered major engineering challenges that have resulted in major cost overruns and delayed completion dates, it behooves the City to have an independent panel review and recommend on potential construction risks before any plans are committed to concrete. Without considering and avoiding potential pitfalls at the beginning of the project, LAX modernization costs may spiral out of control and force LAX to raise rates to tenant airlines. If the costs become too high, airlines may reduce operations at LAX or leave LAX thereby placing a higher cost burden on the remaining airline tenants. While LAWA is a self-supporting City agency, if LAWA should fail on its financial obligations then the City of Los Angeles, as the sponsor agency for LAX, will be responsible for any shortfalls. Considering the City’s existing financial problems with budget deficits and ballooning pension and healthcare obligations, the City needs to protect itself from an avoidable self-inflicted, and potentially fatal, financial wound.

CONCLUSION

LAWA must follow CEQA. Please adopt Alternatives 2 and 9 (APM with CONRAC). LAWA may be able to complete LAX modernization if it avoids litigation by respecting the wishes of the surrounding communities (does not move the runway north).

If you have any questions, then please contact us. We have worked many years to make LAX safe, secure, and convenient and we want to continue in that quest with you.



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Sincerely,

Denny Schneider
President
(213) 675-1817
denny@welivefree.com

Robert Acherman
Vice President
(310) 645-8528
racherman@netvip.com

Attachments:

FAA Interim Runway Status Area Guidance
FAA Control Tower A380 Procedure

cc:

Mayor Antonio Villaraigosa
Los Angeles City Council
Los Angeles County Board of Supervisors
Governor Jerry Brown
Assemblyman Steve Bradford
State Senator Ted Lieu
Congresswoman Maxine Waters
Congresswoman Janice Hahn
Congressman Henry Waxman
Senator Barbara Boxer
Senator Dianne Feinstein
Petitioners



Federal Aviation Administration

Memorandum

Date: SEP 27 2012

To: Regional Airports Division Managers
610 Branch Managers
620 Branch Managers
ADO Managers

From: *Benito De Leon*
Benito De Leon, Director
Office of Airport Planning and Programming (APP-1)

Michael J. O'Donnell
Michael J. O'Donnell, Director
Office of Airport Safety and Standards (AAS-1)

Subject: Interim Guidance on Land Uses Within a Runway Protection Zone

Background

The FAA Office of Airports (ARP) has identified the need to clarify our policy on land uses within the Runway Protection Zone (RPZ). This memorandum presents interim policy guidance on compatible land uses within Runway Protection Zones (RPZ) to address recurrent questions about what constitutes a compatible land use and how to evaluate proposed land uses that would reside in an RPZ. While Advisory Circular 150/5300-Change 17 (Airport Design) notes that "it is desirable to clear all objects from the RPZ," it also acknowledges that "some uses are permitted" with conditions and other "land uses are prohibited."

RPZ land use compatibility also is often complicated by ownership considerations. Airport owner control over the RPZ land is emphasized to achieve the desired protection of people and property on the ground. Although the FAA recognizes that in certain situations the airport sponsor may not fully control land within the RPZ, the FAA expects airport sponsors to take all possible measures to protect against and remove or mitigate incompatible land uses.

ARP is developing a new guidance document for the Regional Office (RO) and Airport District Office (ADO) staff that clarifies our policy regarding land uses in the RPZ. This new guidance document will outline a comprehensive review process for existing and proposed land uses within an RPZ and is slated for publication in 2013. We also intend to incorporate RPZ land use considerations into the ongoing update to the Land Use Compatibility Advisory Circular (AC) which is slated for publication in 2014.

This memorandum outlines interim guidance for ARP RO and ADO staff to follow until the comprehensive RPZ land use guidance is published.

Interim Guidance

New or Modified Land Uses in the RPZ

Regional and ADO staff must consult with the National Airport Planning and Environmental Division, APP-400 (who will coordinate with the Airport Engineering Division, AAS-100), when any of the land uses described in Table 1 would enter the limits of the RPZ as the result of:

1. An airfield project (e.g., runway extension, runway shift)
2. A change in the critical design aircraft that increases the RPZ dimensions
3. A new or revised instrument approach procedure that increases the RPZ dimensions
4. A local development proposal in the RPZ (either new or reconfigured)

Table 1: Land Uses Requiring Coordination with APP-400

- Buildings and structures (Examples include, but are not limited to: residences, schools, churches, hospitals or other medical care facilities, commercial/industrial buildings, etc.)
- Recreational land use (Examples include, but are not limited to: golf courses, sports fields, amusement parks, other places of public assembly, etc.)
- Transportation facilities. Examples include, but are not limited to:
 - Rail facilities – light or heavy, passenger or freight
 - Public roads/highways
 - Vehicular parking facilities
- Fuel storage facilities (above and below ground)
- Hazardous material storage (above and below ground)
- Wastewater treatment facilities
- Above-ground utility infrastructure (i.e. electrical substations), including any type of solar panel installations.

Land uses that may create a safety hazard to air transportation resulting from wildlife hazard attractants such as retention ponds or municipal landfills are not subject to RPZ standards since these types of land uses do not create a hazard to people and property on the ground. Rather, these land uses are controlled by other FAA policies and standards. In accordance with the relevant Advisory Circulars, the Region/ADO must coordinate land use proposals that create wildlife hazards with AAS-300, regardless of whether the proposed land use occurs within the limits of an RPZ.

Alternatives Analysis

Prior to contacting APP-400, the RO and ADO staff must work with the airport sponsor to identify and document the full range of alternatives that could:

1. Avoid introducing the land use issue within the RPZ
2. Minimize the impact of the land use in the RPZ (i.e., routing a new roadway through the controlled activity area, move farther away from the runway end, etc.)

3. Mitigate risk to people and property on the ground (i.e., tunneling, depressing and/or protecting a roadway through the RPZ, implement operational measures to mitigate any risks, etc.)

Documentation of the alternatives should include:

- A description of each alternative including a narrative discussion and exhibits or figures depicting the alternative
- Full cost estimates associated with each alternative regardless of potential funding sources.
- A practicability assessment based on the feasibility of the alternative in terms of cost, constructability and other factors.
- Identification of the preferred alternative that would meet the project purpose and need while minimizing risk associated with the location within the RPZ.
- Identification of all Federal, State and local transportation agencies involved or interested in the issue.
- Analysis of the specific portion(s) and percentages of the RPZ affected, drawing a clear distinction between the Central Portion of the RPZ versus the Controlled Activity Area, and clearly delineating the distance from the runway end and runway landing threshold.
- Analysis of (and issues affecting) sponsor control of the land within the RPZ.
- Any other relevant factors for HQ consideration.

APP-400 will consult with AAS-100 when reviewing the project documents provided by the RO/ADO. APP-400 and AAS-100 will work with the Region/ADO to make a joint determination regarding Airport Layout Plan (ALP) approval after considering the proposed land use, location within the RPZ and documentation of the alternatives analysis.

In addition, APP-400 and AAS-100 will work with the Region/ADO to craft language for inclusion in the airspace determination letter regarding any violations to ensure that all stakeholders (including tenants, operators, and insurers) are fully apprised of the issues and potential risks and liabilities associated with permitting such facilities within the RPZ.

Existing Land Uses in the RPZ

This interim policy only addresses the introduction of new or modified land uses to an RPZ and proposed changes to the RPZ size or location. Therefore, at this time, the RO and ADO staff shall continue to work with sponsors to remove or mitigate the risk of any existing incompatible land uses in the RPZ as practical.

For additional information or questions regarding this interim guidance, please contact either Ralph Thompson, APP-400, at ralph.thompson@faa.gov or (202) 267-8772 or Danielle Rinsler, APP-401, at danielle.rinsler@faa.gov or (202) 267-8784.

NOTICEU.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

Air Traffic Organization Policy

N JO 7110.582

Effective Date:

June 18, 2012

Cancellation Date:

June 17, 2013

SUBJ: Procedures for Airbus A380-800 (A388) Flights

1. **Purpose of This Notice.** This notice replaces N JO 7110.567, Procedures for Airbus A380-800 (A388) Flights, effective October 1, 2011. This notice delineates air traffic procedures that are applicable specifically for Airbus A388 operations. The procedures contained in this notice supplement existing guidance contained in Federal Aviation Administration (FAA) Order JO 7110.65, Air Traffic Control.
2. **Audience.** This notice applies to the following Air Traffic Organization (ATO) service units: En Route and Oceanic, Terminal, and System Operations.
3. **Where Can I Find This Notice?** This notice is available on the MyFAA employee Web site at https://employees.faa.gov/tools_resources/orders_notices/ and on the air traffic publications Web site at http://www.faa.gov/air_traffic/publications.
4. **Explanation of Changes.** This notice clarifies visual separation procedures to be used with the A388 aircraft, as well as changes to the minimum separation required on final approach. Standard air traffic control procedures contained in FAA Order JO 7110.65, Air Traffic Control, and facility letters of agreement must be applied in support of A388 operations.
5. **Procedures.**
 - a. Air traffic control facilities must apply visual separation, as specified in FAA Order JO 7110.65, Chapter 7, Section 2, Visual Separation, as follows:
 - (1) **TERMINAL.** Visual separation must not be applied to aircraft operating directly behind, within 2,500 feet of the flight path of the leading aircraft, or directly behind and less than 1,000 feet below the A388.
 - (2) **EN ROUTE.** Visual separation must not be applied with respect to the A388.
 - b. Air traffic control facilities must use the following procedures when applying the provisions of FAA Order JO 7110.65, Chapter 5, Section 5, Radar Separation.

TERMINAL

- (1) Separate aircraft operating directly behind, or directly behind and less than 1,000 feet below, or following an aircraft conducting an instrument approach by:

NOTE-

1. *When applying wake turbulence separation criteria, directly behind means an aircraft is operating within 2,500 feet of the flight path of the leading aircraft over the surface of the earth.*

2. Consider parallel runways less than 2,500 feet apart as a single runway because of the possible effects of wake turbulence.

- (a) Heavy behind A388 – 6 miles.
- (b) Large behind A388 – 7 miles.
- (c) Small behind A388 – 8 miles.

(2) When applying wake turbulence separation criteria for terminal operations that are defined in minutes, add 1 additional minute.

EN ROUTE

(3) Separate aircraft operating directly behind the A388 by the following minima:

- (a) Heavy behind A388 – 5 miles.
- (b) Large behind A388 – 5 miles.
- (c) Small behind A388 – 5 miles.

(4) Unless otherwise specified in applicable letters of agreement, aircraft following the A388 should be provided a minimum of 8 miles in-trail spacing when being handed-off/transitioning to terminal airspace. This interval should exist when the leading aircraft crosses the terminal/en route boundary or transfer of control point.

c. The word “SUPER” must be used immediately after the aircraft call sign as follows:

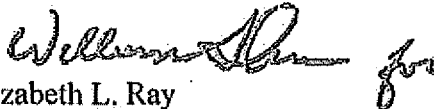
- (1) *TERMINAL*. In all communications with or about A388 aircraft.
- (2) *EN ROUTE*.
 - (a) In communications with a terminal facility about A388 operations.
 - (b) When issuing traffic advisories regarding an A388 aircraft.

6. **Distribution.** This notice is distributed to the following ATO service units: Terminal, En Route and Oceanic, Mission Support, and System Operations; the ATO Office of Safety and Technical Training; the Air Traffic Safety Oversight Service; the William J. Hughes Technical Center; and the Mike Monroney Aeronautical Center.

7. **Background.** In 2008, the FAA, European Organization for the Safety of Air Navigation (EuroControl), the Joint Aviation Authorities, and the aircraft manufacturer modified existing separation standards for the Airbus A380-800 (A388) aircraft. The separation standards apply to terminal facilities as specified above.

Although a “J” indicator for the A388 has been identified by ICAO in its October 9, 2006, guidance, the FAA has not rendered a final determination in support of such an indicator. Accordingly, existing flight data processing systems and records have not yet been modified to reflect a “J” indicator for the A388 on electronic flight lists or printed flight progress strips. Studies indicate that wake vortices generated by the A388 may be more substantial than those of aircraft in the “Heavy” wake turbulence category, thus requiring special designation (“Super”) and additional wake turbulence separation during certain segments of flight. The A388 must identify itself as call sign “Super” in radio communications with air traffic control.

8. **Safety Management System.** These procedures are based on guidance received from the International Civil Aviation Organization and the joint FAA/EuroControl Wake Turbulence Steering Group that studied the wake vortices of the A388 in July 2008. Accordingly, the separation standards and procedures contained in this notice are based on the approved study; therefore, no further safety risk analysis is necessary.


Elizabeth L. Ray
Vice President, Mission Support Services
Air Traffic Organization

8/14/2012
Date Signed



EXTENDED TARMAC DELAY CONTINGENCY PLAN

GENERAL

Phoenix Sky Harbor International Airport (PHX) has prepared this Emergency Contingency Plan pursuant to §42301 of the FAA Modernization and Reform Act of 2012. Questions regarding this plan can be directed to the PHX, Deputy Aviation Director for Operations at (602) 273-2035. PHX is filing this plan with the Department of Transportation because it is a commercial airport.

PURPOSE

The purpose of the Emergency Contingency Plan is to provide general guidance to airport personnel who are assisting airlines with ensuring that airline passenger needs are rapidly identified and addressed during excessive tarmac delays.

This Plan describes how, following excessive tarmac delays and to the extent practicable, PHX will:

- Provide for the deplanement of passengers;
- Provide for the sharing of facilities and making gates available at the airport; and
- Provide a sterile area following excessive tarmac delays for passengers who have not yet cleared United States Customs & Border Protection (CBP).

AIRPORT INFORMATION

Name of Airport: Phoenix Sky Harbor International Airport

Name and title of person preparing this plan: John Sawyer, Aviation Superintendent

Preparer contact number: (602) 273-2072

Preparer e-mail: john.sawyer@phoenix.gov

Date of submission of plan: May 8, 2012

Airport Category: Large Hub

In the event of irregular operations at PHX, aircraft operators should contact the on-duty Airside Operations Supervisor at the following number:

PHX 24-hour contact: Airport Communication Center (602) 273-3300

Date of submission of plan: May 8, 2012

PLAN TO PROVIDE FOR THE DEPLANEMENT OF PASSENGERS FOLLOWING EXCESSIVE TARMAC DELAYS

PHX has limited equipment and personnel needed to safely deplane passengers from air carrier aircraft. PHX will utilize this equipment to deplane passengers as soon as practicable after receiving requests from such airlines at the contact number listed above. In order to effectively manage available resources, PHX strongly encourages aircraft operators to contact the airport at (602) 273-3300 as soon as practical for the prior coordination of diverted flights. Upon request PHX will also provide contact information for airlines, ground handlers and fixed base operators who may have the necessary equipment and personnel to safely deplane passengers to airlines that have incurred excessive tarmac delays as soon as practicable after receiving requests from such airlines at the contact number listed above. PHX will actively manage all such events utilizing the airport's "Unified Command Response" and following procedures prescribed in the Airport's Emergency Plan.

PLANS TO PROVIDE FOR THE SHARING OF FACILITIES AND MAKE GATES AVAILABLE IN AN EMERGENCY

Approximately 8 gates at PHX are under common use agreements with air carriers and are controlled by the airport. Following excessive tarmac delays and to the extent practicable, PHX will direct our common use air carriers to make gates available to an air carrier seeking to deplane at a gate. Additionally, approximately 104 gates at PHX are under preferential and/or exclusive leases to air carriers and are not fully controlled by the airport. PHX will direct its common use lessees, permittees or users to make gates available to an air carrier seeking to deplane at a gate to the maximum extent practicable. If additional gates are needed, PHX will direct tenant air carriers to make preferential and/or exclusive use gates and other facilities available to an air carrier seeking to deplane at a gate, during those time periods when the tenant airline is not using, or not scheduled to use, the gates to the maximum extent practicable.

PHX has approximately 40 remote parking positions on the airfield capable of handling design group 3 aircraft. Of those, approximately 15 are capable of supporting larger aircraft, up to design group 5. Airlines must coordinate hardstand locations with the on-duty Airside Operations Supervisor via the number above. In the event that all of these parking positions are occupied, the Aviation Department may coordinate closing segments of taxiways not deemed critical for aircraft operations to accommodate additional aircraft parking.

Upon request, or when deemed necessary by Airport Operations, PHX will establish an Incident Command Team following procedures prescribed in the Airport's Emergency Plan consisting of a Transportation Sector to facilitate the safe transport of passengers from remotely parked aircraft to the terminal buildings.

Airport Operations has one air stair unit capable of supporting remote deplanement operations of any size aircraft. This unit is available on a first-come, first-served basis. Airline personnel or their qualified ground handling agents are responsible for connecting the air stair unit up to an aircraft. The Airport Fire Department has a second air stair unit with the same capabilities that can be used in emergency situations only. Other airlines, fixed base operators, and ground handling agents may also have air stair units available upon request.

Accommodations for special needs passengers should be coordinated through Airport Operations at (602) 273-3300. The Aviation Department in conjunction with the Phoenix Fire Department has capabilities to accommodate special needs passengers. These resources will be made available on request.

PLAN TO PROVIDE STERILE AREA FOLLOWING EXCESSIVE TARMAC DELAYS FOR PASSENGERS WHO HAVE NOT CLEARED UNITED STATES CUSTOMS AND BORDER PROTECTION (CBP)

PHX has defined and tested areas located in three separate facilities, each capable of accommodating limited numbers of international passengers. PHX will coordinate with local CBP officials to develop procedures that will allow international passengers who not yet cleared CBP to be deplaned into these sterile areas to the extent practicable.

To the extent practicable, PHX will coordinate with local CBP to exercise the "PHX Isolation Plan" which has identified suitable areas and procedures for establishing a temporary sterile area into which international passengers on diverted aircraft, who have not yet cleared CBP, can deplane following excessive tarmac delays.

PUBLIC ACCESS TO THIS EMERGENCY CONTINGENCY PLAN

PHX will provide public access to its emergency contingency plan through one or more of the following means:

- Post in a conspicuous location on the airport website <http://skyharbor.com>;
- Provide notice of the availability of the plan on the airport's social media accounts;
- Post signs in conspicuous locations in the terminals;
- Advertise the availability of the plan in local newspapers of record.


Chad R. Makovsky,
Assistant Aviation Director
City of Phoenix

Attachment B-3

**February 4, 2013 Comment Letter on SPAS Final EIR
from Chatten-Brown & Carstens LLP**

CHATTEN-BROWN & CARSTENS LLP

2200 PACIFIC COAST HIGHWAY

SUITE 318

HERMOSA BEACH, CALIFORNIA 90254

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DPC@CBCEARTHLAW.COM

February 4, 2013

Board of Airport Commissioners
Los Angeles World Airports
One World Way
Los Angeles, CA 90045-5803

Re: Comments on Final Environmental Impact Report for Specific Plan
Amendment Study, SCH 1997061047

Honorable Commissioners:

On behalf of the Alliance for a Regional Solution for Airport Congestion (ARSAC), we appeared at your special hearing on Thursday, January 31, 2013 to present our views regarding the inadequacies of the Final Subsequent Environmental Impact Report (FEIR) prepared for the Specific Plan Amendment Study ("SPAS" or "Project"), the need to re-circulate it, and the superiority of choosing Alternatives 2 and 9 rather than Alternatives 1 and 9. Alternates 2 and 9 (with APM, ConRAC and Metrorail into Central Terminal Area) should also be selected as the Preferred Alternative.

We were surprised and dismayed to discover critical documents not made available to the public on LAWA's website (<http://www.lawa.org/laxspas/Reports.aspx>) until Friday, February 1, the day after the public hearing on January 31. It appears that these documents were prepared long ago, but were not posted until Friday. Additionally, the Final SPAS Report was finalized and posted without review by petitioners including ARSAC. We find it incomprehensible why LAWA would choose to post these documents the day *after* the hearing rather than the day *before*, or better yet *well in advance of*, the public hearing so members of the public and other public agencies could review and comment about them. These recently-posted documents include the following:

Document	Pages	Initial Date(s)	Last Date
SPAS Final EIR Mitigation Monitoring and Reporting Program	148	1/31/2013	1/31/2013 4:33pm
SPAS Final EIR Statement of Overriding Considerations	7	1/31/2013	1/31/2013 3:55pm
SPAS Final EIR CEQA Findings	162	1/29/2013	1/29/2013 8:16am
SPAS Proposed Plan Amendments	72	1/17/2013, 1/24, 1/30	2/1/2013 9:15am

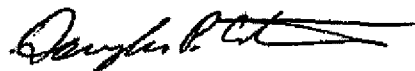
Board of Airport Commissioners
Los Angeles World Airports
February 4, 2013
Page 2 of 2

Furthermore, we understand that LAWA has taken advantage of the Internet to mail out notices to certain individuals who have added their email addresses to LAWA's lists, but has not physically mailed hearing notices. We do not believe electronic mail is a substitute for LAWA mailing notice to interested parties by traditional means who have commented on the draft EIR. Such notices are necessary about the availability of the Final EIR and the Board of Airport Commissioner hearings about it. There are numerous people who either do not have email or do not receive LAWA's email messages regarding the FEIR and hearings.

Finally, we note that, as observed by Commissioner Velasco during the hearing on Thursday, January 31, there were about 100 people who attempted to attend the hearing that were turned away because of the lack of available room capacity, even with the overflow room in LAWA's Administration Building filled to capacity [approximately 200 people]. We believe LAWA should have better anticipated the number of people that would have liked to attend the hearing, in view of the fact that the Los Angeles City Planning Commission hearing regarding LAX modernization plans at the Proud Bird Restaurant on January 8, 2013 apparently drew over 539 people.¹

Again, we repeat our request that LAWA re-circulate the FEIR and associated proposed Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program, Final EIR CEQA Findings, and SPAS Proposed Plan Amendments in order to give the public and public agencies a fair chance to review and comment on this important modernization proposal. The review period should be a minimum of 60 days.

Sincerely,



Douglas P. Carstens

¹ The Planning Commission staff report noted 539 people signed in. Estimates were over 700 people attended because an additional ballroom was opened at the Proud Bird to handle the overflow crowd.

ATTACHMENT C

**Responses by LAWA to Comment Letters on SPAS EIR
from Chatten-Brown & Carstens LLP and ARSAC**

Attachment C-1

Responses to ARSAC October 8, 2012 Comment Package on SPAS Draft EIR

These responses appear on pages 4-440 through 4-1101 in
Volumes 3 and 4 of the SPAS Final EIR.

Attachment C-2

February 5, 2013 Memorandum to the
Board of Airport Commissioners



Date: February 5, 2013

To: Board of Airport Commissioners

Gina Marie Lindsey
Executive Director

From: Diego Alvarez
Program Manager

Subject: Review of Comments Recently Received on the LAX Specific Plan Amendment Study

Over the past several weeks, LAWA has received a number of letters, e-mails, and other written materials pertaining to the LAX Specific Plan Amendment Study (SPAS). Additionally, several speakers provided oral testimony at the January 31, 2013 BOAC Special Meeting. The aforementioned materials and testimony are in addition to the written comments and public meeting testimony received during the 75-day public review period for the SPAS Draft Environmental Impact Report (EIR), all of which have been addressed in the written responses to comments contained within the SPAS Final EIR that was distributed on January 25, 2013.

LAWA has carefully reviewed the written materials and the oral testimony received after the close of the Draft EIR review period. These materials and testimony do not contain any new issues or significant new information. They primarily reiterate, either verbatim or in essence, many of the same comments received during the SPAS Draft EIR review period. Nevertheless, LAWA staff would like to clarify and amplify certain points in response to certain of these new comments. None of the information provided below constitutes "significant new information" as defined in Section 15088.5 of the State CEQA Guidelines, and, therefore, this information does not require recirculation of the EIR.

Comments Calling for Recirculation of SPAS EIR

Comments were receiving claiming that recirculation of the SPAS EIR is required because the EIR "fails to designate a single proposed project" and "[i]dentification of the specific proposed project ... in the Final EIR rather than in the Draft EIR defeats the purpose of CEQA to involve the public in a meaningful way in project review and modification to mitigate environmental damage."

As indicated in Chapter 2 of the SPAS Draft EIR, consistent with the requirements of the LAX Specific Plan, as amended, and the provisions of the Stipulated Settlement, the proposed project that LAWA is required to undertake is the SPAS, for which nine alternatives have been identified and are evaluated.¹ The SPAS Draft EIR's "mix and match" approach to alternatives analysis was specifically upheld as complying with CEQA's requirements in *California Oak Foundation v. Regents of the University of California* (2010) 188 Cal.App.4th 227. In that case, the court upheld a project description for proposed UC Berkeley campus improvements consisting of four "integrated projects." (*Id.*, at 269-275.) It also upheld a "mix and match approach" to the project alternatives, wherein the EIR stated that "[r]ather than an 'all-or-nothing' situation, the consideration of alternatives allows for a 'mix-and-match' approach, in which components from different alternatives may be substituted for one another." (*Id.*, at 275-277.) The SPAS Draft EIR clearly explains the potential for interchangeability between the SPAS alternatives, and explains that the ground access improvements in Alternative 9 are compatible with the airfield and terminal improvements in Alternative 1. Therefore, the LAWA Staff-Recommended Alternative is within the range of alternatives that the public could reasonably have anticipated LAWA's decision-makers to consider.

The environmental effects of the LAWA Staff-Recommended Alternative are either the same as Alternative 1, Alternative 9, or a combination of the impacts of these alternatives, or the impact of the LAWA Staff-Recommended Alternative falls within the low and high ends of the ranges of impacts presented in the Draft EIR. All LAX Master Plan commitments, LAX Master Plan mitigation measures, and SPAS-specific mitigation measures that pertain to the LAWA Staff-Recommended Alternative were previously identified in the SPAS Draft EIR, except for those that were modified as a result of responses to comments, and added to the SPAS Draft EIR through corrections and additions to that document, as identified in Chapter 5 of Part II of the Final EIR. The LAWA Staff-Recommended Alternative would not result in a new significant environmental impact beyond those described in the SPAS Draft EIR or a substantial increase in the severity of an environmental impact described in the SPAS Draft EIR, and does not represent an alternative or mitigation measure that is substantially different from others analyzed in the SPAS Draft EIR. Therefore, the identification of the LAWA Staff-Recommended Alternative in the Final EIR and the summary of its impacts are not significant new information and do not require recirculation. (Reference Response to Comment SPAS-AL00007-6 and Chapter 2 of the Final EIR.)

1 The analysis of multiple alternatives in the SPAS Draft EIR is consistent with the stated request of the petitioners during the scoping process for SPAS. The document titled "Petitioner's Overview of Guiding Principles for Environmental Analysis: LAX Specific Plan Amendment Study EIR," which was submitted to LAWA by the City of El Segundo, City of Inglewood, City of Culver City, County of Los Angeles, and ARSAC states: "All alternatives should be subject to a full and fair evaluation in the SPAS DEIR and LAWA should remain open to options that would avoid or mitigate impacts to its neighbors, taking care not to prematurely select a preferred alternative." All five of the petitioners included these Guiding Principles in their comments on the 2008 SPAS NOP and three of the petitioners, the City of Inglewood, City of Culver City, and ARSAC, included the Overview of Guiding Principles as part of their comments on the SPAS Draft EIR (see Comments SPAS-AL00007-53 through SPAS-AL00007-59 and SPAS-PC00130-962 through SPAS-PC00130-968).

Comments Claiming LAWA Must Approve Alternative 2

Comments stating that "LAWA would violate the Settlement Agreement and CEQA by rejecting environmentally superior Alternative 2" are not accurate.

Nothing in the Settlement Agreement Requires LAWA to Approve the Environmentally Superior Alternative

The 2006 Stipulated Settlement requires LAWA to, among other things, "identify Specific Plan amendments that plan for the modernization and improvement of LAX in a manner that is designed for a practical capacity of 78.9 million annual passengers while ... minimizing environmental impacts on the surrounding communities." It also requires the Specific Plan Amendment Study to focus on, among other things, "potential mitigation measures that could provide a comparable level of mitigation to that described for the Yellow Light Projects in the LAX Master Plan Program."

Consistent with these requirements, the SPAS Draft EIR identifies applicable LAX Master Plan commitments and mitigation measures for each SPAS alternative, as well as additional mitigation measures specific to SPAS. These measures would reduce the significant impacts of the various SPAS alternatives, including the LAWA Staff-Recommended Alternative, to the greatest extent feasible. (See Draft CEQA Findings, attached to the February 5, 2013 Board Report.) Thus, the SPAS alternatives would minimize environmental impacts on the surrounding communities to the greatest extent feasible and would provide a comparable level of mitigation to that described for the Yellow Light Projects in the LAX Master Plan Program. In fact, the LAWA Staff-Recommended Alternative would reduce the magnitude and severity of significant environmental impacts that would occur if the Yellow Light Projects were implemented. (Id.) Nothing in the Stipulated Settlement requires LAWA to adopt the most environmentally protective alternative of those studied in the SPAS.

LAWA is Not Required to Adopt an Infeasible Alternative; Even if it is the "Environmentally Superior Alternative" for Purposes of CEQA

When specific economic, environmental, legal, social, or other considerations make infeasible an alternative that might substantially lessen the significant environmental effects of a project, a lead agency may approve the project in spite of its significant environmental effects and may reject the alternative. (Pub. Resources Code § 21002; State CEQA Guidelines § 15091(a) (3).) As set forth in the SPAS Draft EIR and the Draft CEQA Findings, Alternative 2 was identified as the environmentally superior alternative, in part due to the fact that it would include very limited airfield improvements which would require less construction than all of the other alternatives, except Alternative 4, and therefore, would result in reduced/fewer significant construction-related impacts. However, as further explained below, LAWA staff believes that Alternative 2 is not feasible due to its inability to meet the SPAS project objectives compared to the LAWA Staff-Recommended Alternative, and because it would not substantially reduce or avoid the significant effects of the project.

There is a "trade-off" in Significant Impacts between Alternative 2 and the LAWA Staff-Recommended Alternative; Alternative 2 does not avoid or substantially reduce the significant impacts of the Project

Though "environmentally superior" for purposes of CEQA, there are no major environmental topical areas where Alternative 2 would avoid or substantially reduce significant unavoidable impacts associated with the LAWA Staff-Recommended Alternative. Both alternatives would result in unavoidable significant impacts related to Air Quality, Greenhouse Gases (GHG), Human Health Risk Assessment, Land Use and Planning - Aircraft Noise Exposure, Aircraft Noise, Construction Traffic and Equipment Noise, On-Airport Transportation, and Off-Airport Transportation, and there is not a substantial difference between the two alternatives relative to the severity of such impacts.

In some cases, there is a tradeoff or "balancing" of impacts for specific topics such as air quality. For example, Alternative 2 has lower construction-related air pollutant emissions and concentrations than those of the LAWA Staff-Recommended Alternative due to the fact that less construction would be required under this alternative, but nevertheless exceeds the threshold of significance for all the pollutants analyzed.

Relative to long-term operations-related air quality impacts, the EIR analysis demonstrates that the LAWA Staff-Recommended Alternative would, for the most part, result in significant unavoidable air pollutant emissions and concentrations comparable to, or in some instances lower than, those associated with Alternative 2. Relative to air pollutant emissions associated with airfield operations, which constitute the majority of the airport emissions, Alternative 2 would have lower emissions than the LAWA Staff-Recommended Alternative under Visual Flight Rule conditions, but would be lower by only about 0.3 percent to 2.0 percent. However, under Instrument Flight Rule conditions, when airfield operations change, the LAWA Staff-Recommended Alternative would have lower airfield-related emissions than Alternative 2 by approximately 0.8 percent to 2.1 percent. In comparing the significant operational emissions, the differences between the LAWA Staff-Recommended Alternative and Alternative 2 would be approximately 3.8 percent for the grand total of sulfur dioxide (SO₂); for particulate emissions (PM), the grand total PM₁₀ emissions for the LAWA Staff-Recommended Alternative would be approximately nine percent less than those of Alternative 2, and the grand total PM_{2.5} emissions for the LAWA Staff-Recommended Alternative would be more than 25 percent less than those of Alternative 2. Relative to significant operations-related concentrations for the two alternatives, nitrogen dioxide (NO₂) concentration for Alternative 2 would be less than those of the LAWA Staff-Recommended Alternative by between approximately 2 percent and 26 percent, however, PM₁₀ and PM_{2.5} concentrations for the LAWA Staff-Recommended Alternative would be less than those of Alternative 2 by approximately 15 percent and 38 percent, respectively. Thus, implementation of Alternative 2 would not avoid or substantially reduce the significant unavoidable air quality impacts of the LAWA Staff-Recommended Alternative.

Relative to significant unavoidable impacts associated with GHG emissions, implementation of Alternative 2 would not achieve the same amount of GHG reduction as that of the LAWA Staff-Recommended Alternative (i.e., 13.47 percent reduction in GHG emissions for Alternative 2 compared to a 14.73 percent reduction for the LAWA Staff-Recommended Alternative); hence,

the significant unavoidable GHG impact associated with Alternative 2 would be comparatively worse. With regard to impacts associated with the human health risk assessment, implementation of Alternative 2 would result in a slightly lower hazard value for acute non-cancer health hazard (2.2 Hazard Index versus 3.0 Hazard Index), but would still exceed the threshold of significance (1.0 Hazard Index) by 120 percent.

Similar to air quality above, a comparison of the two alternatives relative to significant unavoidable noise impacts indicates a tradeoff or "balance" between specific aspects of the noise impacts. Implementation of the LAWA Staff-Recommended Alternative would result in significant unavoidable temporary construction noise impacts associated with airfield improvements, ground access (transportation system) improvements, and construction staging areas, while implementation of Alternative 2 would result in significant unavoidable temporary construction noise impacts associated with ground access (transportation system) improvements, and construction staging areas. As such, the extent of significant unavoidable temporary construction noise impacts under Alternative 2 would be somewhat less than those of the LAWA Staff-Recommended Alternative. However, when comparing the long-term, significant and unavoidable, operations-related aircraft noise impacts of the two alternatives, the extent of impacts under Alternative 2 would be greater than those of the LAWA Staff-Recommended Alternative. Therefore, implementation of Alternative 2 would not avoid or substantially reduce the significant unavoidable noise impacts of the LAWA Staff-Recommended Alternative.

Relative to significant unavoidable traffic impacts, both Alternative 2 and the LAWA Staff-Recommended Alternative would have the same number of such impacts on-airport (i.e., the one same intersection within the CTA that would be significantly impacted under future cumulative conditions). Significant unavoidable traffic impacts off-airport would not be appreciably different between the two alternatives; hence, implementation of Alternative 2 would not avoid or substantially reduce the significant traffic impacts of the LAWA Staff-Recommended Alternative.

Alternative 2 Cannot Meet Project Objectives; Including Safety Related Objectives, as Well as the LAWA Staff-Recommended Alternative

Implementation of Alternative 2 would minimally respond to the project objective of providing north airfield improvements that support safe and efficient movement of aircraft at LAX, as compared to the airfield improvements proposed under the LAWA Staff-Recommended Alternative, which include the Alternative 1 airfield improvements that largely respond to that objective. There are several aspects of Alternative 2 related to airfield safety and efficiency enhancements that fall far short of those included in Alternative 1 including:

- the ability to shift the runway protection zone (RPZ) for Runway 24R westward whereby residences and the vehicle staging area west of Sepulveda Boulevard would no longer be located within the RPZ;
- providing increased separation between runways and between runways and taxiways, which better enables taxiing and holding aircraft to stay clear of runway object free zone (OFZ) and

runway safety area (RSA) surfaces, and results in an airfield that is designed for aircraft design group (ADG) V aircraft in all weather conditions and ADG VI aircraft in weather conditions with greater than ½ mile of visibility, thereby allowing for standard operating procedures when large aircraft are operating on the airfield most of the time;

- allowing the addition of a centerfield parallel taxiway that includes high-speed exits from Runway 6L/24R, which provides more time and options for FAA air traffic controllers to handle aircraft exiting the runway; more time and distance for the pilot of an arriving aircraft to exit the runway, slow down, and hold before crossing Runway 6R/24L; and reduced potential for safety hazards/incursions; and
- improving the locations and design of exit taxiway crossing points (i.e., 90-degree crossing angle) at Runway 6R/24L, which provides better pilot visibility down Runway 6R/24L before crossing.

Additionally, several independent assessments of north airfield safety at LAX have been completed and there is consensus among the studies, including the North Airfield Safety Study (NASS) of 2012, that there are airfield safety improvements associated with increasing the separation between the existing runways and adding a centerfield parallel taxiway. Implementation of the airfield component of the LAWA Staff-Recommended Alternative, which includes increased runway separation and the addition of a centerfield taxiway, can achieve such safety benefits, whereas Alternative 2 would not.

Additionally, because Alternative 2 would not provide north airfield improvements that support safe and efficient movement of aircraft at LAX to the same extent as the LAWA Staff-Recommended Alternative, Alternative 2 is also less able to respond to the project objective to maintain LAX's position as the premier international gateway in supporting and advancing the economic growth and vitality of the Los Angeles region. The limited airfield improvements proposed under Alternative 2 do not increase standardization of aircraft operations and address only some airfield hazards, whereas the airfield improvements under the LAWA Staff-Recommended Alternative provide standardization of nearly all airfield operations and address all airfield hazards. The ability of each SPAS alternative to maintain LAX's position as the premier international gateway is influenced by the combination of airfield, terminal, and ground transportation system improvements. The LAWA Staff-Recommended Alternative (i.e., the combination of Alternatives 1 and 9) is fully responsive to the terminal and ground transportation aspects of that objective. The airfield component associated with Alternative 2 is much less responsive to that objective

The airfield component of Alternative 2 is also much less responsive to the project objective of enhancing safety and security at LAX. While both Alternatives 1 and 2 respond comparably to the security aspect of that project objective, Alternative 2 responds only minimally to the safety aspect of the objective as compared to the LAWA Staff-Recommended Alternative. The limited airfield improvements proposed under Alternative 2 do not increase standardization of aircraft operations and address only some airfield hazards. By contrast, the airfield improvements

under the LAWA Staff-Recommended Alternative provide standardization of nearly all airfield operations and address all airfield hazards.

Potential Future Airspace Redesign

Comments were received inquiring whether the potential redesign of airspace in southern California would change operations at LAX and whether those changes are addressed in the SPAS EIR. As indicated in Response to Comment SPAS-PC000130-301, FAA is in the early stages of evaluating potential modifications to airspace routes and procedures in southern California. This process is commonly referred to as “the SoCal Metroplex redesign,” also known as the “Southern California Optimization of Airspace and Procedures in the Metroplex – OAPM.” The preliminary phase of this study began in August 2011. Note that no preliminary study had actually been developed at that time, thus, it would not be possible to describe what “airspace designs were studied in the August 2011 preliminary study”, as requested in a recently received comment.

The SPAS Final EIR (Response to Comment SPAS-PC000130-301) provides an internet link to a status report prepared by the FAA in December 2012 regarding the OAPM. As indicated therein, the design efforts for the OAPM are scheduled to occur through mid-2013 and then be followed by the environmental evaluation of the proposed airspace redesign, which is scheduled to occur through December 2014. In December 2012, the OAPM Study Team (OST) developed an overview analysis of the airspace system within the SoCal Metroplex area. The principle objective of the Southern California OST was to identify operational issues and propose Performance Based Navigation (PBN) procedures and/or airspace modifications to address them. The OST effort was intended to be used to scope future detailed design efforts and to inform FAA decision-making processes concerning commencement of those design efforts. Due to the status of the SoCal Metroplex redesign, which is still in the preliminary concept stage with specific changes in airspace design and procedures yet to be defined, it would be speculative to analyze the effects of this project on the conclusions in the SPAS EIR. CEQA does not require analysis of speculative impacts.

Design Day Flight Schedule Fleet Mix

Comments were received concerning the fleet mix assumptions used in the design day flight schedule (DDFS). As explained below, these comments provide no more than a difference of opinion as to specific assumptions regarding very particular types of aircraft assumed to be operating at LAX in 2025. The fleet mix assumptions used in the SPAS DDFS and relied upon in the SPAS EIR are supported by substantial evidence, and the differences alleged in comments have no material bearing on the SPAS EIR analyses or the validity of the analyses results.

Issues concerning the fleet mix assumptions were addressed in Responses to Comments SPAS-PC00130-664 and SPAS-PC00130-666 in Chapter 4 of Part II of the Final EIR. These responses provide a discussion of the assumptions made relative to the Airbus 330. Response to Comment SPAS-PC00130-643 provides a detailed discussion of the assumptions made to develop the future fleet mix assumptions. This response discusses the 2025 DDFS fleet mix

assumptions, specifically as it relates to the Airbus 350. Response to Comment SPAS-PC00130-643 also discusses why assumptions pertaining to aircraft fleet mixes in the 2009 and 2025 DDFS were reasonable and supported by substantial evidence; this response was referenced in responding to Comment SPAS-PC00130-671, which raised the absence of Boeing 717 aircraft in the 2025 DDFS fleet mix.

As discussed in Response to Comment SPAS-PC00130-643, there are many different combinations of aircraft that could meet the future seat requirements commensurate with 78.9 million annual passengers. The 2025 DDFS fleet mix is meant to include representative aircraft that can be reasonably expected to operate in 2025. As mentioned by the commenter, the Airbus 350 is a "competitor aircraft" to both the Boeing 777 and the Boeing 787, with similar seat capacity (250 to 400-plus passengers). The 2025 DDFS includes 89 Boeing 777 operations and 33 Boeing 787 operations. Regarding the Boeing 717, although not assumed in the 2025 DDFS fleet mix, its range and seat capacity of approximately 100 seats is comparable to that of an Embraer 190. The 2025 DDFS included 22 Embraer 190 operations. Similarly, the Airbus 330, although not included in the 2025 DDFS, has a range and seat capacity similar to Boeings 777 and 787. Other responses pertaining to fleet mix assumptions are provided in Responses to Comments SPAS-PC00130-643 through SPAS-PC00130-679.

Airfield Safety

Comments were raised concerning airfield safety, including separation distances, excursions, and centerfield taxiway landing issues. These issues are similar to those raised on the SPAS Draft EIR and have already been addressed in the SPAS Final EIR, as discussed below.

Regarding runway-to-runway and runway-to-taxiway separations, each SPAS alternative was evaluated based on the Federal Aviation Administration (FAA) design standards included in Advisory Circular 150/5300-13A, Airport Design. Response to Comment SPAS-PC00130-431 provides a detailed discussion of runway-to-runway and runway-to-taxiway separations analyzed in the SPAS Draft EIR. The separation standards included in the Advisory Circular 150/5300-13A for each ADG were developed to ensure that two aircraft operating on adjacent runways or taxiways can operate safely, with appropriate separation between wingtips, and reducing the risk of wingstrikes.

As discussed on page 1-76 of the SPAS Draft EIR, each SPAS alternative was developed to achieve full compliance with Runway Safety Area (RSA) requirements. Achieving full compliance with RSA standards would prepare the areas surrounding the runways within the RSA for the risk of damage to aircraft in the event of an excursion. Responses to Comments SPAS-PC00130-261 and SPAS-PC00130-437 provide a discussion of excursions.

Other responses that address safety issues include Response to Comment SPAS-PC00130-366, which addresses takeoff and landing errors; Responses to Comments SPAS-PC00130-814 and SPAS-PC00130-1028, which address runway status lights and final approach runway occupancy signals (FAROS); and Responses to Comments SPAS-PC00130-168 and SPAS-PC00130-577, which address comments pertaining to the need for a new control tower and tower staffing.

Airfield Efficiency

Comments were made stating that "airfield efficiency is being used as a red herring to justify increasing runway separation." This is an inaccurate statement. Greater runway separation would not only contribute to increasing airfield efficiency, it would also enhance safety and reduce potential incursions and other airfield hazards (see Section 2.1.2 and page 2-118 of Part II of the SPAS Final EIR). In addition, as discussed in Response to Comment SPAS-PC00089-1, north airfield improvements would provide the ability to operate without operational restrictions, modifications of standards, or waiver from FAA; more time and options for the FAA air traffic controllers to handle aircraft exiting the runway; and taxiways designed to accommodate the largest aircraft.

Justification for Increased Runway Separation

Comments were made stating that "competition for international flights is being used as a red herring to justify increasing runway separation." This is an inaccurate statement. The SPAS Final EIR does not suggest that competition for international flights justifies increasing runway separation. As discussed in Section 2.1.2 and page 2-118 of Part II of the Final EIR, the northerly relocation of Runway 6L/24R (i.e., increased runway separation) is proposed to accommodate a new centerfield taxiway, in order to enhance safety and efficiency for all aircraft operating on the north airfield, not just those associated with international travel. Recognizing the benefits of having a centerfield taxiway, the SPAS Draft EIR identifies and evaluates several alternatives that include a centerfield taxiway but differ relative to the amount of runway-to-taxiway separation, which, in turn, respond differently to the FAA design standards for different size aircraft. The alternative with separation dimensions that best accommodate all aircraft sizes, including ADG VI aircraft under all weather conditions is Alternative 5, while the alternatives with separation dimensions that are the most restrictive are Alternatives 6 and 7, which would meet design standards for aircraft only up to ADG V in good weather and ADG IV in poor weather. The majority of aircraft providing international service at LAX, especially relative to long-haul flights, are ADG V and VI aircraft. The LAWA Staff-Recommended Alternative supports the safety and efficiency benefits associated with having a centerfield taxiway, while also providing a reasonable compromise in accommodating the predominant aircraft type used for international travel at LAX (ADG V) with some improved allowances for ADG VI aircraft compared to existing conditions.

Remote Check-In Facilities

Comments were received suggesting that LAWA add remote screening facilities, with passenger security screening and baggage check-in facilities, near Union Station/Staples Center/Exposition Park, and with transportation provided for passengers and baggage via light rail directly to boarding lounges at LAX. This proposal is not feasible, as explained below.

Under Transportation Security Administration (TSA) rules, if baggage were screened at remote locations, they would need to remain "sterile" (i.e., under the control of TSA or an aircraft operator), in order to avoid the need to rescreen them upon their arrival at LAX. This presents numerous logistical challenges, the resolution of which would not outweigh any benefits to be gained by providing remote screening facilities. For example, to provide a sterile environment

following screening, all light rail trains (LRT) would need to include sterile baggage trains on the Metro Blue Line, Green Line, Expo Line, and LAX/Crenshaw Line LRT systems. Additionally, passengers would likely have to check in their luggage several hours in advance of their arrival at the boarding location, which is likely to be unpopular with travelers.²

Moreover, because none of the existing or planned Metro LRT lines would come directly into LAX from Union Station/Staples Center/Exposition Park, passengers would be required to transfer at either the future Expo/Crenshaw station, or at the Willowbrook station before they could reach the Century/Aviation station currently planned as the Metro connectivity point under the SPAS alternatives. Therefore, to enable remote baggage check-in, sterile transfers would need to be developed at each of these station interfaces. Sterile transfer would also need to be developed between the proposed SPAS APM and the sterile portions of the LAX terminals. Given the constrained space within the CTA, it would be infeasible to provide the facilities and areas necessary for sterile transfers between the SPAS APM and the existing terminals. Such sterile transfers would require major redesign of all of the terminals at LAX. The cost of such redesign would be greatly out of proportion with any benefit to be gained by providing remote screening facilities.

Planted Buffers

Comments were raised suggesting that orange trees planted in open spaces north of Westchester Parkway would absorb noise. For a typical noise barrier analysis, natural topography, a structure, or a noise wall/barrier in the intervening area between a noise source and a receptor that breaks the line-of-sight between the noise source and the noise receptor would provide approximately 5 dB of noise reduction. Orange trees would not be sufficiently dense to serve as a wall or barrier. Moreover, orange trees are typically 10 to 18 feet, which is less than the height of most aircraft engines from the ground, and would not break the line-of-sight between ground-level noise sources on the airfield and off-site noise receptors. As noted in Response to Comment SPAS-PC00130-428, existing sound walls exist on 88th Street and 88th Place between Sepulveda Westway and the Westchester Golf Course. There are also sound walls along portions of La Tijera Boulevard which range in height from 8 to 20 feet. The purpose of these buffers and barriers is to reduce airport-related ground noise in nearby residential areas and to reduce noise impacts from traffic on adjacent roadways. The addition of orange trees would not substantially reduce ground noise below levels already achieved by these buffers and barriers.

As discussed in Response to Comment SPAS-PC00130-737, LAX Northside provides a substantial buffer between ground level airport activities and offsite land uses. For example, the

2 FlyAway buses operated by LAWA did offer remote baggage check-in at one time. To ensure security, passengers were required to check in their luggage several hours in advance of their arrival. Demand for the FlyAway remote baggage check-in service was low and the service was discontinued in 2008.

width of the buffer area between LAX Northside Areas 8 and 9 and residential land uses would range from approximately 700 feet between Westchester Parkway and West 88th Street to as much as approximately 2,000 feet between Westchester Parkway and Manchester Avenue (across Westchester Golf Course). The distances between ground level airport activities and off-site land uses would serve to reduce noise levels at noise receptors.

As discussed in Response to Comment SPAS-PC00130-919, acoustical barriers are only useful for reducing noise impacts from aircraft ground activities, and their benefits are greatly affected by surface topography and wind conditions. The effectiveness of a barrier depends on the distance of the noise source from the receiver and the distance of each from the barrier itself, as well as the angle between the ends of the berm and the receiver. While noise berms and noise walls can attenuate noise, they would be largely ineffective for attenuation of aircraft overflight noise. As the noise levels at LAX are dominated by the noise of aircraft in flight, the reduction of ground noise by berms is not considered effective for noise abatement. Therefore, the installation of berms in additional locations is not expected to result in a noticeable decrease in noise at land uses located within Westchester at greater distances from the airport. Section 4.10.1.7 of the SPAS Draft EIR discusses various abatement and mitigation techniques of aircraft noise at LAX to reduce the impacts of the SPAS alternatives.

Opportunity to Comment on MMRP, Findings, and Other Documents

LAWA received comments that it should have published the SPAS Mitigation Monitoring and Reporting Program (MMRP), the Statement of Overriding Considerations (SOC), the Draft CEQA Findings, and the Proposed Plan Amendments in advance of the January 31, 2013 special meeting of the Board. LAWA has complied with all requirements of CEQA and the California Government Code in providing notice of these documents and making them available to the public.

Specifically, CEQA does not require publication, public review, or circulation of the MMRP, SOC, or the Draft CEQA Findings prior to a lead agency's consideration of the EIR for certification or the project for approval. (State CEQA Guidelines §§ 15091, 15093, 15097.) However, consistent with the Brown Act (see Gov. Code § 54957.5(b)), LAWA made all of these documents available for public inspection at the same time they were distributed to the Board. These documents were made available in connection with the posting of the agenda for the February 5, 2013 special meeting of the Board, which occurred more than 72 hours in advance of the meeting, thus exceeding the requirements of the Brown Act. (See Gov. Code § 54956.)

Requirement to Meet with SPAS Advisory Committee Prior to Publishing Final SPAS Report and Final EIR

LAWA also received comments that it should have provided petitioners with advanced review of the Final LAX SPAS Report before it was published on January 30, 2013. LAWA had no legal obligation to provide petitioners with the Final LAX SPAS Report prior to public distribution. The most substantive change associated with the Final LAX SPAS Report since distribution of the Preliminary SPAS Report in July 2012 was identification of the LAWA Staff-Recommended Alternative. LAWA presented the Staff-Recommended Alternative to the SPAS Advisory

Committee at a meeting held on December 4, 2012. Other information provided in the Final LAX SPAS Report included proposed LAX Specific Plan and LAX Plan amendments, and corrections and additions to the Preliminary LAX SPAS Report. All of this information was also included in the SPAS Final EIR, which was published on January 25, 2013.

Notification Procedures

LAWA provided early notification of the availability of the SPAS Final EIR and of the scheduled BOAC meetings on SPAS in several ways. For the Final EIR, over 75 copies were distributed via overnight delivery on Thursday, January 24, 2013, and an additional 50 copies were sent out the next day. Additionally, mailers indicating where the Final EIR could be found on-line or in libraries were sent to over 70 parties. A LAWA press release announcing publication of the Final EIR and where it could be found occurred on Friday, January 25, 2013, and was also announced on LAWA's Official Facebook Page. The Final EIR was made available for review on LAWA's website on January 25, 2013.

Regarding public notification of today's BOAC meeting, the BOAC Agenda was posted online (to lawa.org and lacity.org) on Friday, February 1, 2013; there was a press release issued on February 3, 2013 specifically about the meeting; notification of today's meeting was included in the LAWA press release of January 17, 2013; and, an e-mail reminder of today's meeting was sent on February 4, 2013 to all parties on the SPAS e-mail list.

January 31, 2013 Meeting Room Accommodations

Regarding the availability of accommodations for the public at the January 31, 2013 special meeting of the Board, LAWA provided seating for approximately 200 people in the Board Room and an overflow room with a video monitor of the Board Room, as well as an adjacent conference room. Once these rooms were full, LAWA was prohibited by the Fire Marshall from allowing more people to enter. Some people waited outside the building until space opened up inside, which occurred when people left after providing their comments. Everyone who waited was eventually permitted to enter, when space permitted, and provide their comments to the Board.

cc: Board Office
Steve Martin
Cynthia Guidry
Suzanne Tracy, City Attorney's Office

Attachment C-3

**Responses to January 31, 2013 Comment Letters on
SPAS Final EIR from Chatten-Brown & Carstens LLP
and ARSAC**

ATTACHMENT C-3

Summary of How and Where Issues Presented in January 31, 2013 Letters from ARSAC and Chatten-Brown & Carstens Were Previously Addressed by LAWA

LAWA has carefully reviewed the issues presented in the January 31, 2013 letters from ARSAC and Chatten-Brown & Carstens LLP (letters included as Attachment B-2). These letters do not contain any new issues or "significant new information" as defined in § 15088.5 of the State CEQA Guidelines. The letters primarily reiterate, either verbatim or in essence, many of the same comments received during the SPAS Draft EIR review period and/or prior to the February 5, 2013 Board of Airport Commissioners (BOAC) meeting on the Specific Plan Amendment Study (SPAS). As described below, the Final EIR addressed all environmental issues raised in these letters, and LAWA staff provided additional clarification on specific comments contained in these letters in a memorandum prepared by LAWA staff to BOAC and Gina Marie Lindsey dated February 5, 2013 (hereafter referred to the February 5, 2013 Memorandum), which is provided in Attachment C-2. This memorandum was considered by the decision-makers in their deliberations on the project.

I. ARSAC January 31, 2013 Letter to BOAC – Comments on Final SPAS EIR

1. Allegation of "CEQA Non-Compliance" – All comments on the SPAS Final EIR from Chatten-Brown & Carstens are addressed below.

2. ARSAC Preference for Alternative 2 and Alternative 9 – Similar issues were addressed in Responses to Comments SPAS-PC00089-1 and SPAS-PC00115-1 of the SPAS Final EIR. Issues related to operational efficiency are also clarified and amplified on pages 5 and 6 of the February 5, 2013 Memorandum.

3. Allegations regarding Caltrans – The comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the SPAS Draft EIR (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

4. Allegations of "Key Questions Unanswered" - The appropriateness of the programmatic review conducted for the SPAS project is discussed in Responses to Comments SPAS-PC00130-142 and SPAS-PC00130-235 of the SPAS Final EIR.

5. Allegations regarding the EIR Analysis

a. **Air Pollution Apportionment Study** – The issues raised in this comment were addressed in Response to Comment SPAS-AR00002-45 of the SPAS Final EIR.

b. **Design Day Fleet Mix** - The issues raised in this comment were addressed in Responses to Comments SPAS-PC00130-643 through SPAS-PC00130-679 of the SPAS Final EIR and clarified and amplified on pages 7 and 8 of the February 5, 2013 Memorandum.

c. **Runway Status Lights and Final Approach Runway Occupancy Signal** - The issues raised in this comment were addressed in Responses to Comments SPAS-PC00130-814 and SPAS-PC00130-1028

of the SPAS Final EIR and clarified and amplified on page 8 of the February 5, 2013 Memorandum.

- d. **Runway Safety Area Analysis** - The issues raised in this comment were addressed in Response to Comment SPAS-PC00130-35 and on pages 2-111 through 2-117 and 2-119 through 2-123 of the SPAS Final EIR.
- e. **Impacts of Non-SPAS Projects** - The issues raised in this comment were addressed on pages 4-1094 through 4-1096 of the SPAS Draft EIR and in Responses to Comments SPAS-PC00130-378, SPAS-PC00130-687, and SPAS-PC00130-951 of the SPAS Final EIR.

6. "Other Ideas Not Considered" – The issues raised in this comment (on the 340 feet south/LCC plan submitted by ARSAC) were addressed in Response to Comment SPAS-PC00130-814 of the SPAS Final EIR.

7. Comments on Airfield Safety – The issues raised in this comment were addressed in Responses to Comments SPAS-PC00130-261 and SPAS-PC00130-437 of the SPAS Final EIR and clarified and amplified on page 8 of the February 5, 2013 Memorandum.

8. Comments on Airfield Efficiency – The issues raised in this comment were addressed in Response to Comment SPAS-PC00089-1 of the SPAS Final EIR and clarified and amplified on page 9 of the February 5, 2013 Memorandum.

9. Comments on Competition for International Service – The issues raised in this comment were addressed on page 9 of the February 5, 2013 Memorandum.

10. Comments on Construction Phasing – The issues raised in this comment were addressed in Responses to Comments SPAS-PC00130-41, SPAS-PC00130-142, and SPAS-PC00130-235 of the SPAS Final EIR.

11. Comments on Independent Engineering Peer Review - The comment does not raise any new significant environmental issues or address the adequacy of the environmental analysis included in the SPAS Draft EIR (Public Resources Code § 21091(d); CEQA Guidelines § 15204(a)).

II. **Chatten-Brown & Carstens January 31, 2013 Letter to BOAC – Comments on Final SPAS EIR**

I. Allegation that "Recirculation is Required Now that a Proposed Project Has Been Identified That is Not the Environmentally Superior Alternative 2" – The issues raised in this comment were addressed in Response to Comment SPAS-AL00007-6 and Chapter 2 of the SPAS Final EIR and clarified and amplified on pages 1 and 2 of the February 5, 2013 Memorandum.

II. Allegation that "LAWA Would Violate the Settlement Agreement and CEQA by Rejecting Environmentally Superior Alternative 2" - The issues raised in this comment were addressed on pages 3 through 7 of the February 5, 2013 Memorandum.

III. Allegation that "Several Significant Impacts Could Be Mitigated or Avoided by Alternative 2, But Not Alternative 1"

- A. **Allegation that “Impacts on Communities East of LAX Will be More Severe Under Alternative 2 Than Under Alternative 1”** - The issues raised in this comment were addressed in Response to Comment SPAS-PC00089-1 of the SPAS Final EIR.
- B. **Allegation that “More Detailed Analysis of the Impacts of Lincoln Boulevard Realignment is Required”** - The issues raised in this comment were addressed in Topical Response to TR-SPAS-LR-1 of the SPAS Final EIR.
- C. **Allegation that “Air Apportionment Analysis Must be Included in the FEIR”** - The issues raised in this comment were addressed in Response to Comment SPAS-AR00002-45 of the SPAS Final EIR.
- D. **Allegation that “Biological Resource Impacts Would be More Significant Under Alternative 1 Than Alternative 2”** - The issues raised in this comment were addressed in Section 4.3 of the SPAS Draft EIR and in Response to Comment SPAS-PC00130-9 of the SPAS Final EIR.
- E. **Allegation that “Wastewater Treatment Line and Water Seepage Issues Would be Avoided Under Alternative 2 But Not Alternative 1”** - The issues raised in this comment were addressed in Topical Response TR-SPAS-LR-1 and Responses to Comments SPAS-PC00096-18, SPAS-PC00130-8, SPAS-PC00130-51, SPAS-PC00130-169, SPAS-PC00130-348, and SPAS-PC00130-1012 of the SPAS Final EIR.
- F. **Allegation that “Airspace Redesign Information Should Have Been Supplied”** – The issues raised in this comment were addressed in Response to Comment SPAS-PC00130-301 of the SPAS Final EIR and clarified and amplified on page 7 of the February 5, 2013 Memorandum.

IV. Joinder in Other Public Comments and Request for Notification – Chatten-Brown & Carstens and ARSAC claim to join in “the comments submitted by Barbara Lichman on behalf of the City of Inglewood, Culver City, and Ontario, and County of San Bernardino, the comments of William T. Fujioka on behalf of the County of Los Angeles Chief Executive Office Operations Budget; Drollinger Properties; and other comments raising issues identified in our various letters.” LAWA interprets this to mean all comments submitted by these parties prior to January 31, 2013, the date that this “joinder” was claimed. Responses to such comments were provided in the SPAS Final EIR and/or clarified and amplified in the February 5, 2013 Memorandum. Chatten-Brown & Carstens and ARSAC have been, and will continue to be, notified of any future SPAS hearings and notices pursuant to Public Resources Code § 21092.2.

Attachment C-4

Responses to February 4, 2013 Comment Letter on
SPAS Final EIR from Chatten-Brown & Carstens LLP

ATTACHMENT C-4

Summary of How and Where Issues Presented in February 4, 2013 Letter from Chatten-Brown & Carstens LLP were Previously Addressed by LAWA

LAWA has carefully reviewed the issues presented in the February 4, 2013 letter from Chatten-Brown & Carstens LLP (letter included as Attachment B-3). This letter does not contain any new issues or "significant new information" as defined in § 15088.5 of the State CEQA Guidelines. The letters primarily reiterate, either verbatim or in essence, many of the same comments received prior to the February 5, 2013 Board of Airport Commissioners (BOAC) meeting on the Specific Plan Amendment Study (SPAS). As described below, LAWA staff responded in writing to each of the comments contained in the February 4, 2013 letter from Chatten-Brown & Carstens LLP in a memorandum prepared by LAWA staff to BOAC and Gina Marie Lindsey dated February 5, 2013 (hereafter referred to the February 5, 2013 Memorandum), which is provided in Attachment C-2. This memorandum was considered by the decision-makers in their deliberations on the project.

1. Opportunity to Comment on Mitigation Monitoring and Report Program, Findings, and Other SPAS Documents - The issues raised in this comment were addressed on pages 11 and 12 of the February 5, 2013 Memorandum.

For purposes of additional clarification, LAWA notes that ARSAC's allegations that the SPAS Mitigation Monitoring and Report Program (MMRP), Statement of Overriding Considerations, CEQA Findings, and Proposed Plan Amendments were prepared "long ago" but "not posted until Friday [February 1, 2013]" are incorrect. In fact, the CEQA-related documents (MMRP, Statement of Overriding Considerations, and the CEQA Findings) were not finalized until shortly before they were provided to BOAC and posted on LAWA's website on February 1, 2013. ARSAC's February 4, 2013 letter includes a chart showing what it identifies as the "initial" and "last" dates of these documents. The "initial" and "last" dates identified in the February 4, 2013 letter are actually the embedded dates that appear in the metadata files associated with the electronic documents. Metadata files contain "data about other data" (e.g., the time and date the data was created, the author of the data, etc.). The "Last Date" identified in the metadata does not represent the date that internal review of the document was completed and the document was finalized; rather, this date is the last date the document was electronically "saved". The "Last Date" associated with the MMRP and Statement of Overriding Considerations was, as noted in the Chatten-Brown & Carstens letter, January 31, 2013, one day prior to their posting. The "Last Date" associated with the CEQA findings was January 29, 2013, three days prior to posting. None of these documents was completed "long ago" relative to the date they were provided to BOAC and made available to the public. The Proposed Plan Amendments were available at the January 8, 2013 Planning Department Open House/Public Hearing. These proposed amendments were compiled into a single document and posted on LAWA's website on February 1, 2013. The proposed amendments were also posted by the Planning Department on February 1, 2013, two weeks in advance of the February 14, 2013 City Planning Commission hearing. The content of the proposed plan amendments posted by both LAWA and the Planning Department on February 1, 2013 had not changed

since the original distribution of these materials by the Planning Department, which occurred on January 8, 2013.

2. Notification Procedures – The issues raised in this comment were addressed on page 12 of the February 5, 2013 Memorandum. As explained in that memorandum, as well as in Response to Comment SPAS-PC00130-358 of the SPAS Final EIR, throughout the SPAS process, LAWA has undertaken an extensive effort to meet and exceed the community outreach requirements of CEQA.

As additional clarification, in accordance with Public Resources Code § 21092.2, CEQA notices related to SPAS have been and continue to be sent via U.S. mail to persons who have filed a written request to LAWA. Notification sent to the public via LAWA's website, "eblasts", Twitter, and Facebook supplement, but do not replace, required [mailing] noticing under Public Resources Code § 21092.2.

Chatten-Brown & Carstens and ARSAC have been, and will continue to be, notified of any future SPAS hearings and notices pursuant to Public Resources Code § 21092.2.

3. January 31, 2013 Meeting Room Accommodations - The issues raised in this comment were addressed on page 12 of the February 5, 2013 Memorandum. BOAC also took comments from the public on SPAS at the February 5, 2013 BOAC meeting. Both the January 31, 2013 and February 5, 2013 meetings were electronically streamed and available live on LAWA's website. Further, LAWA provided translation services at the January 31, 2013 Special Meeting, including Spanish language translation services, a sign language interpreter, and real-time captioning of the meeting proceedings displayed on monitors in the hearing room.

4. Request for Recirculation of the SPAS Final EIR and Associated Documents - The issues raised in this comment were addressed on pages 1, 2, 11, and 12 of the February 5, 2013 Memorandum.