

Comment Letter I76

From: rich breyer <rpbreyer@gmail.com>
Sent: Monday, March 19, 2018 4:51 PM
To: LUEG, PalomarMP
Cc: Celia Brewer; Manager; clerk@carlsbadca.gov; council@carlsbadca.gov
Subject: My First Email sent earlier may have been missing exhibits.
Attachments: Airport Study - DPEIR Comments 2018.docx

I76-1

Dear Cynthia Curtis, I sent you my comments earlier today but the file may not have included the exhibits. I will try to send this version. I also sent it by mail too.

Thanks for your time.

Rich Breyer
5213 Milton Rd.
Carlsbad CA 92008

McClellan-Palomar Airport PEIR & Master Plan Feedback

Dear Cynthia Curtis et al,

I would like to share my comments and questions on the Draft Programmatic Environmental Impact Report (DPEIR). I feel that the use of the Programmatic EIR method allows the County to not have to fully develop the impacts to our community. The use of the PEIR enables the County to push this project through, without properly addressing the full environmental impacts. Also, given that the document is so voluminous (3500 pages), the review time of 45 days was too brief, again not allowing the public have enough time to fully vet the problems in the document.

I76-1
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Please find my comments and questions below.

DEIR Traffic Study Comments

This is a preliminary review the traffic analysis for the Palomar Airport General Plan update proposed by the County of San Diego.

General Background

Based on SB 743, traffic impacts studies under CEQA should include analysis of transportation impacts that promote the reduction of greenhouse gas (GHG) emissions. Typically, this means that a traffic impact analysis needs to evaluate the generation of automobile trips and the vehicle miles of travel or VMT, created by a project (in this case the expansion of the airport), and the associated GHG emissions. To off-set these impacts, the creation of multimodal networks, modification of the land use or other associated mitigation strategies must be included in the CEQA analysis. The traffic study and DEIR fail to consider methods to off-set the VMT creation and GHG reduction.

I76-2

Although the traffic study does include the estimated VMT created by the project, the trip length value of 6.25 miles is well below a reasonable value that would support any of the expansion scenarios. A detailed analysis should be completed on actual/current travel distances. In order to support the PAL-2 expansion, trips to the airport would need to come from much further away and the trip lengths would be much greater, thus a higher VMT and GHG creation.

Intuitively, the traffic study is fundamental flawed, as evidenced by a typical Carlsbad resident's personal experience driving in the area during the AM or PM peak timeframes.

Traffic Impact Analysis Comments

- | | |
|--|--------------|
| <p>1. Traffic counts were done for a single day only, on June 21, 2017. June 21, 2017 is also when peak traffic volumes are lower do to summer and schools not in session. This is an inaccurate method for traffic counting and due to the date used, likely substantially understates the true traffic volumes. Other sources such as the SANDAG model or City of Carlsbad traffic counts should be used for the traffic study in all areas or at a minimum, conduct a weekly count to determine the existing traffic volumes. Lastly road construction in the area was under way and this disturbs traffic patterns in the study areas.</p> | <p>176-3</p> |
| <p>2. In general, mid-block roadway level of service (LOS) values will be at a high, typically A, B or C, since the traffic volumes for each of the roadways is controlled by a traffic signal. For the traffic analysis mid-blocks are used to evaluate existing LOS and every roadway segment in the traffic study have been listed as LOS A. Providing this information does not add any value to the traffic study.</p> | <p>176-4</p> |
| <p>3. In the project vicinity all the local roads are managed through traffic control signals and the appropriate method of analysis for all intersections and detailed signal analysis is required. The traffic study utilized the ICU method to determine the existing LOS. The intersection capacity utilization (ICU) is an antiquated analysis method. Since, the ICU was used the existing LOS is understated and thus the overall traffic impact associated with the airport is understated as well. That in turn, explains why there is only two project impacts and the proposed mitigation measures are to pay a “Fair Share” contribution for signal improvements on Palomar Airport Road. The 2010 HCM should be used for both the analysis of the existing and future traffic at each of the intersections included in the study.</p> | <p>176-5</p> |
| <p>4. Traffic accessing the Airport will be concentrated at the signalized intersection of Palomar Airport Road and Yarrow Drive. A detailed analysis is needed at this location that includes the engineering features of the intersection. Mitigation in the form of traffic improvements will be needed at this intersection. At a minimum extensions of the existing turn pockets will be likely along with other needed improvements not detailed in the DPEIR. This has been overlooked and not included in the traffic study.</p> | <p>176-6</p> |
| <p>5. The traffic distribution included in the study shows traffic utilizing I-5 to access the local street interchanges in Carlsbad. As I-5 is currently operating at LOS E and F during peak hours, analysis of I-5 is needed as part of the traffic study.</p> | <p>176-7</p> |

- 6. During the Study Scenarios Traffic conditions shown below. Large portions of El Camino Real and Cannon Road and Faraday Rd were under construction. This would change existing traffic patterns therefore making the numbers used in the study not valid. 176-8
- 7. The County has not addressed the major developments and the added traffic that will directly affect the roadways near and around the Airport. These projects include but not limited to, Uptown Bressi Ranch, Via Sat Campus, Marja Acres Development and various new buildings on Innovation Way and Palomar Airport Rd. There is also a newly approved 400 apartments slated for just south of Palomar Airport Rd. and Aviara Pkwy. There is also various 3 story apartment complexes scheduled for construction in the upcoming years. 176-9
- 8. Why is there no traffic data on rental cars, Uber/Lyft and taxi service that use and will increase if this expansion is allowed to move forward? 176-10
- 9. I have included below 2 attachments that need to be corrected. Both have errors that need to be corrected and that data needs to be included in your revised DPEIR for circulation and further review. 176-11
- 10. Why are the future impacts to I-5 Freeway that this Airport expansion will have not addressed in this DPEIR? 176-12

Chapter 2 Significant Environmental Effects

Table 2.5-1. Trip Generation

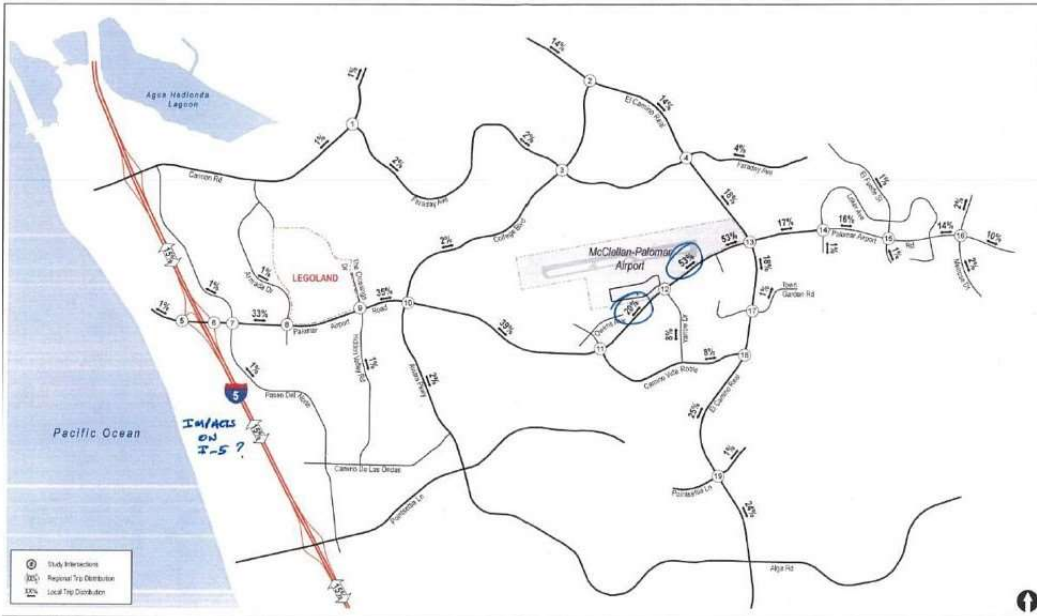
Land Use	Size	Daily Trip Ends (ADT)		AM Peak Hour				PM Peak Hour			
		Rate ^a	Volume	% of ADT ^b	In:Out Split	Volume In	Volume Out	% of ADT ^b	In:Out Split	Volume In	Volume Out
Near-Term Conditions (2020)											
PAL 1	168 ENP	2.67 /ENP	449	5.0%	6:4	14	9	6.0%	5:5	14	13
PAL 2	316 ENP	2.67 /ENP	844	5.0%	6:4	26	17	6.0%	5:5	26	25
Long-Term Conditions (2036)											
PAL 1	835 ENP	2.67 /ENP	2,230	5.0%	6:4	67	45	6.0%	5:5	67	67
PAL 2	1,575 ENP	2.67 /ENP	2,403	5.0%	6:4	127	84	6.0%	5:5	127	126

Note: ENP = enplanements
 Source: Transportation Impact Analysis Technical Report (LLG 2017), Appendix E
 a. Trip generation rates obtained from "Airport Trip Generation" (ITE Journal, 1998) and San Luis Obispo County Regional Airport Master Plan Update, Final EA/EIR, July 2006.
 b. Peak hour percentages obtained from SANDAG's (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region (April 2002).

ERL

11.

176-13



Source: LLG 2017

McClellan-Palomar Airport Master Plan Program EIR

Project Traffic Distribution Figure 2.5-2

12.

176-14

13. 10 2.2.5 Study Scenarios Traffic conditions are analyzed in this section for the following study scenarios. In addition, all scenarios “plus project” include two project alternatives with different enplanement projections (i.e., departing passengers).

- Existing Conditions: 2016
- Existing Conditions Plus Project
- Near-Term Conditions (i.e., existing + cumulative): 20206
- Near-Term Conditions Plus Project
- Long-Term Conditions: 20367
- Long-Term Conditions Plus Project

176-15

14. In conclusion, the traffic study underestimates the existing traffic volumes and does not provide a proper analysis of the traffic impacts associated with the proposed airport expansion project. The traffic study should be re-done to be more accurate and comprehensive.

176-16

- 15. What is the Purpose and Need of this airport expansion?
- 16. The true Purpose and Need and not clearly defined in this DPEIR.
- 17. The DPEIR is very general and does little to evaluate the proposed airport expansion. More work to define the Purpose and Need for this Airport expansion is needed.
- 18. Why doesn't the County take the time to analyze the project's environmental impacts to its entirety?
- 19. What benefit to the citizens of San Diego County get from a Programmatic EIR document?
- 20. What benefits to the citizens of SD County if this DPEIR is only a broad overlook of possible environmental impacts?
- 21. Why doesn't the County take closer looks at the problems that could potentially affect this project from being built?
- 22. This DPEIR should clearly define the projects **Purpose and Need**. CEQA makes it clear that the **purpose and need** must be clearly defined. By making this DPEIR document it allows the County to not be transparent and avoid the tough questions that need to be answered. Why did the County make the decision to draft a Programmatic EIR instead of normal EIR Document?
- 23. Why can't the County provide and analyze the exact scope, scale, and timing for implementation of each proposed element?
- 24. Why is the County not defining the project-specific information at this time?
- 25. Why hasn't the County not fully developed the General Plan and DEIR to quantify exact impacts?

176-17

- 26. Why didn't the County setup noise monitors around the airport to properly monitor the existing aircraft noise?
- 27. Nearby Sensitive Receptors Figure 2.4-1 map is not accurately displaying the effected sensitive receptors. It is missing existing schools, daycare centers, churches and long-term healthcare centers and needs to be updated with all sensitive receptors included.

176-18

- 28. The expansion of the airport will allow larger jets with larger loads to take off and land. These larger jets will need to use more thrust creating more significant noise levels. This will have significant impacts to sensitive receptors in a larger radius around the airport. The DPEIR does not properly address this issue. The County must be transparent and do proper noise testing to accurately profile the noise impacts that this airport expansion will cause. When will these noise studies going to be performed?
- 29. Soil testing? Why wasn't there any soil testing done for Aerially Deposited Lead Soil (ADL Soil)?
- 30. For 70 years airplanes that use leaded fuel have and continue to use leaded fuel into and out of the airport. There should be testing and a report of the levels and type of ADL Soil onsite. Why wasn't this testing done?
- 31. To haul off ADL Soil it can run as much as \$500.00 / cubic Yard.
- 32. Concerns that the piles being placed through the existing landfill (dump) will allow a path for ground water to easily pass deeper into the soil and possibly contaminating the aquifers below. Drilling or driving piles through the existing landfill is not an expectable method, due to the possibility of hazardous materials found in the landfill soil to migrate deeper into the ground. Without proper soil tests, the County's proposed plan, could have serious environmental impacts to water quality. How does the County expect to get clearance to drive or drill pile through an existing landfill that most likely contains hazardous waste?
- 33. How will the County's proposed piles be placed to ensure that this easy pathway for water to travel is sealed off properly?
- 34. How long will the Counties airport service be shutdown during the pile driving stage?
- 35. How much potential revenue will be lost during the building phase of the Airport expansion?
- 36. Why wasn't a feasibly study done and provided for review?
- 37. Why didn't the County provide a Risk Register for this project?
- 38. Why didn't the County provide a financial report and a cost / benefit analysis that shows that this project is truly worth the money that is proposed?
- 39. Viable Vernal Pools require being in an active drainage path. How will the Vernal Pools be mitigated? This DPEIR does not show where they would be located it only speaks in generalities. No clear guidance is given.
- 40. There is no mention of soil testing under the existing fuel storage tanks. Over the years I am sure that there have been accidents and spills that could have contaminated the surrounding soil.
- 41. If there are buried fuel tanks there is no mention in the DPIR that any tests were done to see if the existing tanks have been leaking. The County should have this information and it needs to be put in the DPEIR.

176-18
cont.

176-19

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- 43. How will the methane gases present in the existing landfill be captured and kept from escaping?
- 44. Why is there no geotechnical report included in the DPEIR?

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176-25
cont.

176-26

Thank you for your time and I expect with all the comments, that it will take some time to properly address them all. After reading the comments provided by the City of Carlsbad legal team, I assume that you will also be recirculating the amended DPEIR to the public for an additional review.

176-27

Sincerely,



Richard Breyer
5213 Milton Rd.
Carlsbad, CA 92008

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Exhibit**

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Sent: Monday, March 19, 2018 2:51 PM
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Subject: McClellan-Palomar Airport PEIR & Master Plan Comments
Attachments: Fig 2.5-2 and Table 2,5-1.pdf

McClellan-Palomar Airport PEIR & Master Plan Feedback

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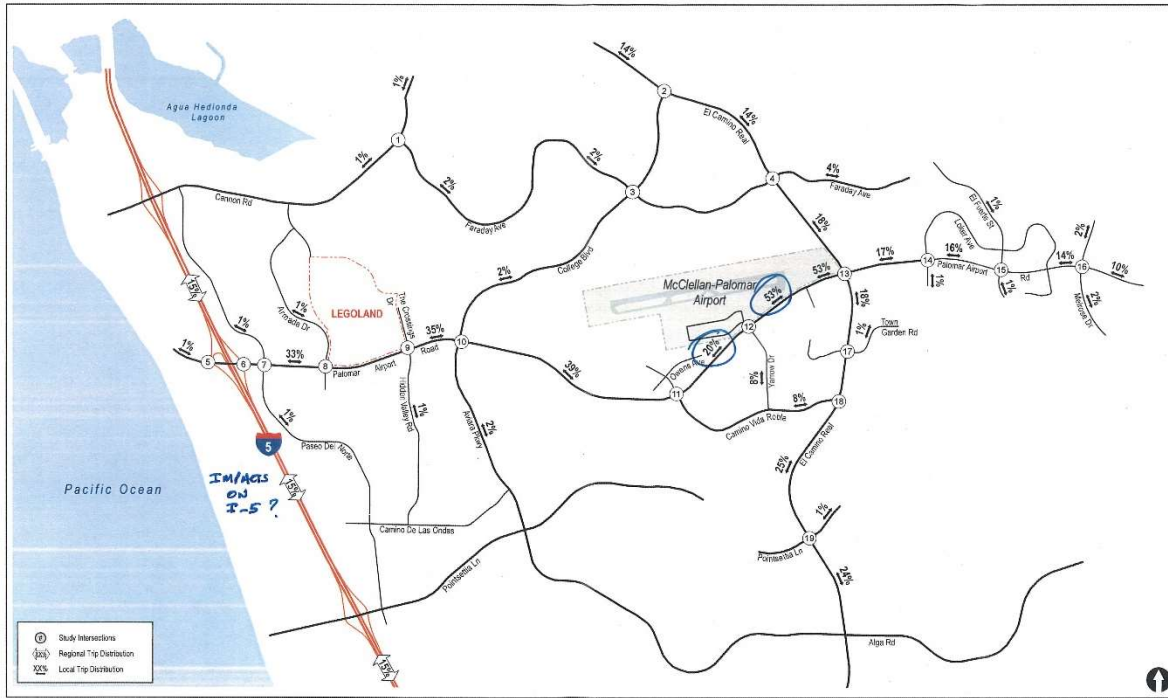
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Sincerely,

Richard Breyer
5213 Milton Rd.
Carlsbad, CA 92008

Comment Letter I76 Exhibit



Source: LLG 2017

McClellan-Palomar Airport Master Plan Program EIR

Project Traffic Distribution Figure 2.5-2

**Comment Letter I76
Exhibit**

Chapter 2 Significant Environmental Effects

Table 2.5-1. Trip Generation

Land Use	Size	Daily Trip Ends (ADT)		AM Peak Hour				PM Peak Hour			
		Rate ^a	Volume	% of ADT ^b	In:Out Split	Volume In	Volume Out	% of ADT ^b	In:Out Split	Volume In	Volume Out
Near-Term Conditions (2020)											
PAL 1	168 ENP	2.67 /ENP	449	5.0%	6:4	14	9	6.0%	5:5	14	13
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Note: ENP = enplanements

Source: Transportation Impact Analysis Technical Report (LLG 2017), Appendix E

a. Trip generation rates obtained from "Airport Trip Generation" (ITE Journal, 1998) and San Luis Obispo County Regional Airport Master Plan Update, Final EA/EIR, July 2006.

b. Peak hour percentages obtained from SANDAG's (Not So) Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region (April 2002).

ERROR

Response to Letter I76**Richard Breyer**

On March 19, 2018 2:51 p.m., the County received an email from this commenter, Mr. Richard Breyer, with comments embedded in the email and containing two map attachments. Two hours later at 4:51 p.m., Mr. Breyer resubmitted his comments attaching them as a Microsoft Word file. Both submittals are included in the record, but because the latter submittal was intended to serve as a corrected replacement version, these County responses are in reference to the March 19, 2018 4:51p.m. submittal.

I76-1 The County acknowledges these introductory comments; however, they do not raise an issue concerning the analysis or adequacy of the PEIR pursuant to CEQA Guidelines Section 15088. Therefore, no further response is required. This comment is included in the Final PEIR for review and consideration by the County Board of Supervisors prior to a final decision on the Proposed Project.

I76-2 This comment states that 6.25 VMT is below a reasonable value that would support any of the Master Plan Update alternatives. The commenter believes a detailed analysis should be completed on actual/current travel distances, and trips to the airport would need to come from much further away and the trip lengths would be much greater, thus a higher VMT and GHG creation.

While this comment discuss the traffic conditions, the intent of this comment to ensure greenhouse gas emissions are being accurately quantified and calculated for the project. As of this writing, neither the State CEQA Guidelines nor County Guidelines require VMT analysis. While the PEIR includes an estimated VMT that would potentially be generated by the Proposed Project, the traffic analysis relied on the currently adopted methods as outlined the PEIR. Furthermore, the potential increase in vehicle trips associated with the Master Plan Update was included and analyzed in the PEIR GHG analysis. As noted in the recirculated PEIR Section 3.1.5, GHG emissions resulting from the Proposed Project would result in less than significant impacts. No changes have been made to the PEIR.

I76-3 The comment requests that SANDAG's or City of Carlsbad's traffic counts should be used for the traffic analysis, or counts should be conducted for a week rather than one day. Please see **Response to Comment S3-2**. As noted in the PEIR Section 2.5.4.1 and **Response to Comment S3-2**, existing traffic conditions were obtained from the City of Carlsbad's 2016 Traffic Monitoring Program. At locations where the City has not collected data, traffic counts were conducted on June 21, 2017 consistent with City of Carlsbad, San Diego Traffic Engineers' Council (SANTEC) methodology, and with the "common rules" as set forth in Caltrans' December 2002 published guidance: Caltrans Guide for the Preparation of Traffic Impact Studies. This guidance does not require a weekly traffic count. Therefore, no changes to the PEIR have been made in response to this comment.

The comment also states that road construction was in progress that disturbed the traffic patterns in the study area. The County verified with the traffic technical expert who prepared the Transportation Impact Analysis that the level of construction in June 2017 was not significant enough to affect traffic volumes within the project's study area.

I76-4 This comment states that providing "mid-block" (i.e., roadway segment) analysis of traffic volumes does not add value to the traffic study. The Transportation Impact Analysis was conducted consistent with City of Carlsbad, San Diego Traffic Engineers' Council (SANTEC) methodology, and with the "common rules" as set forth in Caltrans' December

- 2002 published guidance: Caltrans Guide for the Preparation of Traffic Impact Studies. Specifically, the City of Carlsbad's Traffic Monitoring Program states that "Traffic Monitoring Programs include the collection of data for average daily traffic volumes recorded at mid-block locations...[and] the analysis of intersections and mid-block roadway segment locations allows the city to identify potential capacity problem areas where deficient operations exist or may become problematic in the future." Therefore, the use of mid-block analysis is appropriate. Therefore, no changes to the PEIR have been made in response to this comment.
- I76-5** The comment states that the 2010 Highway Capacity Manual (HCM) methodology should be used for both existing and future conditions at each of the intersections included in the Transportation Impact Analysis study. Because the roadways surrounding the airport are owned and maintained by the City of Carlsbad, the City's guidelines were followed for the traffic impact analysis. Therefore, in accordance with City guidelines, the intersection capacity utilization (ICU) method was used for the Existing and Existing + project scenarios, and the 2010 Highway Capacity Manual Methodology was used for future conditions. No changes to the PEIR have been made in response to this comment.
- I76-6** The comment states there is an oversight in the Transportation Impact Analysis study because it concluded there would no significant impacts or capacity improvements required at the intersection of Yarrow Drive/Palomar Airport Road (entrance to the airport). As shown in the data tables provided in the PEIR Section 2.5 and Transportation Impact Analysis appendices, this intersection was studied, and it was determined the intersection would result in satisfactory conditions in accordance with City of Carlsbad guidelines. Therefore, no significant impacts would occur and no mitigation is required. While this comment disagrees with the PEIR's determination, the comment does not provide evidence to refute the County's analysis. No changes to the PEIR have been made in response to this comment.
- I76-7** This comment requests analysis of Interstate 5 (I-5) as part of the PEIR traffic impact analysis. As noted in the Transportation Impact Analysis study, the City of Carlsbad uses San Diego Traffic Engineers' Council (SANTEC) criteria to determine the traffic report study area. This criteria establishes that intersections and segments should be included in the traffic study area where a project would add 50 or more peak hour trips. The proposed Master Plan Update would add less than 50 peak hour trips to I-5. Therefore, based on City guidelines and SANTEC criteria, an analysis of I-5 is not warranted. No changes to the PEIR have been made in response to this comment.
- I76-8** Please refer to **Response to Comment I76-3**. No changes to the PEIR have been made in response to this comment.
- I76-9** This comment states that development projects surrounding the Airport were not considered in the Draft PEIR's traffic analysis. To the contrary, the County did coordinate with the City of Carlsbad Planning Department to obtain a current list of nearby development projects. Table 9-1 of the PEIR's Transportation Impact Analysis lists multiple development projects that were considered and analyzed as part of the PEIR, including Robertson Ranch, ViaSat, and Bressi Ranch to name a few. These projects' traffic volumes were added to existing conditions and combined with near-term traffic volumes anticipated by the Master Plan Update. In addition, the long-term cumulative analysis conducted for the project includes SANDAG growth forecasts for the entire City of Carlsbad. Therefore, the PEIR adequately addressed surrounding development projects, and no changes to the PEIR have been made in response to this comment.

- I76-10** This comment asks why there is no traffic data specifically related to rental cars, ridesharing, or taxi service that currently use or are projected to use the Airport under the proposed Master Plan Update. The trip generation rate described in the project's Transportation Impact Analysis accounts for traffic generated by passengers, employees, and Airport operations associated with the increase in commercial enplanements. Therefore, this trip generation includes traffic generated by all types of vehicle use, including rental cars, ridesharing, and taxi service. As such, no changes to the PEIR have been made in response to this comment.
- I76-11** This comment references two attachments that are presented later in the commenter's letter. Please see **Response to Comments I76-13 and I76-14** for a discussion of these attachments, which have been included in the record as "exhibits".
- I76-12** The comment asks why impacts to the I-5 freeway are not addressed in the Draft PEIR. Please see **Response to Comment I76-7**. In addition, the on-ramps and off-ramps from Palomar Airport Road/I-5 were considered as described in Draft PEIR's Transportation Impact Analysis. As discussed in the PEIR Section 2.5, the project was found to result in less than significant impacts to the I-5 facilities. As such, no changes to the PEIR have been made in response to this comment.
- I76-13** This comment includes an image of the Draft PEIR Table 2.5-1 Trip Generation in which the PAL 2 ADT Volume is circled and marked with "error." The County agrees this is a typographical error as it was copied incorrectly from the Appendix E Transportation Impact Analysis. This corresponding table from the Transportation Impact Analysis identifies the correct ADT Volume of 4,206. The PEIR Table 2.5-1 has been corrected. As this was a typographical error, it does not change the PEIR's findings or conclusions.
- I76-14** This comment includes an image of the Draft PEIR Figure 2.5-2 Project Traffic Distribution in which the commenter circled the project's percent distributions along Palomar Airport Road on either side of Yarrow Drive. After another review of these percentages, the traffic technical expert verified the percentages are correct, and the County is unclear what error the commenter is referring to since no narrative description was provided. However, upon further review of Figure 2.5-2, additional information was added to clarify the project's percent distribution from the main entrance at Yarrow Drive (81%) and the project's percent distribution from the secondary entrance at Owens Avenue (19%). No other changes to the PEIR have been made in response to this comment.
- On Figure 2.5-2, the commenter also wrote, "impacts on I-5?" Please see **Response to Comments I76-7 and I76-12**.
- I76-15** This comment identifies the various scenarios that are studied in the Draft PEIR and Transportation Impact Analysis. No question or request was provided; however, in reviewing this section the County noticed a typographical error in the section number (should be 2.5.2.5). This has been corrected in the PEIR.
- I76-16** This comment provides concluding remarks stating the PEIR does not provide a proper analysis of the traffic impacts associated with the Master Plan Update, and it states the Transportation Impact Analysis should be revised. As substantiated in the above responses to Comment Letter I76, the County finds the PEIR and Transportation Impact Analysis are correct and valid.
- I76-17** The County acknowledges this comment; however, it does not raise an issue concerning the analysis or adequacy of the PEIR pursuant to CEQA Guidelines Section 15088.

Therefore, no further response is required. This comment is included in the Final PEIR for review and consideration by the County Board of Supervisors prior to a final decision on the Proposed Project.

- 176-18** The commenter asks why noise monitors were not set up around the Airport to measure aircraft noise. Noise measurements were taken at points in the community around the Airport for purposes of completing the construction noise analysis; however, these measurements were not used to complete the aircraft noise analysis. The Airport does monitor aircraft noise as part of its Airport Noise Abatement Program, but this activity is unrelated to the Master Plan Update or PEIR.

The commenter states that Figure 2.4-1 does not accurately display noise sensitive receptors in areas around the Airport. The intent of Figure 2.4-1 is to identify the locations of those sensitive noise receptors closest to the Airport. The figure may not account for every sensitive noise receptor in the community beyond the Airport environs.

The commenter states that the Master Plan Update projects will allow larger jets to operate at the Airport, creating significant noise impacts. As discussed in Section 2.4.2.2, the noise analysis completed for the PEIR indicates that the noise impacts associated with future aircraft operations and operation of the Airport would be less than significant.

Regarding the commenter's concern of aircraft noise, County staff researched the location provided by this comment and confirmed the location is outside of the 65dB contour (i.e., less than 65dB) under all scenarios. Specifically, the existing noise condition at the location provided was estimated to be 49.47dB, and its future condition without the Proposed Project is estimated to be 49.59dB. Assuming full implementation of the Proposed Project (PAL 2), the estimated future noise condition would be 50.43dB. This is below the threshold of significance of 65dB CNEL. Although the comment pertains to existing noise conditions, there is no evidence the Proposed Project would result in significant noise impacts. Therefore, because the location would be outside of the 65dB contour, no significant noise impacts would occur, and no changes to the PEIR are required. Please refer to Master Responses 1 and 4 in addition to PEIR Appendix D for more information about the supplemental noise analysis conducted for additional locations.

- 176-19** This comment asks why the County did not perform soil testing for Aerially Deposited Lead at the Airport. The PEIR states that a potential impact (HZ-2) may result from grading or excavation on the site due to disturbance of contaminated soil and/or groundwater. Please refer to Mitigation Measure M-HZ-1, which states that a Soil Management Plan (or equivalent remediation plan) shall be prepared in accordance with applicable federal, state, and local requirements for the purpose of removing, treating, or otherwise reducing potential contaminant concentrations to below human or ecological health risk thresholds. The Soil Management Plan (or equivalent remediation plan) shall outline methods for characterizing and classifying soil for off-site disposal, as needed, during site development. The timing of this mitigation measure's implementation will vary depending on the timing, funding, and priorities of individual project elements under the Airport Master Plan Update; however, this mitigation measure would be implemented prior to or at the time of impact. Therefore, prior to construction, the County would identify any soil that could be potentially contaminated that may pose a health risk during earthwork activities.

As this comment does not specifically identify an environmental issue with the PEIR analysis or proposed mitigation, no changes to the PEIR have been made in response to this comment.

- 176-20** This comment expresses concern that the conceptual drilled displacement column piles may result in impacts to groundwater. While the design is conceptual until such time that engineering design plans are prepared, it is anticipated that the columns would provide structural support for runway/taxiway surfaces, and as impervious cover it would preclude movement of rainwater underneath the paved surfaces and through the landfill profile. As described in the PEIR, the exact scope, scale, and timing for construction of the Master Plan Update elements will be determined once elements are proposed that may encounter inactive landfill materials during construction. Also, as noted in **Response to Comment S4-7** (San Diego Regional Water Quality Control Board), the County agrees that as individual project elements are proposed that may encounter inactive landfill materials during construction, engineering design plans would be needed to analyze potential impacts to the integrity of any portion(s) of the landfill cover, existing sub-drain system, or water quality monitoring system. In addition, the project will be required to comply with federal, state, and local regulations and policies related to any existing hazardous materials and associated contamination. No changes to the PEIR have been made in response to this comment.
- 176-21** As stated in Section 3.1.6, Hydrology and Water Quality, as individual improvements are proposed under the Master Plan Update and the PEIR, the engineering design process will include an evaluation of anticipated storm flows and design features to ensure increased velocities and peak flow rates exiting the project site would not result in flooding downstream or exceed the storm water drainage system. No revisions to the PEIR have been made in response to this comment.
- 176-22** The County acknowledges this comment; however, it does not raise an issue concerning the analysis or adequacy of the PEIR pursuant to CEQA Guidelines Section 15088. This comment is included in the Final PEIR for review and consideration by the County Board of Supervisors prior to a final decision on the Proposed Project. The County would like to note that a Feasibility Study, dated August 13, 2013, was completed and made available to the public on the County's website.
- 176-23** This comment states that the PEIR does not identify where mitigation would occur for vernal pool impacts. As described in the PEIR Mitigation Measure M-BI-3, mitigation for impacts to vernal pools will occur on County-owned lands on or adjacent to the Eastern Parcel (APN 209-050-25), or at another location deemed acceptable by the County and other regulating agencies. The exact location and implementation details of vernal pool mitigation will be determined at the project level and in consultation with the regulating agencies. Implementation of Mitigation Measure M-BI-3 would mitigate impacts on a programmatic level by establishing a compensatory mitigation requirement and stipulating mitigation ratios that ensure consistency with either the NC MSCP or County guidelines. No changes to the PEIR have been made in response to this comment.
- 176-24** This comment suggests that existing fuel storage tanks may have spilled thereby contaminating the surrounding soil. Analysis of the location and current status of underground storage tanks (USTs) and other hazards and hazardous materials located on the Airport are fully discussed in the Phase I Environmental Site Assessment prepared for the project in Appendix C to the PEIR. Please refer to **Response to Comment 176-20**. In addition, the PEIR disclosed that Mitigation Measure M-HZ-1 would be implemented prior to grading or excavation over the inactive landfill. This mitigation measure identifies that a Soil Management Plan (or equivalent remediation plan) shall be prepared in accordance with applicable federal, state, and local requirements for the purpose of removing, treating, or otherwise reducing potential contaminant concentrations to below human or ecological

health risk thresholds. The Soil Management Plan (or equivalent remediation plan) shall outline methods for characterizing and classifying soil for off-site disposal, as needed, during site development.

The comment also references an “underground fire” that occurred in the inactive landfill Unit 3. Please refer to **Response to Comment I75-40** for a discussion of this event, which the County refers to as subsurface oxidation.

As this comment does not specifically identify an environmental issue with the PEIR analysis or proposed mitigation, no changes to the PEIR have been made in response to this comment.

I76-25 Please refer to **Response to Comment I76-24**. Regarding the capture of methane gases (presumably during construction), PEIR Chapter 3.1.2 included an analysis of potential air quality emissions resulting from construction of the Master Plan Update. The PEIR concluded that the Master Plan Update would not result in a significant air quality impact. Furthermore, as noted in the PEIR, the exact scope, scale, and timing for construction of certain elements will be determined once funding is identified for project design engineering and construction. Areas of impact are estimated for project elements (such as the runway extension), as they have not been fully developed to quantify exact impacts in most cases, and therefore, are analyzed at a programmatic level. Once funding is identified for the design engineering and construction of individual Master Plan Update projects, the exact impact area will be further analyzed. Additional analysis under CEQA will be required for projects at the time that they are designed and proposed. No changes to the PEIR have been made in response to this comment.

I76-26 As stated in Section 3.1.4, Geology and Soils, the PEIR analysis of geologic conditions and hazards were based on the following geotechnical reports:

- Ninyo & Moore, Geotechnical Evaluation County Stairs Project, McClellan-Palomar Airport, Carlsbad, California, May 1, 2009.
- Ninyo & Moore, Geotechnical Evaluation, Taxiways A3, A4, and A5 Rehabilitation Project, McClellan-Palomar Airport, Carlsbad, California, April 5, 2012.
- Kimley-Horn and Associates, Inc., Feasibility Study for Potential Improvements to McClellan-Palomar Airport Runway, Final Report.

In addition, please refer to **Master Response 10**, which discusses program-level and project-level environmental review. No revisions to the PEIR were made in response to this comment.

I76-27 These are conclusion comments. They do not raise specific issues regarding the content of the PEIR, but will be included as part of the administrative record and made available to the County Board of Supervisors prior to a final decision on the Proposed Project.

Comment Letter I77

From: Val Brown <brownval@hotmail.com>
Sent: Monday, March 19, 2018 4:03 PM
To: LUEG, PalomarMP
Subject: Comments on the McClellan-Palomar Master Plan and DRAFT Environmental Impact Report
Attachments: Comments on the McClellan-Palomar Master Plan and DRAFT Environmental Impact Report .pdf

Dear Ms. Curtis,

Thank you for the opportunity to respond to the McClellan-Palomar Master Plan and DRAFT Environmental Impact Report.

Please find my comments attached. I can be reached via the email above if you have questions. Thank you.

Val Brown

} I77-1

Attn: Cynthia Curtis
5510 Overland Avenue, Suite 410
San Diego, CA 92123

March 19, 2018

Re: Comments on the McClellan-Palomar Master Plan and DRAFT Environmental Impact Report

Dear Ms. Curtis,

Thank you for the opportunity to respond to the McClellan-Palomar Master Plan and DRAFT Environmental Impact Report.

I've lived in the same residence in Vista, CA since 1994 (Jobe Hill Drive) about 3 miles east of S. Melrose Drive and Hacienda. I have already been adversely affected by the changes resulting from the implementation of NextGen with increased noise and low flying jets and planes.

I am very concerned about what the proposed changes will mean to our quality of life with even more noise, pollution and our quality of life.

When I bought our house I was not in the flight path. Today, planes routinely fly over our home at low altitudes shaking doors and windows and creating enough noise where I've had to stop a conversation to wait for them to pass.

I submit these comments on the McClellan-Palomar Airport Draft EIR so that San Diego County may respond directly to each of our concerns in its Final EIR.

I am looking for specific information that applies to our neighborhood, -- not to the city as a whole. Our decision to (stay/move) from our existing neighborhood depends on your answers.

Generic county answers will not help us. My Draft EIR questions are:

Noise: General Questions

- a. How many aircraft flew within 2 miles of the above noted intersection in 2015, 2016, and 2017? What was their range of altitudes above the intersection? How many used McClellan-Palomar Airport? Please see images from flights overhead attached.
- b. What are the applicable federal, state, and local laws that limit the height of aircraft above our residences, schools, and parks? What are the minimum altitude limits that apply above the intersection, schools, and parks noted above?
- c. I understand that California, including California court rulings, require airports to measure Single Noise Exposure Levels (SNEL). Is this correct? If such measurements are required, what SNEL did San Diego County measure over the

177-2

177-3

residences, schools, and parks noted above in 2015, 2016, and 2017? If none are made, explain how the county’s 2017-2037 McClellan-Palomar Airport Master Plan will improve gathering and disclosing this information.

- d. I understand that McClellan-Palomar Airport installed only two noise monitors on or near the airport in 2017 to replace a larger number of noise monitors it previously maintained. Why did McClellan-Palomar Airport reduce the number of noise monitors? Is McClellan-Palomar Airport complying with any noise monitor requirements that it agreed to in the 2006 Part 150 FAA Noise Compatibility Agreement?
- e. Does McClellan-Palomar Airport have a mobile noise-monitoring device that it can take out to neighborhoods that experience excessive noise? How do I get a McClellan-Palomar Airport noise monitoring device in my neighborhood?
- f. Has San Diego County had programs to retrofit homes or schools especially affected by airport noise? If so, what are the specifics? If not, please explain why not since such measures could be mitigation that could be included in the McClellan-Palomar Airport EIR.
- g. Please include in the 2017-2037 McClellan-Palomar Airport EIR discussion of noise mitigation measures (i) a program whereby county will monthly contact each school principal within a radius of 10 miles to determine how many times a day teachers must halt instruction due to aircraft noise and determine the number of students affected and (ii) how the County will monthly report this information at its Palomar Airport Advisory Committee (PAAC) meetings and (iii) what steps the County can take to mitigate such noise interference to the extent it exists.

177-3
cont.

2. Training Flights: Noise & Safety

I am concerned about changes that San Diego County has implemented since 1980 at McClellan-Palomar Airport, which affect our community’s safety and noise, which relate to training flights.

I further understand that in 1980 the County began operations at McClellan-Palomar Airport and agreed that McClellan-Palomar Airport would operate as a “general aviation basic transport” airport. The FAA says that term means an airport that handles no more than 2500 scheduled operations a year. I also understand that in the 1980s, San Diego County resolutions allowed McClellan-Palomar Airport to limit training flights to control noise.

177-4

It is my understanding that training flights do involve foreign pilots with minimal English skills and minimal aviation skills – which raise safety concerns as such pilots undertake many “touch and go” operations leading to our neighborhoods.

It is also my understanding that several of the September 11, 2001 pilots used local airports, including possibly San Diego, to train.

Despite these past limitations, I understand that San Diego County intends, under its 2017-2037 McClellan-Palomar Airport Master Plan and recent leasing practices at McClellan-Palomar Airport and Gillespie Field and other County airports, to increase

flight levels far above those of a “general aviation basic transport” airport and intends to increase flight training at McClellan-Palomar Airport.

- a. Of McClellan-Palomar Airport’s 2015, 2016, and 2017 operations, about what percent each year and how many each year are “touch and go” training operations using McClellan-Palomar Airport facilities?
- b. What neighborhoods, schools, and parks did such training flights fly over in 2015, 2016, and 2017 and about how many times each year?
- c. Assuming training flights conduct “touch and go” operations at multiple county airports located within 50 miles of each other, (i) what percent of such operations are conducted between 500 and 1000 feet and (ii) between 1000 feet and 2000 feet above houses in our neighborhood, our schools, and our parks? I am concerned that training aircraft flying very short distances fly at comparatively low altitudes and make multiple turns over our neighborhoods in contrast to aircraft traveling several hundred miles, which may leave McClellan-Palomar Airport and fly over our neighborhoods, schools, and parks only once during that flight.
- d. Does McClellan-Palomar Airport gather the information related to the number of “touch and go” flights at its airport every day? If not, why not? Please add to the 2017-2037 McClellan-Palomar Airport EIR discussion of noise mitigation measures that San Diego County could take to limit the noise and safety risks of aircraft conducting “touch and go” training flights.

177-4
cont.

3. Safety: Air Pollution from McClellan-Palomar Airport Aircraft Using Leaded Aviation Fuel

I understand that anyone walking within 500 feet of the McClellan-Palomar Airport runway will smell a strong odor of aviation fuel and that some customers at Lol’s, across from the airport and/or at Costco a few miles from the airport, can smell an aviation fuel odor in the air. I understand that the FAA requires larger aircraft to use non-leaded fuel but still allows smaller aircraft to continue to use leaded fuel. I further understand that in 2016 or 2017, the EPA issued a report finding a problem with leaded fuel emissions at McClellan-Palomar Airport but that San Diego County disagreed with the EPA’s findings.

- a. Please include in the McClellan-Palomar Airport EIR a discussion of (i) the EPA’s initial findings, (ii) the county’s response, and (iii) a statement of what the EPA’s current position is after hearing the County’s views.
- b. In 2015, 2016, and 2017, how many smaller aircraft flights (defined as aircraft weighing less than 15,000 pounds) flew over our neighborhood, schools, and parks? What was the average altitude of these flights over each impacted area? How much leaded aviation fuel emissions do these aircraft produce over the impacted area during each pass? What are the health impacts on our children by such emissions? Please cite the relevant studies and refer to the relevant pages in the study in responding to our request.
- c. How many elderly or health-challenged residents live within a 10 mile radius of McClellan-Palomar Airport? What is the impact of leaded emissions on such challenged residents?

177-5

- d. Please include in the McClellan-Palomar Airport EIR a discussion of when the FAA intends to bar smaller aircraft from using leaded fuel and identify any pending FAA studies reported in the Federal Register or elsewhere soliciting public comment.
- e. Discuss in the McClellan-Palomar Airport EIR what percent of McClellan-Palomar Airport flights are smaller aircraft flights and how McClellan-Palomar Airport development will affect these flights. For instance, I understand that current Supervisor Bill Horn stated at a December 2015 Board of Supervisors meeting that given the McClellan-Palomar Airport expansion that San Diego County intended to eliminate the parking for smaller aircraft along the northern border of the airport. Is that true and when would that occur and how would smaller aircraft flights be affected?

177-5
cont.

4. Traffic

The two main road arterials roads that connect Carlsbad, Vista, San Marcos, and Encinitas are the North-South El Camino Real and the East-Ist Palomar Airport Road.

I understand that the 2015-2035 Carlsbad General Plan has predicted gridlock conditions along certain portions of ECR and PAR in the future – even before knowing how McClellan-Palomar Airport would grow in the future.

I understand that Elite Air, dba Cal Jet, has projected handling up to 270,000 new passengers at McClellan-Palomar Airport within a few years. I understand that these numbers do not include passengers aboard corporate aircraft. I do not know if they include helicopter passengers. I understand that airports lengthening their runways typically attract more aircraft and passengers. I further understand that passengers going to the airport may be dropped off or picked up, thus causing 2 vehicle trips for each passenger movement by the “dropping off/picking up driver”. I understand that gridlocked roads cause drivers to search out alternate roadways to use to minimize their travel time.

177-6

- a. In San Diego County’s McClellan-Palomar Airport EIR, does the data assure the total traffic baseline conditions associated with past users of McClellan-Palomar Airport including corporate and helicopter passenger numbers?
- b. Please assure that the data reports the anticipated passenger levels from 2018 to 2028.
- c. Analyze how El Camino Real and/or Palomar Airport Rd traffic gridlock will redistribute traffic to alternate roads and at what levels.
- d. Identify the specific mitigation measures that San Diego County is committing so traffic impacts may be reduced, included but not limited to contributing money to operational measures to increase traffic efficiency such as assuring that traffic signals can “talk” to each other and more smoothly regulate traffic. If the County is not recommending this measure, explain why not.

5. **Other Specific Concerns**

When I bought our home, I did not live in a flight path. Today, it's apparent there is no regard for the neighborhoods in the surrounding communities by planes using Palomar Airport. Why is it fair to homeowners to strip their property values due to increased noise and pollution from the airport and there is no recourse or enforcement? How will this master plan contribute to the quality of life in Carlsbad and surrounding communities?

177-7

Thank you for the opportunity to comment on San Diego County's McClellan-Palomar Airport 20 year EIR. Please note that I end this letter with one more concern. I understand that San Diego County calls its McClellan-Palomar Airport EIR a "program EIR" which generally considers future environmental impacts but does not necessarily consider actual project impacts.

I understand that when the County prepares environmental documents, the County compares current noise, air pollution, and traffic impacts against forecasted impacts.

Please note that if the County fails to answer any of my questions above (such as the number of corporate passengers that the County served in 2015, 2016, and 2017), the County is reporting incomplete baseline data, which makes its 2017-2037 McClellan-Palomar Airport EIR defective and may delay future County project supplemental analysis.

177-8

I also recognize that per a 1980 Citizen's Initiative, Carlsbad residents are old the opportunity to vote on the expansion plans presented in the McClellan-Palomar Airport Master Plan. I anticipate San Diego County will support the outcome of that vote.

Thank you for recognizing our concerns and addressing them in the County's Final Environmental Impact Report.

Val Brown

Response to Letter I77**Val Brown**

I77-1 The County acknowledges these introductory comments; however, they do not raise an issue concerning the analysis or adequacy of the PEIR pursuant to CEQA Guidelines Section 15088.

I77-2 The County acknowledges these introductory comments; however, they do not raise an issue concerning the analysis or adequacy of the PEIR pursuant to CEQA Guidelines Section 15088. Therefore, no further response is required. This comment is included in the Final PEIR for review and consideration by the County Board of Supervisors prior to a final decision on the Proposed Project.

Regarding the commenter's concern of aircraft noise, County staff researched the location provided by this comment and confirmed the location is outside of the 65dB contour (i.e., less than 65dB) under all scenarios. Specifically, the existing noise condition at the location provided was estimated to be 40.82dB, and its future condition without the Proposed Project is estimated to be 40.19dB. Assuming full implementation of the Proposed Project (PAL 2), the estimated future noise condition would be 40.63dB. This is below the threshold of significance of 65dB CNEL. Although the comment pertains to existing noise conditions, there is no evidence the Proposed Project would result in significant noise impacts. Therefore, because the location would be outside of the 65dB contour, no significant noise impacts would occur, and no changes to the PEIR are required. Please refer to Master Responses 1 and 4 in addition to PEIR Appendix D for more information about the supplemental noise analysis conducted for additional locations.

I77-3 This comment is similar to Comment I48-2. Please refer to **Response to Comment Letter I48-2**. No further response is required.

I77-4 This comment is similar to Comment I69-4. Please refer to **Response to Comment Letter I69-4**. No further response is required.

I77-5 This comment is similar to Comment I69-5. Please refer to **Response to Comment Letter I69-5**. No further response is required.

I77-6 This comment is similar to Comment I48-4. Please refer to **Response to Comment Letter I48-4**. No further response is required.

I77-7 The County acknowledges this comment; however, it does not raise an issue concerning the analysis or adequacy of the PEIR pursuant to CEQA Guidelines Section 15088. Therefore, no further response is required. This comment is included in the Final PEIR for review and consideration by the County Board of Supervisors prior to a final decision on the Proposed Project.

I77-8 These are conclusion comments. They do not raise specific issues regarding the content of the PEIR, but will be included as part of the administrative record and made available to the County Board of Supervisors prior to a final decision on the Proposed Project.



The McClellan-Palomar Airport Master Plan Update and Draft Program Environmental Impact Report (EIR) are available for a public review and comment period from Thursday, January 18 to Monday, March 19, 2018. The documents are accessible at: www.PalomarAirportMP.com.

Comments must be submitted to:

Email: PalomarMP@sdcounty.ca.gov	Mail: County of San Diego, Attn: Cynthia Curtis 5510 Overland Avenue, Suite 410 San Diego, CA 92123
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If you wish to submit written comments this evening, please complete this form. You may also submit comments after tonight, but no later than March 19, 2018.

Name:	<i>Pamela Chava</i>
Title/Organization:	<i>Resident</i>
Email:	<i>pcaloha@yahoo.com</i>
Phone Number:	
Mailing Address:	<i>7331 Lontano Street, Carlsbad</i>
Project Comments:	<p><i>Please see attached memo →</i></p> <p><i>Thank you</i></p> <p><i>Please acknowledge receipt of this memo / comment response</i></p> <p><i>Thank-you</i></p>
<p>RECEIVED MAR 19 2018 County of San Diego ENVIRONMENTAL SERVICES</p>	
<input type="checkbox"/> Yes, please send me project notifications	

I78-1

To: County of San Diego, Attn. Cynthia Curtis

From: Pamela Chana, pcaloha@yahoo.com – Carlsbad Resident of 18 years 

Date: March 15, 2018

Re: McClellan-Palomar Airport Master Plan Comments to County

In attending the Master Plan Workshops, discussions with staff and other community meetings it is apparent to me that the proposed Master Plan/Improvements and the P.E.I.R. for the Carlsbad airport do not address the major concerns of the residents impacted by the proposed increase in intensity of airport operations, noise levels (beyond on-site noise contours), frequency of flights, air congestion and safety, curfews, flight paths over houses, vehicle traffic, air pollution/health, potential reduction in property values/quality of life. Basically, because it was clarified that this is only a site specific plan within existing airport boundaries and most of these issues are under the jurisdiction of the FAA. So, there seems to be a tremendous disconnect between the Plan and the FAA issues. Since many of my concerns are not addressed in the documents I have only provided a few of my comments below on issues that seem to require further review or clarification.

178-2

The growth forecasts seem to contradict themselves throughout the document. The forecasts could further identify a better breakdown of the airport fleet mix, intended usage, demand and impacts related to growth. (i.e. corporate jets, prop planes, helicopters, flight instruction flights are all lumped together as general aviation while commercial jets are specifically defined). When addressing passenger enplanements or “passenger activity levels” of the projected 575,000 outbound passengers it only seems to cover commercial jet counts, which does not reflect the magnitude of actual activity. Why does it not reflect incoming passengers? Corporate jet passengers, or private planes like prop planes, flight school instructors and students etc.? All which would impact noise, traffic, frequency of flights etc.

178-3

As stated in the documents, there is a “national trend where smaller, piston fired engines will be phased out while larger business jets will increase, a trend already begun at this airport”. However there is very little data provided on business corporate jets in the documents that highly impact this area but focuses more on commercial flights. That seems inadequate since business jets are described as the most “demanding critical design aircraft” dictating the airport safety and design standards in the Plan. Even though they are becoming quieter and more efficient jets are still loud at take off and loud when they go over your house at 600’.

178-4

Basically, “intensity of use” needs to be further and accurately defined, not just with commercial jets which is extensive, as it could impact findings. In addition, since the document states there will be an “intensity in use” and “anticipated aircraft operations would naturally

continue to increase over time regardless of commercial activity” or that the forecasts are based on various studies by various agencies show an “increase in demand for aviation services”...then how can the County and document also state “the airport would continue to conduct operations similar to existing conditions” Really? How would one then define existing conditions? Isn’t proposed increases of the square footage of the facilities on site to accommodate growth, modifications to runway and taxiway, enhanced parking, the allowance of larger planes with heavier loads create new conditions of operations?

178-4
cont.

In addition, one knows all the noise and traffic issues are not adequately addressed as it relates to community impact and that the review is only staying within the site boundaries. However, this does not seem to adequately meet the goals of the “Land Use Compatibility Plan” goals by isolating the project.

178-5

The document also states that C-III and D-III planes are currently operating safely out of the airport. However, it is being stated safety requirements are needed. In actuality the changes would only optimize the use, increase frequency of flights as the runway and taxiway could be used simultaneously, and allow planes with full capacity of fuel, cargo and passengers. This truly ~~to~~ increases airport revenues. So why not have a B-II modified plan or C-III modified plan since D-III’s can operate anyway. Or, I believe more people would be supportive of the proposed Plan if the FAA worked more closely with the community and looked at this airport on an individual case basis due to the impacts (but not limited to) establishing a curfew, continuing to reduce noise impacts with even higher levels of airplane noise design requirements, reducing projected frequency/intensity of landings and takeoffs and alternating flight paths so one household or households are not specifically impacted on a daily basis.

178-6

I noticed there is also no mention of homeland security issues? How is this handled when any plane is allowed to land at the airport? I realize this is not a required element of the P.E.I.R. but information would be helpful or could be put on your website.

178-7

There are various other issues regarding the documents, these are only a few of mine and I am not knowledgeable on other issues and hope that others who are will provide comments.

Response to Letter I78**Pamela Chana**

- I78-1** The County acknowledges these introductory comments; however, they do not raise an issue concerning the analysis or adequacy of the PEIR pursuant to CEQA Guidelines Section 15088. Therefore, no further response is required. This comment is included in the Final PEIR for review and consideration by the County Board of Supervisors prior to a final decision on the Proposed Project.
- I78-2** The County acknowledges these introductory comments; however, they do not raise an issue concerning the analysis or adequacy of the PEIR pursuant to CEQA Guidelines Section 15088. Therefore, no further response is required.
- I78-3** Please refer to **Master Response 6 (Existing Airport Activity)**.
- I78-4** Please refer to **Master Response 9 (Increase in Aircraft Operations)**.
- I78-5** Sections 2.4 and 2.5 of the PEIR address noise and transportation/traffic, respectively, as required by CEQA. While this comment disagrees with the Draft PEIR's determinations, the comment does not provide evidence that the project would have a significant effect on the environment.

As noted in the PEIR, all elements of the Master Plan Update are located within existing Airport property, and no expansion of Airport uses is proposed outside of the existing Airport boundaries. Where applicable, the PEIR does analyze environmental resources that are not localized to the Airport boundaries (e.g., air quality, greenhouse gas emissions, noise). Furthermore, the Master Plan Update does not introduce new uses, and involves the continuation of existing uses as outlined in the Master Plan Update.

No changes to the PEIR have been made in response to this comment.

- I78-6** Please refer to **Master Response 3 (Voluntary Noise Abatement Procedures)**.

Regarding the commenter's concern of aircraft noise, County staff researched the location provided by this comment and confirmed the location is outside of the 65dB contour (i.e., less than 65dB) under all scenarios. Specifically, the existing noise condition at the location provided was estimated to be 38.58dB, and its future condition without the Proposed Project is estimated to be 38.85dB. Assuming full implementation of the Proposed Project (PAL 2), the estimated future noise condition would be 40.17dB. This is below the threshold of significance of 65dB CNEL. Although the comment pertains to existing noise conditions, there is no evidence the Proposed Project would result in significant noise impacts. Therefore, because the location would be outside of the 65dB contour, no significant noise impacts would occur, and no changes to the PEIR are required. Please refer to Master Responses 1 and 4 in addition to PEIR Appendix D for more information about the supplemental noise analysis conducted for additional locations.

- I78-7** These are conclusion comments. They do not raise specific issues regarding the content of the PEIR, but will be included as part of the administrative record and made available to the County Board of Supervisors prior to a final decision on the Proposed Project.

Comment Letter I79

From: THERESA Gibson <red_rn1@msn.com>
Sent: Monday, March 19, 2018 8:22 PM
To: LUEG, PalomarMP
Subject: SAFETY at Palomar Airport, EIR Comment.

Theresa Gibson RN
 Rancho Vallecitos
 3535 Linda Vista Dr #255
 San Marcos, Ca 92078

Per the FAA regulations, on approach to land, planes are supposed to fly at least 1000 ft from the ground until they are 3 miles from the airport. In San Marcos, they fly across the valley at an appropriate height, and suddenly they come to our 650ft higher hill, at 3.5 miles from the airport. The hill also has many 100 ft pine trees! They make no adjustments, and they are now flying too low RIGHT OVER MY HOME!!! There is no room for error, should there be wind-shear or some kind of malfunction.

I closed escrow here 2 yrs ago, after thinking I had done due diligence. Realtors had not revealed that there was to be a lengthening of the runway, and reclassification of the airport; and a friend I know who was head of maintenance at most of San Diego’s State Beach parks, had said the airport would never be expanded because of the methane issue.

So now, I sit here with larger planes than I observed before escrow closed, flying lower than I ever imagined, and larger numbers of them to come. It is the eeriest feeling to know a plane is flying SO LOW over my home. It makes me wonder which one will be the one that CRASHES, as I hear them come in. This means constant stress, as we have all know planes crash mostly on approach or landing.

This hill contains approximately 1000 homes of mostly retired souls, who cannot run to the window to record the planes and deal with reporting, and yet have 20 or 30 years of good life left, that they have earned as generals, nurses, and CEOs, without fear of crashes, and exhaust from airplanes right in their face because they are so low.

I will memorialize this letter on the net, where the FAA may refer to it after they have ignored us, and a plane crashes in our neighborhood!

Theresa Gibson RN



I79-1

Response to Letter I79**Theresa Gibson**

- I79-1** The County acknowledges this comment; however, it does not raise an issue concerning the analysis or adequacy of the PEIR pursuant to CEQA Guidelines Section 15088. Therefore, no further response is required. This comment is included in the Final PEIR for review and consideration by the County Board of Supervisors prior to a final decision on the Proposed Project.

Regarding the commenter's concern of aircraft noise, County staff researched the location provided by this comment and confirmed the location is outside of the 65dB contour (i.e., less than 65dB) under all scenarios. Specifically, the existing noise condition at the location provided was estimated to be 53.46dB, and its future condition without the Proposed Project is estimated to be 56.33dB. Assuming full implementation of the Proposed Project (PAL 2), the estimated future noise condition would be 58.96dB. This is below the threshold of significance of 65dB CNEL. Although the comment pertains to existing noise conditions, there is no evidence the Proposed Project would result in significant noise impacts. Therefore, because the location would be outside of the 65dB contour, no significant noise impacts would occur, and no changes to the PEIR are required. Please refer to Master Responses 1 and 4 in addition to PEIR Appendix D for more information about the supplemental noise analysis conducted for additional locations.

Comment Letter I80

From: jhull08293@roadrunner.com
Sent: Monday, March 19, 2018 9:40 AM
To: LUEG, PalomarMP
Attachments: Carlsbad Airport Letter March 16, 2018.pdf

Please accept our revised letter for the DEIR for the Palomar Airport project. I made some minor revisions and corrections to the letter submitted March 16th.

} I80-1

Thank you,

Joe Hull

**MARY & JOE HULL
913 POPPY LANE
CARLSBAD, CA 92011**

County of San Diego
Department of Public Works
5510 Overland Avenue, Suite 410
San Diego, CA 92123
Attn: Cynthia Curtis

Via E-mail: PalomarMP@sdcounty.ca.gov

Re: Draft EIR for the McClellan-Palomar Airport Expansion Project

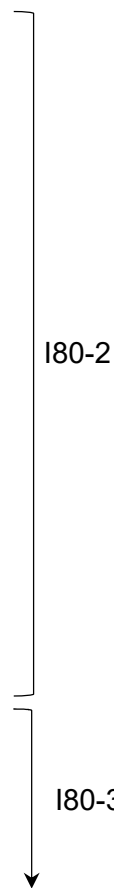
Ms. Curtis:

Please accept our comments for the DEIR for the Master Plan update for the McClellan -Palomar Airport (Airport). Based on our review of the DEIR, it fails to adequately establish a purpose and need for the project and does not quantify or address the actual impacts of the project, particularly for the proposed extension of the existing runway.

Having lived in the Spinnaker Hills neighborhood for over 25 years, we are well aware of the complete failure of the current "Fly Friendly" rules (FFR) the voluntary program related to Airport use, noise levels and recommended timeframes of usage. The current FFR system along with the proposed extension is analogous to having a voluntary, unenforceable, speed limit on a roadway and then widening the road to reduce noise and improve safety.

To demonstrate the complete lack of control I have added a few photos from last Saturday March 10th, as I worked in the backyard. I could have literally taken photos all day long and I counted as many as 6 (single or twin) airplanes in a single hour that flew over the houses on our street and over the Aviara development. In addition, just in a single day alone (March 16th), based on web tracker information, there were 45 operations prior to 5:00a.m. Aside, from the single and twin engine planes that fly in seemingly random directions, jets headed south frequently cut the corner of the flight pattern on a diagonal direction over existing homes as they head south, south east. Both of these flight patterns that are routinely used are shown on the attached map.

The DEIR's stated purpose is to reduce noise for communities to the west by extending the runway and improve safety. However, both of these statements are erroneous given the fact that the airport currently operates under the concept of the FFR since there are no limits as to when flights can depart or return to the airport and the path they take. So, adding or inducing additional travel demand will decrease overall safety and increase the potential for conflict.



March 16, 2018

MARY & JOE HULL
913 POPPY LANE
CARLSBAD, CA 92011

Should the runway be made longer, only heavier fuel laden jets will need to use the added length, and a longer runway does not mean other air traffic will utilize any extra length that might be available nor continue on the required flight path out to the Pacific Ocean. So, there is no way to actual know what the true noise impacts or the effect of a longer runway will be. In addition, there really isn't any neighborhoods directly west of the airport (depicted by the orange colored areas on the attached map). In contrast, the expansion will allow aircraft with additional fuel capacity to use the runway that currently cannot, and the direct noise impacts and overall noise will be greatly increased.

180-3
cont.

Since, the DEIR does not have any actual counts and very minimal measurements of existing noise levels for aircraft that do not stay within the FFR recommended flight patterns or operate outside of the flight time windows, the DEIR is totally deficient in this area.

The traffic impact study also needs substantial revisions. Some of the existing traffic volumes were counted on a single day, June 21, 2017. This is not an appropriate method to establish the existing traffic volume data. All of the intersections analyzed in the traffic study should follow the same methodology and specifically the intersections should be analyzed using the 2010 Highway Capacity Manual for both existing and future conditions. Although some fair share mitigation is proposed, the traffic study did not identify direct impacts at the signalized entrance at Yarrow Drive. As Carlsbad residents, it must be an oversight to conclude that the intersection would not need some sort of capacity improvement at the existing intersection, which has a short left turn lane for eastbound traffic and no right turn lane for traffic entering from the west.

180-4

Another key area that is lacking in the DEIR is an air quality analysis that should cover both the GHG impacts for the increase fuel usage for air traffic and for vehicular traffic that will use the new expanded Airport facility. This GHG increase is inconsistent with the County's Climate Action Plan and the DEIR needs to address the mitigation measures needed to reduce the GHG effects.

180-5

There is no way to quantify the number of new or induced flights based on the extension of the runway. The potential impact categories previously mentioned including noise, traffic, and air quality need to be analyzed with a maximum usage scenario and not based on a purely speculative or hypothetical minimal growth rate that is used in the DEIR. All the associated impacts need to be mitigated so the proposed project will not have far reaching, severe, and significant impacts to the City of Carlsbad and surrounding area.

180-6

March 16, 2018

MARY & JOE HULL
913 POPPY LANE
CARLSBAD, CA 92011

As covered in the 2013 feasibility study for the Master Plan update, most of the proposed "need" for the project is to accommodate private services, flight schools, cooperate jets and other private aircraft. Thus, the proposed project provides, at best, little or no public benefit and is why we adamantly oppose any project to extend the existing runway, particularly with an estimated price tag of \$100 - 125 million dollars.

180-7

In summary, the DEIR is inadequate and does not support the project and violates the California State Aeronautics Act (CSAA). We believe that any lengthening of the existing runway without FAA restrictions will create traffic impacts, noise impacts and air quality impacts that are not proper presented or analyzed in the DEIR, because there are not any regulations or enforcement for the utilization of the Airport. Any project that increases utilization will in turn increase the likelihood of a mishap and decrease the safety of the Airport and the surrounding neighborhoods and would be in violation of the CSAA by creating new noise and safety impacts.

180-8

Respectfully,

Mary Hull
Joseph Hull
913 Poppy Lane
Carlsbad, CA 92011
jhull08293@roadrunner.com
(760) 438-2719 Home

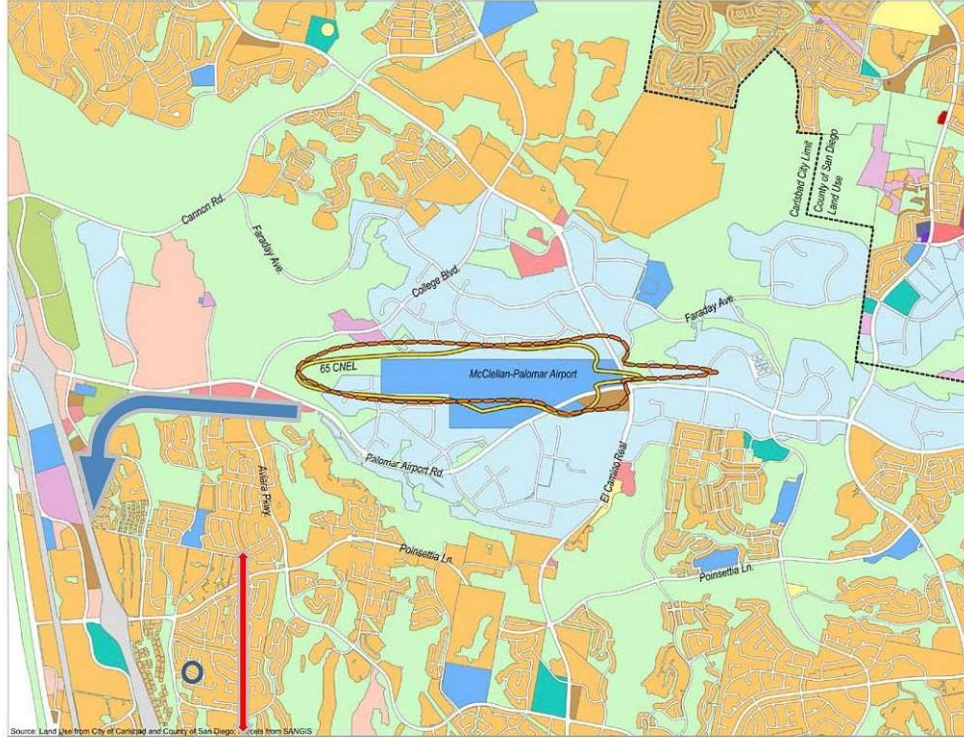
Attachments




C: California Department of Transportation – Aeronautics Division
City of Carlsbad – City Manager

March 16, 2018

MARY & JOE HULL
913 POPPY LANE
CARLSBAD, CA 92011

Airport & Vicinity Map



-  House Location
-  Typical Flight Path – Jets cutting the flight path corner
-  Single Twin Engine plane flight path

March 16, 2018

**MARY & JOE HULL
913 POPPY LANE
CARLSBAD, CA 92011**



March 16, 2018

MARY & JOE HULL
913 POPPY LANE
CARLSBAD, CA 92011



March

MARY & JOE HULL
913 POPPY LANE
CARLSBAD, CA 92011

Comment Letter I80
Exhibit



March

MARY & JOE HULL
913 POPPY LANE
CARLSBAD, CA 92011

Comment Letter I80
Exhibit



Marcl

MARY & JOE HULL
913 POPPY LANE
CARLSBAD, CA 92011

Comment Letter I80
Exhibit



March

Response to Letter I80**Mary and Joe Hull**

- I80-1** The County acknowledges these introductory comments; however, they do not raise an issue concerning the analysis or adequacy of the PEIR pursuant to CEQA Guidelines Section 15088. Therefore, no further response is required. This comment is included in the Final PEIR for review and consideration by the County Board of Supervisors prior to a final decision on the Proposed Project.
- I80-2** The County acknowledges these introductory comments; however, they do not raise an issue concerning the analysis or adequacy of the PEIR pursuant to CEQA Guidelines Section 15088. Therefore, no further response is required. This comment is included in the Final PEIR for review and consideration by the County Board of Supervisors prior to a final decision on the Proposed Project.
- I80-3** Among other roles, the purpose of the PEIR is to evaluate the environmental effects associated with the implementation of the Proposed Project, as required by CEQA. Where necessary, mitigation measures have been included to reduce potential impacts to less-than-significant levels.

The commenter states that noise impacts will be greatly increased by lengthening the runway and there is no way to know what the effects will be. To the contrary, the noise analysis conducted in the PEIR accounts for all of the Master Plan Update project elements, including the runway extension. The commenter also states that the PEIR does not account for actual aircraft operational counts. The County disagrees with this point as the noise analysis accounts for all forecasted aircraft operations. Please refer to **Response to Comment L3-70**. As discussed in the PEIR Section 2.4.2.2, the Proposed Project would result in less than significant noise impacts due to aircraft, and no mitigation measures are required.

Regarding the commenter's concern of aircraft noise, County staff researched the location provided by this comment and confirmed the location is outside of the 65dB contour (i.e., less than 65dB) under all scenarios. Specifically, the existing noise condition at the location provided was estimated to be 39.33dB, and its future condition without the Proposed Project is estimated to be 39.78dB. Assuming full implementation of the Proposed Project (PAL 2), the estimated future noise condition would be 41.08dB. This is below the threshold of significance of 65dB CNEL. Although the comment pertains to existing noise conditions, there is no evidence the Proposed Project would result in significant noise impacts. Therefore, because the location would be outside of the 65dB contour, no significant noise impacts would occur, and no changes to the PEIR are required. Please refer to Master Responses 1 and 4 in addition to PEIR Appendix D for more information about the supplemental noise analysis conducted for additional locations.

- I80-4** This comment states that revisions are needed to the traffic impact analysis because traffic counts were collected on a single day. The commenter disagrees with this method to collect traffic volume data. Please refer to **Response to Comment S3-2**. No changes to the PEIR have been made in response to this comment.

The comment also states that the 2010 Highway Capacity Manual methodology should be used for both existing and future conditions. Because the roadways surrounding the Airport are owned and maintained by the City of Carlsbad, the City's guidelines were followed for the traffic impact analysis. Therefore, in accordance with City guidelines, the intersection capacity utilization (ICU) method was used for the Existing and Existing + project scenarios

and the 2010 Highway Capacity Manual Methodology was used for future conditions. No changes to the PEIR have been made in response to this comment.

The comment also states there is an oversight in the Transportation Impact Analysis study because it concluded there would no significant impacts or capacity improvements required at the intersection of Yarrow Drive/Palomar Airport Road (entrance to the airport). As shown in the data tables provided in the PEIR Section 2.5 and Transportation Impact Analysis appendices, this intersection was studied, and it was determined the intersection would result in satisfactory conditions in accordance with City of Carlsbad guidelines. Therefore, no significant impacts would occur and no mitigation is required. While this comment disagrees with the PEIR's determination, the comment does not provide evidence to refute the County's analysis. No changes to the PEIR have been made in response to this comment.

- 180-5** The comment states that the PEIR's GHG analysis is inconsistent with the County CAP and mitigation measures are needed to reduce the effects. Please refer to the recirculated PEIR Section 3.1.5, which includes additional information using project and site-specific data and analysis as well as a revised significance threshold. The recirculated section also includes a discussion and analysis of the County CAP since it had not been approved when the Draft PEIR was initially published. The recirculated GHG section identifies that impacts would remain less than significant with no mitigation required. No changes have been made to the PEIR.
- 180-6** As discussed in Section 2.4.2.1, the analysis completed for the PEIR includes different aviation forecast and planning scenarios and the environmental review includes the highest forecasted uses of the site for determining potential impacts. The noise analysis considers two different forecast planning scenarios as discussed in the Master Plan Update. These scenarios are called passenger activity levels (PAL) that consider a range of potential commercial air service use, and include PAL 1 (totaling 195,050 annual aircraft operations) and PAL 2 (totaling 208,004 annual aircraft operations). The noise analysis results for these scenarios indicates that neither aviation forecast would produce significant aircraft-related noise impacts. No changes have been made to the PEIR.
- 180-7** The County acknowledges this comment; however, it does not raise an issue concerning the analysis or adequacy of the PEIR pursuant to CEQA Guidelines Section 15088. Therefore, no further response is required. This comment is included in the Final PEIR for review and consideration by the County Board of Supervisors prior to a final decision on the Proposed Project.
- 180-8** The County acknowledges the conclusion comment. This comment does not raise specific issues regarding the substantive environmental analysis conducted within the PEIR. The comment will be included as part of the administrative record and made available to the County Board of Supervisors prior to a final decision on the Proposed Project.

Comment Letter I81

From: Amanda Mascia <amandamascia77@gmail.com>
Sent: Monday, March 19, 2018 10:02 AM
To: LUEG, PalomarMP
Subject: Comment PEIR for CRQ Master Plan / Gnatcatcher habitat and nests

Comments for Submittal:

I do not believe the mitigation measures to adequately address the significant impacts to gnatcatcher habitats/nests and disagree that plan provides for "less than significant impacts."

PEIR: "The 2011 Hardline letter confirmed this mitigation strategy is adequate *assuming adoption* of the North County Multiple Species Conservation Program (NC MSCP)"

According to the San Diego County website, the NC MSCP is still in development (Source: <https://www.sandiegocounty.gov/pds/mscp/>)

Mitigation measures for an "assumed adoption" of a plan (NC MSCP) still in development cannot and should not be applied.

This is further addressed here in the PEIR: "If the NC MSCP is not adopted at the time of project-specific implementation, take authorization for impacts to coastal California gnatcatcher would require approval of either an Habitat Loss Permit (HLP) from the County or Section 7 (or 10) permit from USFWS."

Mitigation measures for a potential take authorization have not been approved.

Seeing that BOTH avenues for mitigation, adoption of the NC MSCP and the take authorization via HLP Permit or permit from USFWS have NOT been approved, the mitigation measures should NOT be validated.

The significant impacts should stand without reference to mitigation, as there is currently not proven mitigation for the significant impacts to gnatcatcher habitats and nests.

Submitted 3/19/18

Amanda Mascia

Oceanside, CA 92056

Reference:

Table S-2. Summary of Significant Effects and Mitigation Measures

Section 2.2 "Biology"

Page S-8 McClellan-Palomar Airport Master Plan Draft PEIR January 2018

I81-1



BI-1. The Proposed Project would impact coastal California gnatcatcher- occupied habitat resulting in the potential to impact California gnatcatcher nests. This would be considered a significant direct and indirect impact.

M-BI-1a. In accordance with the mitigation strategy described in a joint letter from the United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) (2011 Hardline letter), mitigation for impacts to coastal California gnatcatcher (*Polioptila californica californica*) habitat (Diegan coastal sage scrub) shall occur at a 2:1 ratio through the preservation of southern maritime chaparral on County-owned lands on or contiguous with the eastern parcel (Assessor’s Parcel Number [APN] 209-050- 25), or at another location deemed acceptable by the County and Wildlife Agencies. This would result in the preservation of 6.2 acres of southern maritime chaparral. The 2011 Hardline letter confirmed this mitigation strategy is adequate assuming adoption of the North County Multiple Species Conservation Program (NC MSCP).

If the NC MSCP is not adopted at the time of project-specific implementation, take authorization for impacts to coastal California gnatcatcher would require approval of either an Habitat Loss Permit (HLP) from the County or Section 7 (or 10) permit from USFWS.

I81-1
cont.

Response to Letter I81**Amanda Mascia**

I81-1 This comment disagrees that impacts to coastal California gnatcatcher habitat would be less than significant. Specifically, the comment states that mitigation measures that assume adoption of the NC MSCP should not be applied. While impacts to occupied coastal California gnatcatcher habitat are considered significant, implementation of the proposed mitigation measures would reduce the impacts to less than significant. These measures include habitat preservation at a location deemed acceptable to the County and Wildlife Agencies, at agreed-upon ratios, as well as breeding season avoidance measures should active nests be present. These are acceptable mitigation measures that are consistent with regional standards for impacts to the species and occupied habitat. Furthermore, since the PEIR is a program-level document and impacts may or may not occur prior to adoption of the NC MSCP, it is necessary to anticipate mitigation under both scenarios. No changes to the PEIR have been made in response to this comment.

The comment also states that because neither a Habitat Loss Permit nor Section 7 (or 10) permit have been obtained, the mitigation is not valid and impacts should be identified without mitigation. As noted the PEIR Section 2.2, consultation with the resource agencies and implementation of project-specific mitigation would occur at the time when individual projects are funded, designed, and proposed for construction. The County is not required to obtain the aforementioned authorizations until such time that individual project elements and their associated impacts are proposed. No changes to the PEIR have been made in response to this comment.

In addition, although the commenter does not express concerns of aircraft-related noise in this comment letter, the commenter did express such concerns during the Notice of Preparation review period (February 29, 2016 for 30 days). As such, the commenter's provided location was included for staff to further study or analyze the noted noise concerns. County staff researched the location provided and confirmed the location is outside of the 65dB contour (i.e., less than 65dB) under all scenarios. Specifically, the existing noise condition at the location provided was estimated to be 40.03dB, and its future condition without the Proposed Project is estimated to be 40.00dB. Assuming full implementation of the Proposed Project (PAL 2), the estimated future noise condition would be 40.55dB. This is below the threshold of significance of 65dB CNEL. Although the comment pertains to existing noise conditions, there is no evidence the Proposed Project would result in significant noise impacts. Therefore, because the location would be outside of the 65dB contour, no significant noise impacts would occur, and no changes to the PEIR are required. Please refer to Master Responses 1 and 4 in addition to PEIR Appendix D for more information about the supplemental noise analysis conducted for additional locations.

Comment Letter I82

From: romckinley@akfm.com
Sent: Monday, March 19, 2018 4:49 PM
To: LUEG, PalomarMP
Subject: FW: Public Comment re: McClellan-Palomar MP update and PEIR
Attachments: 18-03-19 Ltr Re Master Plan Update.pdf

This firm is privileged to represent Michael Durkin, a San Diego County resident and a member of a limited liability company having an interest in property near the McClellan-Palomar Airport. The attached correspondence is a public comment regarding the County of San Diego’s draft Master Plan and Environmental Impact Reports for the McClellan Palomar Airport. Please direct any correspondence regarding the same to this office. Thank you.

I82-1

Best Regards,

Ryan O. McKinley, Esq.
 FREELAND McKINLEY & McKINLEY
 402 W. Broadway, Ste. 1815
 San Diego, Ca. 92101
 Phone: 619-297-3170
 FAX: 619-255-2833

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Suite 103
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March 19, 2018

By U.S. Mail:

Cynthia Curtis, Environmental Planning Manager
County of San Diego
Department of Public Works
5510 Overland Avenue, Suite 410
San Diego, CA 92123

Dave Cushing, Manager
Federal Aviation Administration
Western-Pacific Region Airports Division
15000 Aviation Boulevard, Room 3024
Lawndale, California 90261

By E-Mail

PalomarMP@sandiegocounty.ca.gov

Kevin Crawford, City Manager
manager@carlsbadca.gov

City Council of Carlsbad
council@carlsbadca.gov

Re: Comments on McClellan-Palomar Airport Master Plan Update and Draft Environmental Impact Report Failure To Address Current Existing Safety Hazards In The Runway Protection Zone.

Ms. Curtis, Mr. Cushing, Mr. Crawford, Members of the City Council, and Concerned Residents of the City of Carlsbad and County of San Diego,

This firm is privileged to represent Michael Durkin, a resident of San Diego County. (the "County") and a member of a limited liability company having an interest in property near the McClellan-Palomar Airport (the "Airport"). This letter responds to the draft Master Plan Update and the draft Environmental Impact Report and identifies deficiencies consisting of the failure to adequately address serious existing and, under the draft documents, continuing future violations

182-2

of FAA Runway Protection Zone requirements, and unmitigated but mitigable significant environmental impacts in the form of dangers to people and property on the ground.

It is imperative that the County make changes to the Draft Environmental Impact Report (the “EIR”) and Master Plan Update (the “Master Plan”) to do the following:

1. Clearly and accurately state the federal rules, regulations, and guidelines related to the Runway Protection Zone (“RPZ”), and the reasons those rules, regulations, and guidelines exist;
2. Clearly and accurately state the actions the County intends to take to comply with the federal rules, regulations, and guidelines related to the RPZ, and to ensure the safety of people and property on the ground; and
3. Clearly and accurately state the risks associated with the proposal under the Master Plan Update to perpetuate mitigable but unmitigated dangers to people and property on the ground.

182-2
cont.

The County must clearly and accurately enunciate the Federal standards related to the RPZ in the Master Plan and EIR.

There is currently an office building of over 29,000 square feet with an approved occupant load of 100 people located on Lot 24 squarely in the RPZ located at the West end of the Airport’s Runway 6/24 (the “West RPZ”). As stated in the FAA Advisory Circular 150-5300 chg. 13 (“150-5300”), the RPZ is “An area off the runway end to enhance the safety of people and property on the ground.” The history of the RPZ is also briefly summarized in 150-5300:

Approach protection zones were originally established to define land areas underneath aircraft approach paths in which control by the airport operator was highly desirable to prevent the creation of air navigation hazards. Subsequently, a 1952 report by the President’s Airport Commission (chaired by James Doolittle), entitled The Airport and Its Neighbors, recommended the establishment of clear areas beyond runway ends. Provision of these clear areas was not only to preclude obstructions potentially hazardous to aircraft, but also to control building construction as a protection from nuisance and hazard to people on the ground. The Department of Commerce concurred with the recommendation on the basis that this area was “primarily for the purpose of safety and convenience to people on the ground.” The FAA adopted “Clear Zones” with dimensional standards to implement the Doolittle Commission’s recommendation. Guidelines were developed recommending that clear zones be kept free of structures and any development that would create a place of public assembly.¹

182-3

The County is well-aware of the need to control the RPZ. For example, in the McClellan-Palomar Airport ALUCP, the RPZ is described with the following graphic:

¹ FAA Advisory Circular 150-5300 chg. 13 (emphasis added).

Zone	Description	Nominal Dimensions	Relative Risk Level	Nature of Accident Risk	Percent of Accidents in Zone
1	Runway Protection Zone (RPZ) and within Runway Primary Surface primarily on airport property; airport ownership encouraged	Depending upon approach visibility minimums: 1,200 feet minimum, 2,700 feet maximum beyond runway ends; 125 to 500 feet from centerline adjacent to runway (zone dimensions established by FAA standards). Acreage (one runway end): 8 to 79 (RPZ only)	Very High	Landing undershoots and overshoots; over-runs on aborted take-offs; loss of control on take-off.	Arrivals: 28%–56% Departures: 23%–29% Total: 33%–39%

As shown, the RPZ is at a relative risk level of “Very High”, and is highly vulnerable to a variety of accident risks, including: Landing undershoots and overshoots, over-runs on aborted take-offs, and loss of control on take-off. The percentage of all aircraft accidents which occur in the RPZ is between 33 and 39 percent. In fact, as stated in the McClellan-Palomar Airport ALUCP, the RPZ (referred to as Safety Zone 1) is “exposed to the greatest risk of aircraft accidents.”²

The FAA does not have jurisdiction to control the use of property around the Airport. Instead of exercising direct control, the FAA uses the Airport Improvement Program, through which the FAA provides airport owners (whom they call “sponsors”) funding for the development and operation of their airports, as a tool to require airport owners to ensure federal goals for the safe operation of airports are achieved. When sponsors apply for and accept grants from the FAA, they agree to be bound by FAA policies, including those restricting the use of land in the RPZ. The County has received tens of millions of dollars over just the last ten years in funding from the FAA and has repeatedly assured the FAA it would comply with the RPZ regulations by acquiring an interest in RPZ property sufficient to eliminate incompatible uses in the RPZ—which includes the office building currently occupied on Lot 24.

Among the requirements associated with applying for and receiving grants, the FAA requires the Sponsor (here, the County) to control RPZ property to prevent future incompatible uses and eliminate existing ones.³ The mandatory method by which the Sponsor must exercise “control” over the RPZ is through ownership of an interest in RPZ property sufficient to clear existing incompatible uses and prevent future incompatible uses.⁴ Incompatible uses include any place that encourages public assembly, including churches, schools, hospitals, office buildings, and shopping centers.⁵

The office building located in the west end RPZ is currently incompatible with these guidelines because it results in exposure of people and property to the danger, in violation of FAA requirements, of planes overshooting or undershooting the runway. The most glaring example of this is the existence of an office building, a use specifically mentioned as prohibited in all federal guidance materials, with an occupancy load of 100 within the central portion of the West RPZ.



182-3
cont.

²2011 McClellan Palomar Airport ALUCP pg. C-7.
³ FAA Advisory Circular 150-5300-13 chg. 13 Section 212.
⁴ See 14 C.F.R. 151.11; FAA Advisory Circular 150-5100-17 chg. 6 Section 1-7.
⁵ *Id.*

Neither the EIR nor the Master Plan accurately state the Federal guidelines for RPZ property. Instead, the EIR includes the following misstatements:

“The purpose of an RPZ is to place limitations on obstructions at the ends of a runway.” (As shown in footnote 1, *supra*, the RPZ is *“a protection from nuisance and hazard to people on the ground.”*)

The foregoing misstatement severely mischaracterizes the purpose of the RPZ. The purpose of the RPZ is not to clear obstructions, an issue addressed by other FAA rules. The purpose is solely for the protection of people and property on the ground from the hazards associated with airport activities.

The EIR should be amended to properly identify the known hazards to people and property in the RPZ, particularly where, as here, the County knows about but refuses to do anything to eliminate an office building prohibited by applicable FAA mandates. Such analysis could easily be borrowed from the McClellan-Palomar Airport’s ALUCP. The EIR should also be amended to accurately state the nature of the County’s obligations under federal rules; i.e. the EIR should state that the RPZ properties must be acquired in order to bring the County into compliance with federal rules and regulations, and to mitigate the hazards to County residents who use and occupy the RPZ.

The Master Plan does a better, but not perfect, job of stating the Federal rules related to the RPZ. It states:

- 1) “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.”
- 2) Per FAA AC 150/5300-13A, “Land acquisition to protect all possible airspace intrusions is generally not feasible, and is usually supplemented by local zoning, easements, or other means to mitigate potential incompatible land uses and potential obstacle conflicts.”
- 3) On AIP-assisted projects, the sponsor must acquire real property rights of such nature and extent that are adequate for the construction, operation, and maintenance of the grant assisted project. Normally the sponsor will acquire fee title to all land within the airport boundaries and for the runway protection zone (RPZ). If fee acquisition for the RPZ is not practical, then an avigation easement is required. This easement must secure the right of flight with inherent noise and vibration above the approach surface, the right to remove existing obstruction, and a restriction against the establishment of future obstructions.⁶

Statements 1 and 3 are appropriate statements of FAA policy regarding the RPZ; i.e. that the FAA expects the Sponsor to take all possible measures to protect against and remove or mitigate incompatible land uses; and that the Sponsor *must*, at a minimum,

⁶ Draft Master Plan, pg. 5-42.

182-3
cont.

acquire an aviation easement sufficient to remove existing obstructions and prevent future obstructions. However, Statement 2 is a misstatement of federal policy as it regards to the RPZ. As stated above, and as defined in AC 150/5300-13, the RPZ is calculated to protect people and property on the ground. Other Federal policies address intrusions into airspace, which is to what Statement 2 refers. Accordingly, the implication in Statement 2 that the County can rely on means other than acquisition of a property interest sufficient to eliminate incompatible land uses in the RPZ, or that the County’s duty to acquire such an interest may be mitigated by the County’s determination that acquisition is not “feasible”, is a misstatement of federal policy. Only the FAA is empowered to determine whether acquisition is feasible. The Master Plan should be amended to remove this misstatement of Federal policy.

182-3
cont.

The County must clearly and accurately state how and when it intends to act to comply with Federal standards related to the RPZ, and to ensure the safety of its residents, in the Master Plan and EIR.

The County, despite its obligation to the FAA through the grant assurances, and despite statements in the 1997 Master Plan that it would acquire sufficient interests in Lot 24 to prevent or eliminate incompatible uses in the RPZ,⁷ has for more than 20 years refused to acquire sufficient interest in the RPZ to achieve that stated purpose. Absent a Master Plan commitment to eliminate the incompatible use on Lot 24 forthwith, its past conduct must be deemed to represent the future: it will do nothing in the next twenty years to eliminate the incompatible use on Lot 24, and will thereby leave people and property on the ground in the RPZ are at a severe risk of death and damage; a risk the FAA has deemed intolerable in the operation of American airports.

182-4

To some, the chances of an airplane crash in a relatively small area may seem remote. However, just at McClellan-Palomar airport in the last eleven years, at least two aircraft have crashed into the West RPZ. In 2007, a local pilot crashed into a self-storage facility located in the RPZ and died along with his passenger, and the County was subsequently sued for allowing such a structure to be erected.⁸ Again, in 2009, another plane crashed into a golf course located in the RPZ after hitting power lines; killing the pilot and narrowly missing maintenance workers who were working on the golf course⁹. These tragic events are compelling reminders of public policy reasons for the FAA RPZ requirements, and why those requirements must be accurately stated in the Master Plan, and why the EIR inadequately addresses the RPZ safety issue and the ability to mitigate the issue by performing the duties imposed by the FAA.

The EIR must address mitigation of this safety issue by discussing how and when the County can acquire interests in Lot 24 sufficient to eliminate the incompatible use, and the Master Plan must specify that the County will take this mitigation measure. he County must clearly state how and when it intends to fix the problem and remove the hazard.

⁷ 1997 Master Plan, pgs. 5-3, 5-4 (“Currently, some land within the existing RPZ for Runway 24 is not owned or controlled by the County. It is recommended that this land be acquired to prevent any encroachment on navigable airspace. In addition, land within the proposed non precision RPZ for Runway 6 will also need to be acquired.”)

⁸ <http://www.sandiegouniontribune.com/sdut-fatal-carlsbad-plane-crash-spawns-5-lawsuits-2007mar21-story.html>

⁹ <http://www.sandiegouniontribune.com/sdut-two-killed-in-fiery-crash-at-mcclellan-palomar-2007jul04-story.html>

This firm has consulted with a former associate administrator of the FAA, D. Kirk Shaffer, who was involved in approving some of the Airport grants the County received during the period of 2007-2009. Mr. Shaffer has defined the appropriate path for the County to take in order to bring the Airport into compliance with RPZ regulations: The County must designate RPZ acquisition as its highest priority project and execute the project diligently in accordance with the law and with all authority which the County possesses, including if necessary by exercising the power of eminent domain. The County should clearly express the interest it intends to acquire and how it intends to use that interest to clear existing incompatible uses and to ensure no future incompatible uses are created. If necessary, the County should apply for FAA funding to assist with the acquisition. These steps should be clearly stated in the Master Plan, including a timeline for completion. Only by doing so can the draft EIR and the Master Plan meet legal muster.

The County has always known this duty demands immediate attention. The County, in fact, previously took steps to accomplish this task. In 1995, prior to the development of any of the properties within the West RPZ, the County applied for funding by the FAA for this purpose. In its letter to the FAA requesting the grant funds, the County aptly summarized its obligation to acquire the RPZ:

Acquisition of Lots 23, 24 & 25; Runway Protection Zone (RPZ)

Narrative: Lots 23,24 and 25 are three (3) parcels located in the RPZ on the West side of the airport, as shown on Exhibit A. The parcels combined total 8.77 acres and are located in a subdivision, zoned "light-industrial. " The three lots lie underneath the departure pattern for runway 24.

Averaging nearly 220,000 take-offs and landings per year, McClellan-Palomar Airport is one of the busiest single runway airports in the nation. A majority of the airport's departures are to the West, primarily due to prevailing wind conditions. It is also the preferred departure heading for noise abatement purposes during calm wind conditions.

*A trapezoidal area, referred to as the Runway Protection Zone (RPZ), extends West beyond the runway and measures 1000 feet in length and 1100 feet at its widest point. The area comprises approximately 37 acres. **This area is considered susceptible to aircraft mishaps and in general must remain free of obstacles or uses that may be considered incompatible due to noise, overflight and accident potential. Lots 23, 24 & 25 are situated beyond the runway center line and cover approximately 70% of property within the RPZ not yet owned by the County.** The remainder is either scheduled for future acquisition or will become part of a City proposed public golf course, which is a compatible use. The County already owns the majority of property necessary to protect the East RPZ.*

The West RPZ has been budgeted for acquisition for the last two fiscal years, pending formal recommendation in the airport's Master Plan Update. Recent real property activity on the three sites have forced an acceleration of



182-4
cont.

the process in order to avoid [inverse] condemnation and excessive costs associated with acquiring the property”.

(emphasis added)

At some point, the County knowingly abandoned its intent to perform its obligations and to protect the public from the hazards inherent in Airport operation. Indeed, the County’s own Director of Airports testified under oath in deposition that it had absolutely no intent to acquire the interest in RPZ land necessary to eliminate the incompatible land use on Lot 24 in the RPZ, and therefore had no intent to perform its obligations to the public to protect it from hazards caused by airport operations.¹⁰ Yet the County has continuously told the FAA in various AIP grant agreements that it would acquire sufficient interest in the RPZs to clear them of incompatible land uses and prevent future land incompatible land uses from arising, and the FAA has provided it with funding based on those promises.

It is time the County remembers its duty and acts with due haste to protect the people of San Diego from the hazards created by the Airport. The first step is to clearly define the action the County intends to take and when it intends to take such action in the EIR and Master Plan.

The County must clearly and accurately state the risks associated with the County’s failure to protect the RPZ and overriding interest the County considered to take priority over the safety of its residents.

The County may wish to continue to shirk the above-stated duties and leave the hazardous land uses in the RPZ. However, if it does so, its duty is to be transparent about that decision. The only way it can be truthful in the drafting of the EIR and the Master Plan is to fully disclose the hazards that it is ignoring and its calculus that the human lives at stake are outweighed by the financial burden of land acquisition. The draft EIR must be amended to express the County’s calculus and how it arrives at the decision to allow hazardous conditions to remain at the Airport. This requires the County to explain, at a minimum, the following:

1. The history of the RPZ, and the reasons the FAA mandates it be kept clear;
2. The relative frequency of aircraft incidents in the RPZ compared to other areas around and on the airport;
3. The competing interests considered in determining that it would not acquire sufficient interest to keep the RPZ compliant with FAA regulations, including the costs of acquisition, and how they compare to the potential costs in human lives and property when (not if) future aircraft mishaps occur in the RPZ;
4. The efforts the County has taken or intends to take to mitigate the potential harm caused by an aircraft mishap in the RPZ, and how those actions effectively mitigate such harm.

The County currently operates the Airport in deliberate neglect of its duties to the FAA to fulfill promises it has made to acquire grant funding. More importantly, however, it operates the Airport in deliberate neglect of its duty to protect the people of San Diego from hazards created by its entrepreneurial activities. The County, at a bare minimum, owes its citizens full disclosure

182-4
cont.

182-5

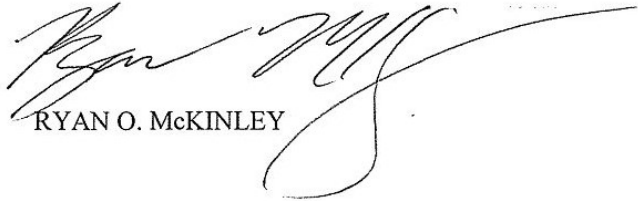
¹⁰ Peter Drinkwater Deposition, taken 6/9/15 (excerpt attached).

of the risks to which it is exposing them, and an explanation of why those risks were deemed secondary to other interests.

↑
182-5
cont.

Very truly yours,

FREELAND McKINLEY & McKINLEY



RYAN O. McKINLEY

Peter Drinkwater - 6/9/2015

<p>SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF SAN DIEGO NORTH COUNTY REGIONAL CENTER</p> <p>DRYDEN OAKS, LLC, a California limited liability company, and DURKIN-CAC LOT 24, LLC, a California limited liability company, Plaintiffs,</p> <p>vs.</p> <p>SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY, a public agency; COUNTY OF SAN DIEGO, a public agency, and DOES 1-10, inclusive, Defendants.</p> <p>DEPOSITION OF PETER DRINKWATER VOLUME I (PAGES 1 - 212) TAKEN AT SAN DIEGO, CALIFORNIA JUNE 9, 2015</p> <p>REPORTED BY: JACQUELINE STEARMAN, CSR NO. 9373</p>	<p>1 I N D E X</p> <p>2 EXAMINATION PAGE</p> <p>3 BY MR. MCKINLEY 4</p> <p>4</p> <p>5 I N D E X</p> <p>6 INDEX OF EXHIBITS</p> <p>7 PLAINTIFFS PAGE</p> <p>8 Exhibit 156 Airport Capital Improvement Plan 79</p> <p>9 Exhibit 157 Comprehensive Land Use Plan Adopted April, 1994 118</p> <p>10 Exhibit 158 Airport Land Use Compatibility Plan 119</p> <p>11 Exhibit 159 1997 Airport Master Plan 141</p> <p>12 Exhibit 160 Letter to John Milligan from Peter Drinkwater dated 8-15-05 179</p> <p>13 Exhibit 161 Letter to Peter Drinkwater from John Milligan dated 8-9-05 182</p> <p>14 Exhibit 162 Grant Agreement dated 8-9-05 184</p> <p>15 Exhibit 163 Document entitled, "Current FAA Advisory Circulars For Both AIP and PFC Projects" 185</p> <p>16 Exhibit 164 Letter dated 3-19-13 to George Buley from Peter Drinkwater with attached 206</p> <p>17 2013 Grant Application</p> <p>18 EXHIBITS PREVIOUSLY MARKED AND ATTACHED</p> <p>19 Exhibits 21, 23, 27, 28, 40, 41 and 98</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Witness Signature Page 211</p> <p>24 Reporter Certificate Page 212</p> <p>25</p>
<p>1 On Tuesday, June 9, 2015, commencing at the hour of</p> <p>2 9:11 a.m. at 1600 Pacific Highway, Room 355, in the City</p> <p>3 of San Diego, County of San Diego, State of California,</p> <p>4 before me, Jacqueline Stearman, Certified Shorthand</p> <p>5 Reporter in and for the State of California, personally</p> <p>6 appeared:</p> <p>7 PETER DRINKWATER,</p> <p>8 called by the Plaintiffs, who, being by me first sworn,</p> <p>9 was thereupon examined as a witness in said cause.</p> <p>10</p> <p>11 A P P E A R A N C E S</p> <p>12 FOR THE PLAINTIFFS:</p> <p>13 FREELAND, MCKINLEY & MCKINLEY</p> <p>14 BY: STEVEN A. MCKINLEY, ESQ.</p> <p>15 16236 SAN DIEGUITO ROAD, SUITE 5-25</p> <p>16 RANCHO SANTA FE, CALIFORNIA 92091</p> <p>17 (858) 832-8367</p> <p>18 FOR THE DEFENDANT COUNTY OF SAN DIEGO:</p> <p>19 OFFICE OF COUNTY COUNSEL</p> <p>20 BY: JUDITH A. McDONOUGH, ESQ.</p> <p>21 1600 PACIFIC HIGHWAY, ROOM 355</p> <p>22 SAN DIEGO, CALIFORNIA 92101</p> <p>23 (619) 531-4942</p> <p>24 FOR THE DEFENDANT SAN DIEGO COUNTY REGIONAL AIRPORT</p> <p>25 AUTHORITY:</p> <p>GATZKE, DILLON & BALANCE LLP.</p> <p>BY: MICHAEL P. MASTERSON, ESQ.</p> <p>2762 GATEWAY ROAD</p> <p>CARLSBAD, CALIFORNIA 92009</p> <p>(760) 431-9501</p> <p>ALSO PRESENT: MR. DURKIN</p>	<p>1 SAN DIEGO, CALIFORNIA; TUESDAY, JUNE 9, 2015</p> <p>2 9:11 A.M.</p> <p>3</p> <p>4 PETER DRINKWATER,</p> <p>5 having first been duly sworn, testified as follows:</p> <p>6</p> <p>7 EXAMINATION</p> <p>8 BY MR. MCKINLEY:</p> <p>9 Q. Good morning, Mr. Drinkwater. How are you today?</p> <p>10 A. Morning. Fine, thank you.</p> <p>11 Q. Have you ever had your deposition taken before?</p> <p>12 A. Yes.</p> <p>13 Q. On how many occasions?</p> <p>14 A. With the County, well, in total, I think four.</p> <p>15 Q. Okay. And how long ago was your last deposition?</p> <p>16 A. Within a year.</p> <p>17 Q. Okay. Well, I'm sure you're well acquainted with</p> <p>18 the ground rules, but nonetheless, it doesn't hurt to</p> <p>19 review them one more time.</p> <p>20 So the proceeding here today is being recorded by the</p> <p>21 court reporter. She's taking down everything that we say</p> <p>22 while we're on the record. And we will be on the record</p> <p>23 at all times unless you hear the attorneys say, "We're all</p> <p>24 off the record now," okay? So keep in mind that</p> <p>25 everything you say is being recorded by the court</p>

1 (Pages 1 to 4)

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Peter Drinkwater - 6/9/2015

<p>1 represent and work with, I suspect we'd have some concerns 2 for the people's safety on the ground and the safety of 3 having something maybe in that area. 4 But in the end, those types of things exist at other 5 airports around the country and, you know, so I can't say 6 for certain that it would be -- that it would cause the 7 airport no longer to be able to function. 8 To me, that's the ultimate measure of the 9 responsibility I have is can the airport function? And 10 some of these issues related to the approach zones and 11 departure zones we simply don't control. 12 MR. McKINLEY: Could you read back the answer? I'll 13 tell you when to stop. 14 (A portion of the answer was read by the reporter) 15 MR. McKINLEY: After the word "area," I move to strike 16 everything as non-responsive. 17 BY MR. McKINLEY: 18 Q. All right. So I think that's the best we'll be 19 able to get on that, it seems. 20 Does the County have any intent to ever acquire Lot 21 25? 22 MS. McDONOUGH: Objection. Lack of foundation. Calls 23 for speculation. It's beyond the scope of this witness. 24 You can answer. 25 MR. MASTERSON: Join, and assumes facts.</p> <p style="text-align: right;">Page 157</p>	<p>1 seeking. 2 BY MR. McKINLEY: 3 Q. At any time during your employment as Director Of 4 Airports for the County, has the County had an intent to 5 acquire any interest in Lots 23, 24 or 25? 6 A. During my time? 7 Q. Yes, sir. 8 MR. MASTERSON: Objection. Vague and ambiguous as to 9 "intent." 10 MS. McDONOUGH: Join. 11 THE WITNESS: Not to my knowledge. Not during my time 12 here. I don't recall us having any intent to do that or 13 making any overtures to do that. 14 BY MR. McKINLEY: 15 Q. All right. I'd like to show you Exhibit 41 to 16 the Durkin deposition. Have you ever seen this before 17 what's marked as Exhibit 41? 18 A. Do we have the minutes? Was I there? I'm sorry, 19 is it possible you have the minutes from the PAAC meeting? 20 Because usually in the front cover sheet it tells who was 21 present from the County. It would help refresh my memory. 22 Q. You know, I don't remember seeing that one, so 23 maybe it needs to be produced. 24 A. Okay. If we have them. 25 MS. McDONOUGH: I believe we looked for them and we</p> <p style="text-align: right;">Page 159</p>
<p>1 THE WITNESS: I don't know if the County ever has any 2 intent in the future or at any time to acquire the lots or 3 not acquire lots. 4 BY MR. McKINLEY: 5 Q. I'm not sure you really got my question. Does 6 the County have any present intent to ever acquire Lot 25? 7 A. Not at this time. 8 Q. How about in the next 10 years? 9 A. Not necessarily. 10 Q. So it would be false to say that the County has 11 an intent to acquire Lot 25 within the next 10 years? 12 MS. McDONOUGH: Objection as to the term "false." 13 Vague and ambiguous. 14 MR. MASTERSON: Join. Same objections as the last 15 question. 16 MS. McDONOUGH: Join. 17 THE WITNESS: It would be false to say that the County 18 intends to -- 19 MR. McKINLEY: Let's have the question read back. 20 THE WITNESS: Yeah, I apologize, but it was the way 21 you worded that. 22 (The last question was read by the reporter.) 23 THE WITNESS: It would be false to say that the County 24 has an intent to acquire the land in the next -- yes, I 25 would say that is not something that we're actively</p> <p style="text-align: right;">Page 158</p>	<p>1 didn't find anything. 2 MR. McKINLEY: That confirms my memory that I haven't 3 seen them. 4 THE WITNESS: Our records retention policy probably 5 doesn't require those minutes to be kept for so many 6 years. 7 BY MR. McKINLEY: 8 Q. Do you recognize this document we marked as 9 Exhibit 41 to the Durkin deposition? Somebody handwrote 10 in the top it says "PAAC PowerPoint presentation." Do you 11 see that? 12 A. I do. 13 Q. You don't recognize that, do you, that 14 handwriting? 15 A. No, not really, but it's possible these -- 16 obviously this is, I guess, what was presented at the PAAC 17 meeting by our engineer. 18 Q. Eric Nelson? 19 A. Yes. 20 Q. So this is prepared by him? 21 A. I would assume so. 22 Q. Well, you have some recollection that it was, 23 correct? 24 MS. McDONOUGH: Objection. Lacks foundation. 25 Misstates his testimony.</p> <p style="text-align: right;">Page 160</p>

40 (Pages 157 to 160)

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Peter Drinkwater - 6/9/2015

1 vision for the airport?
2 MS. McDONOUGH: Objection. Argumentative. Vague and
3 ambiguous. Assumes facts.
4 THE WITNESS: No, that --
5 MR. MASTERSON: Join.
6 THE WITNESS: No, so that the Airport Authority,
7 through their legal mandate, would be able to produce and
8 create a Land Use Compatibility Plan in their public
9 process which would then be representative of the
10 protections of the airport approach and departure zones
11 that may be necessary to support the function of the
12 airport safely, which was the mandate. So we're saying
13 we're complying with that in this assertion. That's what
14 we're telling the FAA.
15 BY MR. McKINLEY:
16 Q. You're telling the FAA that the way the County is
17 assuring compatible land uses around the airport is
18 through the ALUCP, correct?
19 MS. McDONOUGH: Objection. Calls for speculation.
20 Misstates the evidence. Calls for a legal conclusion.
21 Lacks foundation.
22 MR. McKINLEY: I know it hurts, Jane.
23 THE WITNESS: We're telling the FAA and the state that
24 we're supporting the state aeronautics and the state
25 mandate for helping in the public process of airport land

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1 I, PETER DRINKWATER, declare under penalty of
2 perjury that the foregoing is Volume I of my deposition
3 under oath; that these are the questions asked of me and
4 my answers thereto; that I have read my deposition and
5 have made any necessary corrections, additions or changes
6 that I deem necessary.
7 Dated this ____ day of _____
8 2015.
9
10
11
12
13 _____
14 PETER DRINKWATER
15
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23
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Page 211

1 use compatibility. We're not implementing, other than
2 supporting the generation of that Land Use Compatibility
3 Plan by the Airport Authority.
4 The other thing we're doing is we're making certain if
5 something comes up, if the land use authorities that do
6 regulation and approval of projects have something that
7 comes up, whether it's the County's Department of Planning
8 and Land Use, it's not called that now, Department of
9 Planning Services, or whether it's the City of El Cajon or
10 City of Carlsbad or someone else in which we have an
11 airport in their incorporated area, that they will have --
12 involve the FAA through the 7460 process or through other
13 means and assure that we're not impacting negatively the
14 airport safety. But again, that's navigatable airspace
15 issues and the operation of the facility. It's not safety
16 on the ground.
17 BY MR. McKINLEY:
18 Q. Looking at page Bates stamp number CSD002656 of
19 Exhibit 164, is that your signature there again?
20 A. Yes, it appears to be.
21 MR. McKINLEY: All right. This is a good stopping
22 place. Let's go off the record for a minute.
23 (Whereupon at 5:30 p.m. the deposition was adjourned.)
24
25

Page 210

1 STATE OF CALIFORNIA)SS:
2 COUNTY OF SAN DIEGO)
3
4 I do hereby certify:
5 That the foregoing deposition was taken before e at
6 the time and place therein set forth at which time the
7 witness was put under oath by me;
8 That the testimony of the witness and all
9 objections made at the time of the examination were
10 recorded stenographically by me were thereafter
11 transcribed under my direction and supervision and that
12 the foregoing is a true record of the same.
13 I further certify that I am neither counsel for nor
14 related to any party to said action, nor anywise
15 interested in the outcome thereof.
16 IN WITNESS WHEREOF, I have subscribed my name this
17 23rd day of June, 2015.
18
19
20
21
22 _____
23 JACQUELINE STEARMAN, CSR NO. 9373
24
25

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53 (Pages 209 to 212)

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Response to Letter I82**Ryan McKinley, Freeland McKinley & McKinley
(representing Michael Durkin)**

- I82-1** The County acknowledges these introductory comments; however, they do not raise an issue concerning the analysis or adequacy of the PEIR pursuant to CEQA Guidelines Section 15088. Therefore, no further response is required. This comment is included in the Final PEIR for review and consideration by the County Board of Supervisors prior to a final decision on the Proposed Project.
- I82-2** The County acknowledges these introductory comments; however, they do not raise an issue concerning the analysis or adequacy of the PEIR pursuant to CEQA Guidelines Section 15088. Therefore, no further response is required. This comment is included in the Final PEIR for review and consideration by the County Board of Supervisors prior to a final decision on the Proposed Project.
- I82-3** This comment does not specifically identify an environmental issue with the analysis or adequacy of the PEIR pursuant to CEQA Guidelines Section 15088. The PEIR Section 1.1.3 discusses FAA regulations and emphasizes that the RPZs should be secured at the earliest opportunity. Therefore, no changes to the PEIR have been made in response to this comment, and no further response is required.

The RPZ on the west end of the runway existed before the owner of the identified property sought and obtained approval from the City of Carlsbad to construct an office building in the RPZ. The City of Carlsbad, in accordance with its land use authority over private development around the Airport, exercised that authority to permit the building in the RPZ west of the runway. As the sponsor of the adjacent Airport, the County will continue to seek to acquire interests in property in the RPZ via the acquisition of fee or easement interests to the extent feasible. The County's sponsor obligations do not make the continued use of the RPZ for the office building illegal or prohibited. Only the City has the authority to prohibit an incompatible use, which it declined to do in this instance.

- I82-4** This comment does not specifically identify an issue with the analysis or adequacy of the PEIR pursuant to CEQA Guidelines Section 15088. PEIR Section 2.3.2.3 explains that the RPZs will be secured at the earliest opportunity and to the extent feasible. Therefore, no changes to the PEIR have been made in response to this comment, and no further response is required. The County remains committed, consistent with its federal sponsor obligations, to acquiring an easement or fee interest in all properties within airport RPZs to the extent feasible.
- I82-5** The comment requests the County to explain the history of the RPZ and the FAA obligations regarding the RPZ. The comment does not specifically identify an issue with the analysis or adequacy of the PEIR pursuant to CEQA Guidelines Section 15088. No changes to the PEIR have been made in response to this comment, and no further response is required.
- I82-6** The content of the attachment does not raise an issue concerning the analysis or adequacy of the PEIR pursuant to CEQA Guidelines Section 15088. Therefore, no further response is required. This comment is included in the Final PEIR for review and consideration by the County Board of Supervisors prior to a final decision on the Proposed Project. The County remains committed, consistent with its federal sponsor obligations, to acquiring an easement or fee interest in all properties within airport RPZs to the extent feasible.

Comment Letter I83

From: Hope Nelson <hopen51@att.net>
Sent: Monday, March 19, 2018 2:37 PM
To: LUEG, PalomarMP
Cc: council@carlsbad.ca.gov; 'Celia Brewer'; 'Kevin Crawford'; 'City Clerk'
Subject: Public Comment for McClellan-Palomar Airport Master Plan Dated Jan 2018 - EIR

To all concerned:

Regarding migratory birds mitigation, page 21, S-11, Impact #BI-6 of the Draft PEIR, McClellan-Palomar Airport Master Plan

"If grubbing, clearing, or grading must occur during the general avian breeding season (Feb 15-Sept 15), a pre-construction survey shall be conducted by a qualified biologist no more than three days prior to the commencement of the activities to determine if active bird nest are present in the affected areas. If there are no nesting birds (includes nest building or other breeding/nesting behavior) within this area, clearing, grubbing, and grading shall be allowed to proceed. Furthermore, if construction activities are to resume in an area where they have not occurred for a period of seven or more days during the breeding season, an updated survey for avian nesting will be conducted. If active nest or nesting birds are observed within the area, the biologist shall flag the active nests and construction activities shall void active nests until nesting behavior has ceased, nest have failed, or young have fledged."

Please respond to the following questions:

1. What is the impact of construction noise to flagged active nests?
2. What provision is made to ensure birds return following construction?
3. What is the impact of the expanded airport facility on birds that return to nest? Will they have nesting areas to return to? How will increased noise impact nesting?

I83-1

Regarding the phased in timing of projects, pages 1-6 through 1-9 the Draft PEIR, McClellan-Palomar Airport Master Plan

I83-2

The PEIR discusses phased timeframes for project development of 0-7 years, 8-12 years, 13-20 years, however there is no discussion of alternative development timelines. It appears that this project could easily be developed on a much faster timeline. There is nothing in the PEIR committing the County to a specific timeline. That being the case, please enlighten us regarding how request for funding and funding approval or any other situation could accelerate the programs. Include in your discussion how this would significantly increase the impact throughout the PEIR. Also include how it would change projected activity at Palomar-McClellan Airport and at the very least, what a cost benefit analysis template would be.

↑
183-2
cont.

Regarding the lack of completeness of the PEIR

Throughout the County Presentations held on January 30 and February 13, 2018, the public was told that each incremental project, as implemented, would be required to complete CEQA review and that all development would be held to CEQA review standards. CEQA should not be an excuse for an incomplete PEIR. Should any portion of the proposed McClellan-Palomar Airport Master Plan have issues passing CEQA, it would impact the entire plan.

183-3

Duly, I request the following regarding the McClellan-Palomar Airport Master Plan and PEIR be addressed:

- 1. All comments in response
- 2. All inconsistencies
- 3. Any lack of information

183-4

This should be done via distribution of a revised PEIR with a substantial public review period equal to or greater than the allowed 8 weeks given for this proposed McClellan-Palomar Airport Master Plan.

Thank You,

Hope and Vince Nelson

Carlsbad Residents
92008

Response to Letter I83
Hope and Vince Nelson

- I83-1** This comment includes excerpts from the Draft PEIR and asks what are the construction noise impacts to active bird nests and how will the County ensure birds return after construction. As noted in the commenter's excerpt from the PEIR, "[i]f active nests or nesting birds are observed within the area, the biologist shall flag the active nests and construction activities shall avoid active nests until nesting behavior has ceased, nests have failed, or young have fledged." As further noted in the PEIR, it is important to avoid removal of potential nesting habitat during the general avian breeding season. Construction noise effects to avian species are highly variable depending on season, species, and individual tolerances. Temporary noise generated during construction is not a direct impact to birds protected under the Migratory Bird Treaty Act. Furthermore, there is no specific provision to ensure that birds return following construction. However, habitat that is not impacted by construction would continue to be available for use by nesting birds. No changes to the PEIR have been made in response to this comment.
- I83-2** Please refer to **Master Response 10 (Program-level vs. Project-level Review)**.
- I83-3** The County acknowledges the comments; however, they do not raise an issue concerning the analysis of adequacy of the PEIR pursuant to CEQA Guidelines Section 15088. Therefore, no further response is required. This comment is included in the Final PEIR for review and consideration by the County Board of Supervisors prior to a final decision on the Proposed Project.
- I83-4** These are conclusion comments. See CEQA Article 8: Time Limits, Section 15105 (a) for a discussion of the public review period for a Draft EIR. This comment does not raise specific issues regarding the content of the PEIR, but will be included as part of the administrative record and made available to the County Board of Supervisors prior to a final decision on the Proposed Project.

In addition, although this comment letter does not specifically identify concerns of aircraft-related noise at the commenter's residence, the commenter previously provided input on the project during the Notice of Preparation review period (published on February 29, 2016 for 30 days) in which the commenter did express concerns of aircraft noise. As such, County staff researched the commenter's location and confirmed the location is outside of the 65dB contour (i.e., less than 65dB) under all scenarios. Specifically, the existing noise condition at the location provided was estimated to be 55.28dB, and its future condition without the Proposed Project is estimated to be 56.37dB. Assuming full implementation of the Proposed Project (PAL 2), the estimated future noise condition would be 57.43dB. This is below the threshold of significance of 65dB CNEL. Accordingly, there is no evidence the Proposed Project would result in significant noise impacts. Therefore, because the location would be outside of the 65dB contour, no significant noise impacts would occur, and no changes to the PEIR are required. Please refer to Master Responses 1 and 4 in addition to PEIR Appendix D for more information about the supplemental noise analysis conducted for additional locations.

Comment Letter I84

From: Sue <suenlp@sbcglobal.net>
Sent: Monday, March 19, 2018 4:54 PM
To: LUEG, PalomarMP
Subject: Public Comment re: Palomar Airport MP

Hi,
 My name is Sue Nestoff, residing at 6784 Estrella de Mar Rd. Carlsbad. My home is approximately 1.7 miles S/SE from Palomar Airport.

It has only been recently, that I found out the county is wanting to proceed with the runway lengthening of Palomar Airport. I would like to go on record that I oppose this project. I have not read the MP, but have attended the last meeting with Carlsbad city council. One of the comments stated that there will be minimal or no air quality impact. That might be true for the construction, but what about the future quality. The longer runway will accommodate bigger, louder aircraft (class C&D) and that is what scares me... in regards to pollution, noise, traffic, property values, etc. The new computer system will increase the number of planes able to take off. I remember reading in the paper a few years back (2013?) that the amount of lead exceeded limits around Palomar airport, which there are nearby parks and schools and basically offered no solution to the problem. A woman I sat next to at the council meeting said the home she rented near the airport had black soot on her windows. And someone who lived in Balboa during the John Wayne Airport expansion, also commented to me he had black soot on everything. I am afraid that Palomar will turn into another John Wayne. There has been a lot of new office building going on near the intersection of Palomar and El Camino Real, is your traffic congestion investigation include the increase traffic from these new businesses? I am also concerned about the fact the airport sits on a landfill. How much will that be disturbed? And what are any health hazards. It seems like shortly after I moved to Carlsbad, it caught on fire. Also, if the number and size of planes coming in increase, how much will my home depreciate? A lot of homes around me are valued over a million dollars.

I84-1

Airplanes in the sky, for me, is a sensitive subject, as I was living 1 mile south of the Cerritos, CA crash of an Aeromexico DC9 & a private plane in 1986. That private plane crashed in a school yard (luckily on a Sun.) The DC9 destroyed 4 homes and damaged 7, killing 15 on the ground. Also, my husband of 20 years, a pilot, died/crashed less than 2000 feet from Brackett Field Airport's runway in 2002 (defective carburetor repair in a Grumman aircraft). I am aware and grateful aircraft today is safer than it was in years past, but even today, I was sunbathing for about 50 minutes in my back yard and had 8 small planes fly over my home. Knowing that traffic will be increasing is a scary thought for me.

Thank you for listening.

Sue Nestoff
 6784 Estrella de Mar Rd
 Carlsbad, Ca 92009

Response to Letter I84**Sue Nestoff**

I84-1 The comment asks whether future air quality conditions were analyzed. The PEIR Chapter 3.1.2 does include an analysis of potential air quality emissions resulting from the Master Plan Update. The PEIR concluded that the Master Plan Update would not result in a significant air quality impact.

The comment also references lead emissions. Please refer to **Response to Comment I48-3** regarding the EPA-initiated lead study. A discussion of this study was also included in the PEIR Chapter 3.1.2.1.

Lastly, the comment claims of soot being generated for airports. While soot is a byproduct of fuel combustion, it is considered a form of fine particulate matter, which was studied and analyzed as part of the PEIR and Air Quality Impact Technical Report. The PEIR concludes that the Master Plan Update would not result in a significant air quality impact.

Comment Letter I85

From: Pia Romano <psromano24@ymail.com>
Sent: Monday, March 19, 2018 3:24 PM
To: LUEG, PalomarMP; Curtis, Cynthia; Lardy, Lee Ann
Cc: jritter@cityofvista.com; arigby@cityofvista.com; jaguilera@cityofvista.com;
jgreen@cityofvista.com; dcalvo@cityofvista.com; jfranklin@cityofvista.com;
mark.packard@carlsbadca.gov; matt.hall@carlsbadca.gov; manager@carlsbadca.gov;
cori.schumacher@carlsbadca.gov; Michael.Schumacher@carlsbadca.gov;
keith.Blackburn@carlsbadca.gov
Subject: Comments Re McClellan-Palomar Master Plan Draft EIR
Attachments: Comments re Palomar Airport Master Plan.docx

Hello Cynthia Curtis and Leeann Lardy,

The attached are my comments and questions regarding the EIR of the McClellan Palomar Master Plan.

Thank you for reading them and taking them into consideration.

Regards,

Pia Romano
Vista Resident

} I85-1

County of San Diego, Department of Public Works
Attn: Cynthia Curtis
5510 Overland Ave., Suite 410
San Diego, CA 92123

March 14, 2018

From: Pia Romano
2090 Balboa Circle
Vista, CA 92081

Re: Comments on McClellan-Palomar Master Plan Draft EIR

I have lived in Vista for only a few months- about 5 miles from the intersection of El Camino Real and Palomar Airport Road (main intersection very close to McClellan-Palomar Airport). In the few months I have lived in Vista, I have noticed a significant increase in flights and noise over my residence (near **Columbus Way and Balboa Circle**).

I85-2

I am submitting these comments on the McClellan-Palomar Airport Draft EIR so that the County may respond directly to each of my concerns in its Final EIR. I am looking for specific information that applies to my neighborhood - not the city as a whole. My decision to stay or move from my home depends on your answers. Generic county answers do not help me make this decision.

1. **Noise Questions:**

- a. How many aircraft flew within 2 miles of the above noted intersection (in bold) in 2015, 2016 and 2017? What was the range of altitudes above the intersection? How many used McClellan – Palomar Airport?
- b. What are the applicable federal, state and local laws that limit the height of aircraft above my residence? What are the minimum altitude limits that apply above the intersection above?
- c. I understand that California, including California court rulings, require airports to measure Single Noise Exposure Levels (SNEL). Is this correct? Discuss the law that applies. If such measurements are required, what SNEL did county measure over the residence noted above in 2015, 2016 and 2017? If none were made, explain how the county’s 2017-2037 McClellan-Palomar Airport Master Plan will improve gathering and disclosing this information?
- d. I understand that McClellan-Palomar Airport installed only two noise monitors on or near the airport in 2017 to replace the larger number of noise monitors previously maintained. Why did McClellan-Palomar Airport reduce the number of noise monitors? Is McClellan-Palomar Airport complying with any noise monitoring requirements that it agreed to in the 2006 Part150 FAA Noise Compatibility Agreement?

I85-3

- e. Does McClellan-Palomar Airport have a mobile noise-monitoring device that it can take out to neighborhoods experiencing excessive noise? How do I get a McClellan-Palomar Airport noise-monitoring device to my neighborhood?
- f. Advise whether the county has any programs to retrofit homes or schools especially affected by the airport noise. If so, give the particulars. If not explain who not since such measures could be mitigation that could be included in the McClellan –Palomar Airport EIR?
- g. Please include in the 2017-2037 McClellan-Palomar Airport EIR discussion of noise mitigation measures (i) a program where by county will monthly contact each school principal within a radius of 10 miles to determine how many times a day teaches must halt instruction due to aircraft noise and determine the number of students affected and (ii) how the County will monthly report this information at its Palomar Airport Advisory Committee meetings and (iii) what steps the County can take to mitigate such noise interference to the extent is exists.

I85-3
cont.

2. Noise and Safety. Questions Related to Training Flights. I am concerned about changes that the County has implemented since 1980 at McClellan –Palomar Airport, which affect community safety and noise, related to training flights. I understand that in 1980 the County began operations at McClellan-Palomar Airport and agreed that McClellan-Palomar Airport would operate as a “general aviation basic transport” airport. I hear the FAA says that term means an airport handling nor more than 2500 scheduled operations a year. I also understand that in the 1980s County resolutions allowed McClellan-Palomar Airport to limit training flight to control noise. I also understand that training flights often involve foreign pilots with minimal English skills and minimal aviation skills- which raise safety concerns as such pilots undertake many “touch and go” operations leading to our neighborhoods. I understand that several of the 911 pilots used local airports, including possibly San Diego, to train. Despite these past limitations, I understand that the County intends under its 2017-2037 McClellan-Palomar Airport Master Plan and recent leasing practices at McClellan-Palomar Airport and Gillespie Field and other County airports, to increase flight levels far above those of a “general aviation basic transport” airport and intends to increase flight training at McClellan-Palomar Airport.

I85-4

- a. Of McClellan-Palomar Airport’s 2015, 2016 and 2017 operations, about what percent each year and how many each year were “touch and go” training operations using McClellan-Palomar Airport facilities?
- b. What neighborhoods, schools and parks did such training flights fly over in 2015, 2016 and 2017 and about how many times per year?
- c. Assuming training flights conduct touch and go operations at multiple county airports located within 50 miles of each other, (i) what percent of such operations are conducted between 500 and 1000 feet and (ii) between 1000 feet and 2000 feet above houses in our neighborhood, our schools and our parks in Vista? I am concerned that training aircraft

flying very short distances fly at comparatively low altitudes and make multiple turns over our neighborhoods in Vista in contrast to aircraft traveling several hundred miles which may leave McClellan-Palomar Airport and fly over my neighborhood in Vista only once during that flight.

- d. Does McClellan-Palomar Airport gather the information related to the number of touch and go flights at its airport everyday? If not, why not? Please add to the 2017-2037 McClellan-Palomar Airport EIR discussion of noise mitigation measures that the County could take to limit the noise and safety risks of aircraft conducting touch and go training flights.

185-4
cont.

3.Safety: Air Pollution from McClellan-Palomar Airport Aircraft Using Leaded Aviation Fuel.

I understand that anyone walking within 500 feet of McClellan-Palomar Airport runway will smell a strong odor of aviation fuel and that some customers at Lowe’s across the street from the airport and/or Costco a few miles from the airport can smell an aviation fuel odor in the air. I understand that the FAA requires larger aircraft to use non-leaded fuel but allows smaller aircraft to continue to use leaded fuel. I understand that in 2016 or 2017, the EPA issued a report finding a problem with leaded fuel emissions at McClellan-Palomar Airport but that the County disagreed with the EPA’s findings.

- a. Include in the McClellan-Palomar Airport EIR a discussion of (i) the EPA’s initial findings, (ii) the County’s response and (iii) a statement of what the EPA’s current position is after hearing the County’s views.
- b. In 2015, 2016 and 2017 how many smaller aircraft flights (defined as those in aircraft weighing less than 15,000 pounds) flew over our neighborhood, schools and parks? What was the average altitude of those flights over each impacted area during each pass? What are the health impacts on adults and children by such emissions? Cite the relevant studies and refer to the relevant pages in the study in responding to my request. I have a friend who lives near Lindburgh field on India Street and she has developed severe breathing and toxicity problems after needing to move closer to Lindburgh field. My concern is that residents, including myself, who live within a 5 mile radius of McClellan-Palomar Airport could start to develop respiratory and toxicity issues, immune system problems etc. etc.
- c. How many health challenged residents live within a 5 mile radius of McClellan-Palomar Airport (including but not limited to the elderly and those having respiratory problems)? What is the impact of leaded emissions on such challenged residents?
- d. Include in the McClellan-Palomar Airport EIR a discussion of when the FAA intends to bar smaller aircraft from using leaded fuel and identify any pending FAA studies reported in the Federal Register or elsewhere soliciting public comment.

185-5

- e. Discuss in the McClellan-Palomar Airport EIR what percent of McClellan-Palomar Airport flights are smaller aircraft flights and how McClellan-Palomar Airport development will affect those flights. For instance, I understand that Supervisor Horn stated at a Dec. 2015 Board of Supervisors meeting considering the McClellan-Palomar Airport expansion that the County intended to eliminate the parking for smaller aircraft along the northern border of the airport. Is that true and when would that occur and how would flights by smaller aircraft be affected?
- f. If an emergency landing needs to happen and the plane needs to dump fuel what designated area does the pilot dump the excess fuel?

185-5
cont.

4. Traffic. The two main road arteries connecting Carlsbad, Vista, San Marcos and Encinitas are the North-South El Camino Real and East-West Palomar Airport Road. We understand that the 2015-2035 Carlsbad General Plan has predicted gridlock conditions along ECR and PAR in the future – even before knowing how McClellan-Palomar Airport would grow in the future. I understand that Elite Air, dba CalJet, has projected handling up to 270,000 passengers at McClellan-Palomar within a few years. I understand that these numbers do not include passengers aboard corporate aircraft. I do not know if they include helicopter passengers. I understand that passengers going to the airport may be dropped off or picked up, thus causing 2 vehicle trips for each passenger movement by the “dropping off/picking up driver”. I understand that gridlocked roads cause drivers to search out alternate roadways to use to minimize their travel time. In the County’s McClellan-Palomar Airport EIR section:

185-6

- a. Assure the data reports the total traffic baseline conditions associated with past users of McClellan-Palomar Airport including corporate and helicopter passenger numbers.
- b. Assure the data reports the anticipated passenger levels from 2018-2028.
- c. Analyze how ECR and/or PAR traffic gridlock will redistribute traffic to alternate roads and at what levels.
- d. Identify the specific mitigation measures that the County is committing to so traffic impacts may be reduced including but not limited to contributing money to operational measures to increase traffic efficiency such as assuring that traffic signals can “talk” to each other and more smoothly regulate traffic. If the County is not recommending this measure, explain why not.

5. Other unique McClellan-Palomar Airport EIR concerns:

I purchased my home in Vista on Balboa Circle because it is in a clean quiet neighborhood with only local traffic. Although I knew this home was 5 miles from McClellan-Palomar Airport, I have known it to be a “general aviation basic transport” airport. Having read the San Diego Area Disclosure Booklet under D. Air Traffic and Airport Disclosures 3. Proposed Airport Sites prior to purchasing, NOWHERE did it discuss the proposed McClellan Palomar Airport Expansion Project. It only briefly mentioned expanding Lindburgh Field or considering other sites in SD County for an international airport.

185-7

I would not have purchased this home if I had known that McClellan –Palomar Airport had a potential to expand to include many more thousands of flights per year. And, by the way, with this proposed expansion, I am aware of the adverse effects to my health from toxins/emissions from aircraft fuel. As well as an inordinate amount of new traffic which will affect the commute times of thousands of local residents including myself.

185-7
cont.

Thank you for the opportunity to comment on the County McClellan-Palomar Airport EIR. Please note that I am ending this letter with one more concern. I understand that the County calls its McClellan-Palomar Airport EIR a “program EIR” which generally considers future environmental impacts but does not necessarily consider actual project impacts. I understand that when the County prepares environmental documents, the County compares current noise, air pollution and traffic impacts against forecasted impacts. Please note that if the County fails to answer any of my questions above (such as the number of corporate passengers that the County served in 2015, 2016 and 2017), the County is reporting incomplete baseline data, which makes its 2017-2037 McClellan-Palomar Airport EIR defective and may delay future County project supplemental analysis.

185-8

Regards,
Pia Romano

Response to Letter I85**Pia Romano**

- I85-1** The County acknowledges these introductory comments; however, they do not raise an issue concerning the analysis or adequacy of the PEIR pursuant to CEQA Guidelines Section 15088. Therefore, no further response is required. This comment is included in the Final PEIR for review and consideration by the County Board of Supervisors prior to a final decision on the Proposed Project.
- I85-2** The County acknowledges these introductory comments; however, they do not raise an issue concerning the analysis or adequacy of the PEIR pursuant to CEQA Guidelines Section 15088. Therefore, no further response is required. This comment is included in the Final PEIR for review and consideration by the County Board of Supervisors prior to a final decision on the Proposed Project.
- I85-3** This comment is similar to Comment I48-2. Please refer to **Response to Comment Letter I48-2**. No further response is required.
- I85-4** This comment is similar to Comment I69-4. Please refer to **Response to Comment Letter I69-4**. No further response is required.

Regarding the commenter's concern of aircraft noise, County staff researched the location provided by this comment and confirmed the location is outside of the 65dB contour (i.e., less than 65dB) under all scenarios. Specifically, the existing noise condition at the location provided was estimated to be 40.42dB, and its future condition without the Proposed Project is estimated to be 41.40dB. Assuming full implementation of the Proposed Project (PAL 2), the estimated future noise condition would be 43.13dB. This is below the threshold of significance of 65dB CNEL. Although the comment pertains to existing noise conditions, there is no evidence the Proposed Project would result in significant noise impacts. Therefore, because the location would be outside of the 65dB contour, no significant noise impacts would occur, and no changes to the PEIR are required. Please refer to Master Responses 1 and 4 in addition to PEIR Appendix D for more information about the supplemental noise analysis conducted for additional locations.

- I85-5** This comment is similar to Comment I69-5. Please refer to **Response to Comment Letter I69-5**. In addition, this comment asserts that aircraft using the Airport may need to dump excess fuel in the event of an emergency landing, and the comment asks to identify the designated area for said fuel dump. The County is not aware of any instance where fuel has been dumped on approach or in the vicinity of the Airport. Furthermore, the types of aircraft flown at the Airport do not have the capability to release fuel in flight.
- I85-6** This comment is similar to Comment I48-4. Please refer to **Response to Comment Letter I48-4**. No further response is required.
- I85-7** The County acknowledges this comment; however, it does not raise an issue concerning the analysis or adequacy of the PEIR pursuant to CEQA Guidelines Section 15088. Therefore, no further response is required. This comment is included in the Final PEIR for review and consideration by the County Board of Supervisors prior to a final decision on the Proposed Project.
- I85-8** These are conclusion comments. They will be included as part of the administrative record and made available to the County Board of Supervisors prior to a final decision on the Proposed Project.

Comment Letter I86

From: Vickey Syage <vickey.syage@gmail.com>
Sent: Monday, March 19, 2018 10:30 AM
To: LUEG, PalomarMP
Subject: Fwd: Public Comment for McClellan-Palomar Airport Master Plan Dated Jan 2018 - EIR

Please ensure this is delivered to the proper County authorities.

Begin forwarded message:

From: Vickey Syage <vickey.syage@gmail.com>
Subject: Public Comment for McClellan-Palomar Airport Master Plan Dated Jan 2018 - EIR
Date: March 19, 2018 at 10:28:17 AM PDT
To: PalomarMP@sdcounty.ca.gov
Cc: council@carlsbad.ca.gov, Celia Brewer <celia.brewer@carlsbadca.gov>, Kevin Crawford <kevin.crawford@carlsbadca.gov>, City Clerk <clerk@carlsbadca.gov>

Dear All:

In all prior public documents, including County documents, the acreage of McClellan Palomar Airport is stated as being 466 acres. In prior drafts of this planning document, the acreage was stated as 466 acres. In this draft of the McClellan Palomar Master Plan and EIR (both dated January, 2018), the airport acreage has been reduced to 288 acres. Why?

Could you please explain using plot maps as well as verbal descriptions the discrepancy in acreage? Where exactly are the 178 acres (or 38% of the prior airport land use)? Why was it excluded from this version of the McClellan Palomar Airport Master Plan? What happened? When did it happen? What was the process for removal? Who made the decision to exclude 178 acres?

For each of the airport areas included in the 178 acres and excluded in the Jan 2018 public draft of the McClellan Palomar Master Plan, would you explicitly explain the specific EIR results for each of the categories studied in the EIR for each specific area that makes up those excluded 178 acres? Please include specific test data, test results, conclusions, and methodologies for each of these areas. How are they similar to the 288 acres studied? How are they different? Please provide an explanation from an EIR perspective as to why they were excluded from the plan. Please note any differences in test results.

What is going to happen to those 178 acres? If not included in this McClellan-Palomar Master plan, what Master Plan are they included in? When did the change occur and what was the process and rationale for the change? Could you please provide the audit trail for the process, public notifications, and the vote that the land should no longer be included as part of the McClellan Palomar Airport Master Plan? Please include a timeline for each of the studies, documentation, public notices, decisions, and votes.



I86-1

Response to Letter I86**Vickey Syage**

I86-1 The County could not find a record of references to 466 acres or 288 acres as cited in this comment. Nonetheless, please refer to Table 3.1.7-1 of the PEIR which provides a summary of County-owned land in the vicinity of the Airport. The PEIR also includes Figure 1-6, which provides a map illustrating the locations of the County-owned land. In summary, County Airports own approximately 454 acres of land in and around the Airport. Of the 454 acres, approximately 232 acres are considered part of the Proposed Project, which consists of approximately 231 acres defined as the active airfield and approximately 0.7 acre on adjacent County-owned land for relocation of the existing navigational lighting system. The remaining acreage will retain its current non-aviation uses, including commercial and retail space, vacant land, and waste disposal facilities.

The commenter asks for results of the various environmental analyses divided by specific portions of County-owned property. The analyses conducted for the PEIR were conducted for the entire Proposed Project as required under CEQA. No changes to the PEIR have been made in response to this comment.

Comment Letter I87

From: Kris Wright <kriswrt222@gmail.com>
Sent: Monday, March 19, 2018 5:01 PM
To: Kris Wright
Cc: LUEG, PalomarMP; council@carlsbadca.gov
Subject: Re: McClellan-Palomar Airport PEIR & Master Plan Feedback

I am writing to inform the Carlsbad City Council and the members of the County that there have been excessive concentrations of lead that, according to the EPA are "excessive" and requires continual monitoring at Palomar Airport Rd. I am very concerned that the expansion will increase the number of operations and that lead currently at the airport is not being mitigated. Public exposure has been shown to be ongoing in this report.

Please include this concern in the update to the Master Plan EIR.

https://www.sandiegocounty.gov/content/dam/sdc/apcd/PDF/Misc/APCD_McClellan_Palomar_Airport_Lead_Gradient.pdf

Kris Wright
 4902 Via Arequipa'
 Carlsbad, CA 92008

187-1

On Sun, Mar 18, 2018 at 8:14 PM, Stacy King <stacy.king.us@gmail.com> wrote:

Dear Cynthia Curtis et al.,

I wish to express my disappointment in the process that has led to such an incomprehensible and incomplete Master Plan. My background is in Finance and I've never seen nor written anything that has so little backup and support for such an enormous potential change to a community. The money we spent as taxpayers to get such misleading documents from Kimley-Horn & Associates should be audited. I would like to know the due diligence and time that was put into both reports. What are the due diligence numbers and the audited time for the report's completion? How much did we, as tax payers, pay for both reports?

In both reports, the figures from one page differ to the next. Was there a final review to reconcile the financial and passenger numbers, the total flights and commercial vs private flights? How were vehicle miles calculated? Did the numbers include changes to the city since 2009? The responses and conclusions in the preliminary EIR do not take into account so many of the obvious impacts to the site during and after construction. How was it decided that there was little impact to flight paths during and after construction?

How did the writers of the Environmental Impact Report determine there would be so many "less than significant" findings following mitigation in the biology portion? Noise is responsible for so many negative effects on all life forms, be it plants, animals and humans. Were any of those effects during construction taken into consideration when putting together the report? I would like to request a bioacoustics test be done as it relates to both humans, plants and animals and to know the results. How will the construction affect our ecosystems in such a sensitive area of Carlsbad?

Losing the capacity for humans and animals to hear because of the construction and eventual larger aircraft due to the runway length may be an important issue. How will this be addressed? How will the construction and larger aircraft help residents in the city and nearby cities ensure that we will maintain a high quality of life given the fact that quiet and natural sound environments have restorative effects on people and animals? There

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is so much documentation that identifies quiet helps relieve stress and improve memory. Where is the study that addresses the stress impact that the construction and size of the airport will have on residents? “When the Denver International Airport was redesigning it’s approach and departure plans-the routes by which aircraft come in and out of an airport-it reached out to Rocky Mountain National Park and asked if there were things it could do that would reduce noise impacts to the park.” (Kurt Fristrup, Landscape Architecture Magazine, Fall 2017). Will a similar outreach effort be completed with the Batiquitos, Agua Hedionda and Burna Vista Lagoon Foundations? Can I see the results?

Thank you for your time and I look forward to the Final Environmental Impact Report that will address all of my vital questions about the environment in and around the airport.

Sincerely,

Stacy King
[7043 Heron Cir](#)
[Carlsbad, CA 92011](#)

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cont.

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Kris Wright
kriswrt222@gmail.com

Response to Letter I87**Kris Wright**

- I87-1** This comment asserts that the PEIR did not discuss the lead monitoring study that was conducted at the Airport in 2012 and 2013. A discussion of this study was included in the PEIR Chapter 3.1.2.1 in which it states the San Diego Air Pollution Control District conducted an independent study concluding lead concentrations do not exceed Federal standards. Please also refer to **Response to Comment I48-3(a)**.
- I87-2** This comment includes a forwarded copy of another commenter's email. Please refer to **Response to Comment I70-3**.

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Comment Letter I88

From: derekdoz527@gmail.com
Sent: Wednesday, March 21, 2018 3:42 PM
To: LUEG, PalomarMP
Subject: Future Flight Routes

Hello,

Just watched your video on the new 20yr. proposal of Palomar Airport. You mentioned that there would be more business flights and fewer public flights in the future. Has there been talk of where Palomar may offer flights in the future? It would be great to see several more short distance flights offered. Flights to places like San Francisco/Oakland, Reno, Mammoth and Phoenix/Scottsdale. Offer these destinations in addition to the Las Vegas route already being offered. This is easily obtainable with the current infrastructure. North County residents should not have to drive to San Diego or Orange County to take a short 1-2 hour flight when Palomar can offer that service. There are already flights to LAX...why not keep going!

I88-1

Thanks.

Derek Dozier. Carlsbad, Ca.

Response to Letter I88**Derek Dozier**

- I88-1** This comment states support for the Proposed Project. While this comment does not specifically address the adequacy or accuracy of the environmental analysis provided in the PEIR, this comment is included in the Final PEIR for review and consideration by the County Board of Supervisors prior to a final decision on the Proposed Project.