

October 8, 2015

**VIA E-MAIL (9-ANM-SOCALOAPM@FAA.GOV)**

SoCal Metroplex EA  
Federal Aviation Administration  
Western Service Center - Operations Support Group  
1601 Lind Avenue SW  
Renton, WA 98057

Re: Supplemental Comments re: SoCal Metroplex OAPM - Environmental  
Assessment

Dear Sir or Madam:

These comments, submitted on behalf of the Cities of Culver City and Inglewood (“Cities”) supplement the original comments on the SoCal Metroplex OAPM EA (“OAPM EA”) timely submitted by Cities on the original submittal date of September 8, 2015 (“Supplemental Comments”). These Supplemental Comments are occasioned by Cities review and analysis of the “TARGETS Distribution Package” for Los Angeles International Airport (“LAX”), distributed barely a week before the comments on the OAPM EA were originally due on September 8, 2015. The contents of the TARGETS Distribution Package, “Supplemental Materials” including “waypoint latitude/longitudes, distances between waypoints on a route, altitude restrictions at key waypoints, and map(s) depicting route[s],” allowed somewhat more specific analysis, ending ultimately in more questions than answers.

**I. THE OAPM EA NOISE ANALYSIS IS BASED ON INACCURATE FLIGHT PATHS**

The TARGETS Distribution Package for LAX reveals that the CLIFY waypoint was relocated from its initial position at a point north of the Santa Monica Airport (“SMO”) VORTAC depicted in the OAPM EA to a point collocated with the VORTAC, which is further south and closer to certain areas of Culver City. While this does not appear to represent a substantial distance from an absolute perspective, about one-half mile, the movement is significant from a noise modeling perspective, because the OAPM EA’s noise modeling appears to have been based on the more northerly location; and from a human perspective, as it has potentially serious, but as yet technically undocumented impact on surrounding residents and businesses. If the flight paths subject to the original modeling were misplaced, the noise impacts on Culver City were materially understated. This change must be accommodated in a reanalysis of the noise data using the current waypoint locations and attributes. If it is not, when taken

together with the utilization of an incorrect noise metric, *i.e.*, DNL instead of CNEL, and outdated noise model, the NIRS vs. the AEDT, the errors will vitiate the “hard look” at environmental impacts required by the National Environmental Policy Act, 42 U.S.C. § 4321, *et seq.*, *Save the Yaak Committee v. Block*, 840 F.2d 714, 717 (9<sup>th</sup> Cir. 1988).

## II. THE OAPM EA FAILS TO ADEQUATELY ANALYZE THE IMPACTS OF GREENHOUSE GAS EMISSIONS

The OAPM EA concludes that, although fuel burn would increase under the project as compared with the No Action Alternative, not only should the project be considered more “efficient,” and, thus, be presumed to conform, but that no significant impact on greenhouse gas (“GHG”) emissions related to climate change should be anticipated. OAPM EA, pp. 5-17, 5-22. In support of that conclusion, the OAPM EA asserts that, while the GHG emissions from the Project “represents a slight increase of approximately 29 [metric tons (MT)] of [CO<sub>2</sub> equivalent (CO<sub>2</sub>e)] or .33 percent under the Proposed Action when compared to the No Action Alternative. This would comprise less than 0.00000011 percent of U.S.-based greenhouse gas emission and less than 00000014 percent of global greenhouse gas emissions.” OAPM EA, pp. 5-17. This reasoning, however, runs directly contrary to both the guidance provided by the Council on Environmental Quality (“CEQ”), the federal entity charged with implementing NEPA, and the applicable law in the State of California where the Project is expected to take place.

The CEQ expressly rejects the use of a *de minimis* standard in assessing GHG related climate change impacts. “[T]he statement that emissions from a government action or approval represent only a fraction of global emissions is more a statement about the nature of the climate change challenge, and is not an appropriate method for characterizing the potential impacts associated with the proposed action and its alternatives and mitigation.” Revised Draft Guidance for Greenhouse Gas Emissions and Climate Change Impacts, p. 9.<sup>1</sup>

Rather than utilizing an *de minimis* approach to evaluating the GHG and air quality significance of the proposed action, and, in addition to considering the context and intensity of the Project’s GHG emissions on a nationwide basis, *see* 40 C.F.R. §§ 1508.27(a) and (b), the OAPM EA should also consider the way in which the Project will affect California, the region exclusively affected by the Project, in reaching its emissions reduction goals under Assembly Bill 32, the California Global Warming Solutions Act of 2006, and the California Health & Safety Code § 38500, *et seq.* (2015).<sup>2</sup> Under AB32, California must reduce its GHG emissions to 1990 levels by the year 2020. In addition, under the Governor’s Executive Order B-30-15, by 2050, California must reduce its GHG emissions to 80% below 1990 levels. Nevertheless, the OAPM EA entirely omits consideration of whether the Project would impede the State’s ability

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<sup>1</sup> Available at: <https://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa/ghg-guidance> (as of June 25, 2015).

<sup>2</sup> *See* Revised Draft Guidance for Greenhouse Gas Emissions and Climate Change Impacts, p. 14 [explaining that the Bureau of Land Management considers the effect of its proposed actions on California’s GHG emission reduction goals].

to meet these goals, and, therefore, fails to fully consider the environmental consequences of the Project.

Finally, the OAPM EA violates NEPA by failing to discuss reasonable mitigation measures to reduce the Project's air quality and GHG impacts. Mitigation includes considering the avoidance of impacts, minimizing them by limiting them, rectifying the impact, reducing or eliminating the impacts over time or compensating for them. 40 C.F.R. 1508.20, 1508.25. The OAPM EA should evaluate whether, for example, operational adjustments, and/or the purchase of carbon credits, will sufficiently reduce or compensate for the imposition of additional air quality and GHG impacts on exposed populations.

In short, to rely solely on a presumption of conformity, and a nationwide basis for the calculation of air quality and GHG emissions, while ignoring the laws and regulations of the underlying jurisdictions, is to fly in the face of one of NEPA's most fundamental purposes, to "make available to states, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the environment." 42 U.S.C. § 4332(G).

The Cities once again thank the FAA for accepting these supplemental comments and for taking the requisite action pursuant to them in evaluating and rectifying the Project's impacts on the environment.

Sincerely,

BUCHALTER NEMER  
A Professional Corporation

By



Barbara Lichman