PART C

Bender Comments on County 2018—2038 McClellan-Palomar Master Plan (PMP) and on PROGRAMMATIC EIR (PEIR)

Our total comments on the County PMP and PMP PEIR include:

(i) A cover letter summarizing the 32 key reasons that the county PMP and PEIR do not support its Preferred Alternative of converting Palomar from an FAA-rated B-II airport to a "Modified C-III" airport;

(ii) Part A: an explanation of why county has failed to process its 2018-2038 PMP in accordance with applicable State and Carlsbad law;

(iii) Part B: an analysis showing that the county PMP projects do not qualify for FAA airport improvement grants; and

(iv) An analysis showing that county's Programmatic EIR for its proposed PMP projects (Palomar Airport FAA airport reference code (ARC) classification conversion, EMAS systems, and the runway relocation and extension) do not comply with CEQA.

(v) A summary of the reasons that county's PMP and PEIR are so defective that they need to correct fatal deficiencies and recirulate them for public comment.

I75-120

Preliminary General Comments

- County released its 3400 page (including attachments) PMP and Draft Programmatic EIR on 1/18/18 and stated the public had until March 5, 2018 to comment. The public and city of Carlsbad asked for a much longer comment period. County extended the period only 2 more weeks until March 19, 2018.
- At the evening 1/18/18 Palomar Airport Advisory Committee (PAAC) Meeting, we requested by letter to the PAAC

members, discussed at the meeting, that they support an extension of time to respond from the current 45 days to 90 days. Since many community residents, especially the elderly, are not computer literate, we requested that county place 20 copies of the total documents at the local libraries.

- County began preparation of its PMP in about 2010 when it retained Kimley-Horn and Associates (KH) to prepare the Palomar Feasibility Study, which county released in -2013. Public records show that county paid KH about $700,000 for this study. Substantial county staff time was also involved. County then again retained KH (with sub consultants) to prepare the PMP and PMP EIR. With a team of these consultants and at an added cost likely exceeding another $700,000, county took x more years to prepare and release its 3400? Page PMP and PMP EIR – which incorporates some of the county's work in its Runway Feasibility Study.

- In short, a full time county consultant team of likely 8 to 12 members has worked for 8 years to release 3400 pages of report likely costing the county about $1.5 million and expects a part time public having family and other responsibilities to comment on both the PMP and PMP EIR within 45 days involving an airport expansion project that will affect up to 400,000 community residents surround Palomar Airport.

- At the 1/18/18 PAAC meeting, committee members suggested on the record that they had not prepared the PMP and PMP EIR and hence the PAAC could say little about it. The PAAC's observation ignores four critical facts:

    - First, since county has already paid the consultants perhaps at much as $1.5 million, its seems short sighted to say that the PAAC could not hold several hearings with KH in attendance and pay KH perhaps another $10,000 to assist the PAAC in addressing community concerns.
    - Second, the law does require the county to respond to community comments in the Final Program EIR (PEIR). But those comments come at the end of the process, not at a time when issues can be seriously discussed.
    - Third, PAAC is the Board of Supervisor designated agency to assist the public to resolve airport-related concerns.
    - Fourth, while it is true that KH holds workshops to answer community questions, the questions and answers of the public and KH representatives are made in small, individual groups and never made on the record. In other words, the workshop format is organized in a "divide and conquer, non-transparent" manner. Moreover, having asked questions of KH representatives in those groups, I know the KH response essentially amounts to "I don't know."

- Objective readers including the FAA when it decides whether the county is complying with the FAA Community

I75-120 cont.

Involvement Policy[1] can judge for themselves whether the county truly wants meaningful comments.

- The county's 1997-2017 PMP expired in December 2017. The new (presumably 2018-2038) PMP will be adopted in mid or late 2018. Any county developments and CEQA documents issued in 2018 relying on an expired PMP and expired CEQA document is improper.[2] Accordingly, the 2018-2038 PMP projects include not just EMAS and runway extensions and relocations but all airport projects and operations related to converting Palomar from a B-II to D-III airport.

- On occasion due to the length of the county documents and shortness of review time, we may say that the county failed to analyze an issue that county has analyzed. If county disagrees in its Final PEIR, provide the specific pages in the county documents where county has substantively discussed the issue raised. It is not sufficient for county to simply say something to the effect: See Appendix X. The public should have sufficient time to review the Final PMP and Final PEIR before they are presented to the Board of Supervisors for action.

- Lastly, as a wise person once said, if I had more time I could say less. Unfortunately, given the response time constraint, the comments below are made as each PMP and PEIR chapter is read preventing synthesizing the comments.

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I75-120 cont.

[1] See FAA February 2016 Community Involvement Policy available at https://www.faa.gov/about/office_org/headquarters_offices/apl/environ_policy_guidance/guidance/media/faa_cim.pdf

[2] In 1997, county did not prepare a PMP EIR but a Negative Declaration saying in essence "*Carlsbad prepared a 1995 Carlsbad General Plan for the City of Carlsbad (which said little about the Palomar Airport within the city) so all issues have been analyzed and we, county, need to nothing more.* In 2016 county issued a CEQA Categorical Exclusion for the new operations of Elite Air, dba Cal Jet though 1997 PMP environmental analysis did not support it.

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Comments on PMP EIR Summary (pp. S-1 to S-15)				
	§ and pg	PMP County Comment	Bender Comments for which a County Response is Requested in the Final Program EIR	
1	S.1 @ S-1	Our Program EIR does not consider specific project impacts.	**Preliminary Comment: Thank you for the statement that the PEIR does not consider specific project impacts. We understand that notwithstanding county's summary of county's Table S-2 *Summary of Significant Effects and Mitigation Measures*, the PEIR does not attempt to consider, among others, the specific impacts of the PMP projects noted below. We also understand however that even a PEIR must provide sufficient analysis to validate the need for the projects the PMP recommends so that the Board of Supervisors is not approving "a pig in a poke."**	I75-121
			BENDER PEIR REQUEST (BPR) 1. Explain why a runway east end retaining wall is needed to install an EMAS? It would seem the EMAS could simply be shifted 100 feet to the east and avoid the very substantial cost and environmental impact on biological resources later discussed in the PEIR. Or a massive retaining wall (allegedly needed to accommodate a service road around the runway) could be avoided by simply running the service road through a tunnel under the runway at considerably less expense. Why can't a service road tunnel be substituted for the east end retaining wall? If you claim, the FAA precludes a tunnel, site the FAA Circular Order, or other document supporting the county contention and the relevant paragraph and page number.	I75-122
			BPR 2. In the Final PEIR – to support the county claim that all improvements will be within the existing airport property – provide the title documents confirming that the retaining wall footprints for both the east Palomar retaining wall and retaining wall along PAR would be exclusively on existing county Airport property (not county property generally or 3rd party property). As you know, the PEIR several times says that county is not proposing projects impacting property outside the existing Palomar Airport borders.	I75-123

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2	S.1 @ S-1 to S-2	County 8 Project Evaluation Alter-natives	**BPR 3. Based on a Palomar tour and county staff discussions, we understand that moving the runway north on the airport property on the northwest corner of ECR and PAR and/or extending the runway will require new navigation and other aircraft assist systems on the northeast corner of ECR and PAR. An airport is an integrated unit. Converting the airport from a B-II to a Modified D-III facility and moving and extending the runway results in multiple improvements, some by county, some by the FAA, some by the third parties. But all improvements are needed only because the county PMP proposes the conversion and specific projects. In the final PEIR and PMP, ID all improvements on the northeast corner of ECR and PAR that a relocated and/or extended Palomar runway will cause. In the final PMP, list all improvements that will need to be made on the northeast corner of ECR and PAR.**	I75-124
			BPR 4. Based on reviewing project drawings when Carlsbad approved CUP 172, the Palomar airport ECR/PAR northwest parcel is within the CUP 172 premises but that the Palomar airport ECR/PAR northeast parcel is not within the CUP 172 premises. In the final PEIR state whether this is accurate and identify the relevant documents that confirm the county position. The county's answer affects the accuracy of the county contention that all Palomar improvements needed as a result of the PMP will remain within the Palomar northwest ECR/PAR parcel.	I75-125
			BPR 5: County lists the 8 evaluation criteria it used to select its Preferred Alt = *"D-III Modified Standards Compliance"* Alt (See Table 4-1 in PEIR Chapter 4 at p. 4-17). We show in our PEIR Chapter 4 comments why the Preferred Alt fails the 8 criteria. As to Evaluation Criteria 8, county eligibility for FAA grants, see our detailed discussion of FAA Airport Improvement Handbook and FAA Benefit Cost Analysis (BCA) Manual requirements in Part B of our PMP and PEIR comments. In the final PMP and PEIR, support county's Table 4-1 Preferred Project ratings with evidence, not with mere unsubstantiated conclusions with contradict all the evidence presented in or PMP and PEIR comments.	I75-126
			BPR 6. County Rejects the Status Quo (No Project) PMP Alternative: Continuing to operate Palomar as a B-II airport without an EMAS system. The available facts show: (i) in a 2011 eighty page administrative report, the FAA found that operating C and D aircraft at Santa	I75-127

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			Monica airport, also a B-II airport, was safe even though residences near SM Airport were much closer than the residences near Palomar and the federal court of appeals upheld the FAA determination;[3] (2) when county accepted an $8 million plus FAA grant to dig up and rehabilitate the Palomar runway in 2009, neither the county nor the FAA considered a Palomar EMAS necessary; (3) Palomar has been serving a range of 1000 to 15000 FAA-rated C and D aircraft annually since about 1996 and neither the FAA nor county opined that an EMAS was needed; (4) the county's own 2018-2038 PMP annual operations forecasts (which are much higher than the FAA projections) forecast annual Palomar operations at less than 30% of the highest operations level that Palomar enjoyed from 1997 to 2017; (5) though county forecasts about 500,000 more passengers at Palomar in the next 20 years (again far higher than the FAA forecast), only 10,000 flights, each carrying an average of 50 passengers, would be needed; (6) county's new PMP projects a D-III use at Palomar within the next 20 years of about ¼ of 1% of the forecasted annual operations (500 D-III out of 208,000 forecasted operations); and (7) county concedes that in the last 15 years, fewer than 3% of Palomar flights required refueling at other airports to make long distance flights. In the final PMP and PEIR, explain why county in Table 4-1 in PEIR Chapter 4 says the No Project Alt will not meet existing and future Palomar Airport demand	I75-127 cont.
			BPR 7. Given the facts immediately above, including Palomar's existing substantial overcapacity to handle operations and passengers and operational forecasts shrinking rather than growing, explain in the Final PEIR why maintaining Palomar as a B-II airport for the next 20 years does not reasonably achieve the 8 evaluation criteria that county lists at PEIR Executive Summary pages S-1 and S-2. If county disagrees with any of the 7 assertions above, provide the written data supporting the county contentions and the names of the county staff that can support the contentions.	I75-128
			BPR 8. Extending the Palomar Runway eastward 200 feet. The cost and environmental consequences of extending the Palomar runway 200 foot eastward depend on how much of the extension requires building on pilings over the Unit 3 runway east end 19 acre landfill. The	I75-129

[3] See *City of Santa Monica v. Federal Aviation Administration*, No. 09-1233, 631 F3d 550 (D.C. Circuit, 2011) (affirming the FAA decision voiding the SM Ordinance attempting to ban FAA-rated C and D larger aircraft from Santa Monica Airport).

			county periodic landfill Regional Water-Board-required report depicts the west edge of the Unit 3 landfill as approximately bisecting the existing Palomar runway east end blast pad area, namely the area into which the runway would be extended. The only reliable way to determine the presence of trash and the structural stability of the runway extension area is to conduct 15 to 20 soil borings in the blast pad area. Otherwise, the county has insufficient information to request an FAA grant funding 90% of the extension cost. As the county PEIR notes on page S-2 one of the main goals of the PEIR is to determine county eligibility for grant funding. In the Final PEIR provide the soil boring logs and results for the entire blast pad area or confirm that the borings will be taken for a 200-foot project specific runway extension in the future.	I75-129 cont.
			BPR 9. The county's RWQCB reports indicate that county has consistently failed to meet the Boards 96-13 (and successor) Order contaminant objectives. In 2016 and 2017 the RWQCB asked county airports in writing to provide a remediation plan to meet the Order requirements. Include this new plan in the Final PEIR including the timetables that county will remediate the problem in and explain how the plan will affect county's desire to extend the runway 200-feet. If county has to provided a plan in reply to the RWQCB 2016 and 2017 letters requesting a plan, explain why not.	I75-130
			BPR 10: Extending the runway eastward will change the SDRAA ALUC LUCP in several ways including modifying the multiple safety areas the plan specifies as related to airport size and approach slope. Identify the pages where this information appears in the Final PMP and PEIR and add it if not currently included.	I75-131
			BPR 11: County's PMP consultant advised at one of the PMP workshops that is was not possible or advisable for extremely heavy graders and other construction equipment to work at the Palomar runway east end without running the risk of damaging the extensive methane gas collection system that lies 3 to 7 feet below the surface. Accordingly include in the Final EIR how much of the Unit 3 landfill area will be needed in order to extend the runway 200 feet and how much of the Unit 3 methane gas system will have to be destroyed and replaced and who will bear the cost for replacing the methane system. Identify in the PEIR technical	I75-132

			reports the specific pages that address these issues so that readers and the Board of Supervisors may determine whether staff's cost estimates to extend the runway 200-feet include this cost item, which could substantially drive up the extension cost. When replying, recall that county advises it is advising 8 Alt Evaluation criteria including project financial feasibility. Accordingly, the requested information is within the scope of county's PEIR.	I75-132 cont.
			BPR 12. Given the county history of failing to notify the ALUC of the critical aircraft using Palomar over more than a decade and due to the ALUC requirement that changes in the county's Airport Layout Plan trigger ALUC review, include in the final PMP and PEIR a mitigation commitment that the county will early involve the ALUC in all Palomar Airport runway changes.	I75-133
			BPR 13. For runway extensions and/or a runway relocation and/or EMAS installation, the PEIR does not discuss for what period Palomar operations would have to be shut down and/or what periods during the day and/or how many flights would have to be diverted for what period of time. Include this information in the Final PEIR. When replying recall, that one Alt Evaluation Criteria is the extent to which PMP projects impact existing airport business.	I75-134
			BPR 14. Relocating the runway to the north and extending it and related taxiways and relocating airport buildings and fuel tanks will likely involve impacts to the 19 acre Unit landfill to the runway east but also impacts to the Unit 1 and Unit 2 Palomar landfills just south of the existing runway. Include in the final PMP and PEIR a discussion of this issue. State how much of Palomar landfill Units 1, 2, and 3 will be impacted with placing piles and state how much of the existing Unit 1, 2, and 3 subsurface plastic pipe methane gas system will have to be replaced. So that the public can determine the safety and environmental risk by many pieces of heavy construction equipment repeatedly traversing the Unit 1, 2, and 3 sites, state approximately how many linear feet of methane gas piping presently exists on the Palomar sites. Include both the horizontal and vertical piping. County should already readily have this info available in the As Built construction drawings filed with county when the methane gas collection system was installed. If there are no such As Built drawings, explain how county will avoid damaging the collection system when inserting several hundred pilings	I75-135

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I75-135 cont.

into the ground.

BPR 15. The county, Carlsbad, regulatory agencies, and public need to know what impacts the final PMP and PEIR are and are not analyzing and what project impacts are now being analyzed and what future project impacts remain to be analyzed. County has a 40 year history at Palomar of adopting questionable categorical exemptions and claiming they (i) were analyzed in prior Palomar environmental documents and (ii) no significant changes have occurred in the environmental setting, law, or new project projections that counsel against a categorical exemption. Accordingly, include in the final PEIR a table somewhat as below and fill in the missing information.

I75-136

Description of Environmental Issues Completed by 2018 Palomar Program EIR and of Remaining Environmental Issues to be Analyzed when the PEIR Table S-1 Project Elements are Undertaken			
For each of the 2018 Program environmental impacts analyzed including aesthetics, air quality, biology, hazardous material, noise, transportation, water quality and others identify: (i) the year of the baseline data used, (ii) the source of the data, and (iii) the model methodology used. [Note: Often, EIRs use data 2 to 5 years out of date. So a county runway extension in 2023 wishing to use the 2018 PEIR could be using data already several years old.][4] **The foregoing data is needed to analyze the county's CEQA compliance for the 16 future projects noted below. Courts have often found that using data more than 5 to 10 years out of date is questionable. The data used may or may not have been comprehensive, which can only be known by reviewing the Final PEIR source; and regulatory agencies change their models periodically [as AQMD did in 2014] and hence future reliance on the 2018 PEIR may be unfounded.**			
		Specific 2018 Program Impacts Analyzed	Specific Project Impacts to be Analyzed When Each Project Undertaken
1	Relocation Glide		

[4] We are aware that the PEIR generally refers to a 2016 environmental baseline. It is unlikely that county actually used 2016 data and analytic models all dating to 2016 for each of the multiple environmental impacts. Accordingly, substantial clarification is required. R

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3				Slope Bldg		
			2	Relocation Windsock		
			3	Relocation ARFF		
			4	Runway EMAS 24 Construction		
			5	Relocation Vehicle Service Road		
			6	Relocation: Lighting Vault		
			7	200-foot Existing Runway & Taxiway A Exten Inc Retaining Wall		
			8	Removal North Apron Fuel Farm		
			9	Removal North Apron/Taxiway N		
			10	Area for Future GA Parking		
			11	Passenger/Admin/Parking Improv		
			12	Relocation/extension Runway 06-24		
			13	Removal/reconstruction of existing connector taxiway		
			14	Removal/Reconstruction Taxiway A		
			15 & 16	EMAS 06 EMAS 24		

I75-136 cont.

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			BPR 16. The City of Los Angeles Harbor Department (HD) has a comprehensive risk management plan (RMP). Among other features, the plan (i) lists all fuel tanks (above and below ground); (ii) their "upset" risk from fire, explosion, and chemical release (among others); (iii) identifies operational "upset" risks; (iv) quantifies the risk levels based on quantities stored and kind of liquids or solids; (v) defines "sensitive" areas if an upset occurs; and (vi) limits the distance that sensitive areas may be from the "upset" risks. If a Palomar fuel tank or an aircraft on takeoff or landing exploded on the runway, what is the risk to the people in the Landings Restaurant, perhaps 300 feet from such an event? The county's SCS Engineers October 2013 report lists the many hazardous materials aircraft routinely include. In the final PMP and PEIR, include an RMP and evaluate all the safety and environmental risks (fire, explosion, wind-borne chemical release) that daily occur from airport operations.	I75-137
			BPR 17. EMAS systems pose safety and environmental risks for landing aircraft. They are not designed to handle aircraft approaching the field at more than 70 knots. Typical approach speeds for C and D aircraft exceed 120 knots. In the Final PEIR, describe the risks and how the risk will be minimized by the county's PEIR Preferred Alt. Specifically, describe the "buffer zone" that county will have to provide for the west end EMAS between the EMAS runway end and the actual runway threshold.	I75-138
			BPR 18. On my recent tour of the Palomar Airport and runway, there was a strong smell of fuel in the air around most of the runway and adjacent buildings. I have also experienced such "fumes" at the Lowe's Development on airport property adjacent to but south of Palomar Airport road. Discuss in the Final PEIR the source of these fumes, their health risks (especially to on-airport workers and passengers), the specific measures that county has already taken and will take in the future to identify the source of the fumes, and the mitigation measures county will adopt and enforce.	I75-139
			BPR 19. We understand that various Palomar FBO operators have experienced underground fuel leaks, likely contaminating the soil. County's PMP includes a long term runway relocation and removal and relocation of buildings. Include in the Final PEIR (i) a list of the on-airport fuel tanks (including all liquids used for aircraft or machinery maintenance) that	I75-140

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			were discovered leaking, (ii) how much of the surrounding soil was contaminated, (iii) the names and contact information for the regulatory agencies notified of the leak, (iv) the extent of remediation needed to remove contaminated soils, (v) the off-site locations to which the contaminated soil was removed, and (vi) on a going-forward basis how county will address these issues --- possibly in an Airport Risk Management Plan.	I75-140 cont.
			BPR 20. The Palomar 19 acre Unit 3 landfill had an underground fire that burned for about six months while county tried to quench it by pumping grout and carbon dioxide underground. Based on reading county reports related to this fire, we understand: The problem was discovered, not by county, but when a regulatory inspector (possibly AQMD) was walking the airport premises with county staff. A crack in the asphalt was seen, and temperature measurements revealed a problem. Include in the Final PEIR – possibly as part of county's Risk Management Program (RMP) – what steps county has taken to improve and remediate on-airport hazards. Include the RMP manuals that employees are expected to follow and include the training materials they are provided.	I75-141
			BPR 21. County records suggest that the first county airports effort to extinguish the underground Unit 3 fire were unsuccessful (in the opinion of one regulator) because county tried to pump in Carbon Dioxide gas, rather than Carbon Dioxide liquid. As a consequence, the fire burned needlessly for a longer time likely converting more trash to hazardous materials. Include in the Final PEIR – possibly in an RMP – the specific measures that county staff will immediately apply when "risk upsets" occur at the airport to minimize the risk to safety and the environment.	I75-142
			BPR 22. Based on county records, it appears that a major contributing factor to causing and/or continuing the Unit 3 underground trash fire was a large cracked county storm drain that likely fed oxygen to the fire. It appears that the storm drain was cracked by county or its consultants, likely during a construction project. Ultimately, county had to take the storm drain out of service and may have tried to fill it with concrete to render it inert and no longer a source of carrying oxygen. We are concerned that when county extends the runway eastward, construction will impact thousands of feet of plastic landfill methane gas collection	I75-143

			piping. We understand that several factors contribute to damaging underground public infrastructure. One factor is that the public entity has failed to maintain detailed underground drawings listing the location and depth of all underground structures. Another factor is that airport tenants sometimes fail to obtain a permit to install underground structures, such as fuel tanks. A third factor is on-airport inadequate construction management of contracts awarded to contractors. Include in the Final PEIR: (i) a description of the comprehensive list of Palomar Airport underground infrastructure and tenant infrastructure showing the location, depth, and nature of the infrastructure including specifically the 19 acres of Unit 3 methane gas collection system, which the PMP runway extensions will disrupt; (ii) if county does not have such records for the early years of airport operation – perhaps 1955 to 1990 – state the period for which information is missing and the efforts county will take to find such infrastructure, especially if an airport project is scheduled for the relevant area; (iii) a description of the airport permit and permit enforcement system that Palomar has in place to assure that tenants do not "bootleg" underground tanks and piping or other structures on to the premises without proper inspection; and (iv) a description of the Palomar Airport project inspection system in place to assure that damages to airport infrastructure are quickly discovered, especially as airport construction projects continue. Identify the requested information with sufficient detail that our post Final PEIR public records request can verify that the information is readily available.	I75-143 cont.
			BPR 23. For more than 15 years, county has operated Palomar runway end runway safety areas (RSAs) about 350 feet long rather than the 1000-foot long RSAs required by the FAA Airport Design Manual set forth in AC 150/5300-13A, Appendix 7 entitled *"Runway Design Standards Matrix."* Apparently these RSAs were maintained because county incorrectly reported to the FAA for more than 10 years that the FAA AC manual "critical design aircraft" was a slower, smaller aircraft class (possibly the Falcon) rather than the more than 10,000 larger, faster, more demanding aircraft (FAA rated C & D) that annually have used Palomar. The FAA also requires that the Palomar ALP be constantly updated to assure it is accurate. We understand that county has been quite slow in responding to FAA requests to timely update the ALP. Explain in the final PMP and PEIR how county for more than 10 years reported the incorrect critical design aircraft to the FAA even though the FAA on	I75-144

multiple occasions requested county revisions to the FAA-required Palomar Airport Layout Plan (ALP). Explain what mitigation measures county is now adopting to assure that county in the future will timely and accurately report all airfield and landside information to the FAA and to the SDRAA ALUC to maximize airport safety and to assure the Palomar ALP and the ALUC's Palomar Compatibility Land Use Plan is timely updated as necessary. I75-144 cont.

BPR 24. One PMP project is installation of a Palomar runway west end 350-foot EMAS (which substitutes for a 1000-foot standard RSA).[5] However, Palomar will continue to operate for 1 to 3 years after PMP approval before the EMAS is installed. Various facts suggest the EMAS is not needed including the following:

- **The FAA in the year 2000 created a program to improve all airport RSAs that were inadequate for some reason and to correct them by 2015. See the YouTube Video. Just search FAA safety systems.**
- **County in about 2009 obtained about $8.6 million in FAA grants to demolish and rehabilitate the Palomar Runway in its current location. No EMAS was installed at that time despite the ongoing FAA RSA Deficiency Program.**
- **Apparently using FAA approved operational forecasts, the county forecasts - 208,000 annual Palomar flights by 2038. This number is 80,000 less than Palomar handled in the 1990s without an EMAS.**

BPR 24 (con'd). Explain in the Final PEIR (i) why county installed no EMAS in the 2009 to 2010 time period, (ii) why no EMAS was needed then, and (iii) why the PMP and PEIR say an EMAS is needed now when the traffic operational forecast is significantly lower. I75-145

BPR 25. If county extends its runway eastward and adds an EMAS, the extension will cause more FAA-rated C and D aircraft to fly lower over the approximately 1100 mobile homes east of the runway. At the November 2016 PAAC meeting, one of these mobile home owners I75-146

[5] We are aware of studies assessing the safety risk of B, C, and D aircraft using runways with 300-foot rather than the FAA Design Manual required 1000-foot RSA. Those studies generally note that the more expensive C and D aircraft have better safety systems. However, that distinction becomes irrelevant when aircraft mechanical defects, pilot problems, weather problems and many others create the need for the longest RSA possible.

			appeared to complain of the repeated noise and low over flights. Discuss in the final PMP and PEIR what mitigation measures county is adopting to protect these homes including but not limited to changing out the windows and adding insulation. Describe the process such mobile home owners may follow and provide in the Final PEIR the contact information for the people at the county who can assist these mobile park owners.	I75-146 cont.
			BPR 26. The PMP says county wishes to soon add a west end EMAS, then soon extend the Palomar runway 200 feet east, but not add an EMAS at the runway east end. Explain in the final PMP and PEIR why county needs a runway west end EMAS now but not a runway east end EMAS . Include in the discussion the detailed findings of the County SCS Engineers October 2013 evaluation of aircraft crashing into the landfill.	I75-147
			BPR 27. Based on reviewing county prior environmental documents, county makes unsupported statements to reach its conclusions about the need for a Palomar EMAS. In the final PMP and Final PEIR -- when claiming that the county PMP projects make the airport safe - discuss: ○ **The safety risks that EMASs cause for landing aircraft;**[6] ○ **The safety risks the PMP perpetuates for the next 15 to 20 years by not installing an east end EMAS;** ○ **The increased safety risks to the mobile home owners east of the airport with a east end runway extension;** ○ **The safety risks that the runway east end 19 acre Unit 3 landfill causes to aircraft crashing into the landfill, especially since the existing methane gas collection system is close to the unpaved surface and could easily rupture in a crash.**	I75-148
			BPR 28. With Carlsbad support, county maintains Airport Rescue and Fire Fighting	I75-149

[6] Hint: Before dismissing this comment, you may want to research what the FAA has said about how an EMAS impacts landing aircraft safety.

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			Equipment (ARFF) at Palomar. We understand that the FAA ARFF requirements differ as an airport increases the use of FAA-rated C and D aircraft because such aircraft, in addition to being faster and larger, also carry much more aviation fuel. Discuss in th final PMP and PMP PEIR how and when the Palomar ARFF requirements change with the PMP projects to minimize airport safety risks and remediation. We understand that aviation crash fires can be difficult to extinguish and that the ARFF fire fighting water may include surfactants and other chemicals needed to suppress the fire. ARFF may have to fight an aircraft fire resulting from a crash into the Palomar runway east end Unit 3 landfill. Include in the final PMP and PEIR (i) what chemicals the ARFF use, (2) the per minute amount of water flow each ARFF fire fighting unit provides (if the units vary in size, specify by unit), and (3) the expected time frame the ARFF would expect to take to extinguish such a fire. Provide a reasonable range of times. These answers will assist in determining what volume of water and contaminants could be introduced into the Unit 3 landfill and the remediation efforts necessary to clean up such contamination after an accident. Presumably, county would include such information in the Risk Management Plan (RMP) suggested earlier in our comments.	I75-149 cont.
			BPR 29. County fails to note that extending the Palomar runway eastward 800 feet, after EMASs have been added on each end will result in aircraft landing and taking off less than 300 feet from the major arterial El Camino Real. Since Palomar Airport is located on a plateau elevated about 50 feet above ECR, explain how ARFF vehicles will quickly reach an aircraft crash onto ECR. Explain why the PMP and PEIR do not include as a project element (if the runway is extended 800-feet to the east) an ARFF service road down the side of the Plateau so that the ARFF vehicles can access an aircraft crash onto ECR within a few minutes rather than in 5 to 10 minutes by taking a round about route to Palomar Airport road and then to ECR.	I75-150
			BPR 30. Given the factors above, explain why the PMP and PEIR support the conclusion that PMP improvements improve either airport safety or the safety of the surrounding communities including the thousands of cars that daily use ECR.	I75-151
3	S.1	County	***BPR 31. EMAS Safety Systems*. EMAS systems require a detailed assessment of how such**	I75-152

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	@ S-1	Alt Evaluation Criteria 1 Safety	**systems *improve safety for aircraft taking off* but *lessen safety for aircraft landing*. FAA-rated C and D Aircraft landing at an EMAS-equipped airport no longer have a 1000-foot runway safety area but instead a 350 foot EMAS (which is not designed for aircraft landing at 120 knots but instead designed for aircraft overshooting the runway at 70 knots). EMAS design requires a new runway detailed layout showing displaced runway thresholds or other measures to create an area between the newly installed EMAS and runway to protect landing aircraft with mechanical, pilot, or weather problems from landing in the EMAS. When EMAS criteria are met, county will likely have to push takeoff and landing aircraft flight paths eastward (depending on whether Runway 24 or 06 is in use). Those changes will require an environmental analysis of changes to the SDRAA Airport Land Use Committee prepared McClellan-Palomar Land Use Compatibility Plan. The current Palomar Land Use Compatibility Plan was adopted in 2010 and amended in 2011. Discuss in the final PMP and PEIR how EMAS systems both improve and reduce safety at Palomar Airport, especially since Palomar now has a more than 1000-foot area available on its east end.**	I75-152 cont.
			BPR 32. Our discussions with ALUC staff recently suggest that Palomar changes in its 2018-2038 PMP ALP could trigger changes in the Palomar Land Use Compatibility Plan. It appears that county failed to notify either the FAA or SDRAA ALUC over the last 15 years that the Palomar critical aircraft were C and D, rather than B. We understand that the only reason the ALUC Palomar Land Use Compatibility Plan was updated in 2010 resulted from SDRAA ALUC being created to replace SANDAG, which formerly prepared the then named "Comprehensive Land Use Plan." For that reason, county has failed to protect the community and environmental interests when county neglected to inform the ALUC of actual Palomar airport conditions, which affect the safety and environment of surrounding areas. In the final PMP and PEIR, explain what steps the county is taking to assure that it will timely notify the SDRAA ALUC of changes to its ALP and the environmental and safety impacts of such changes (noise and safety in the community areas surrounding the airport). Provide the following information in the PEIR: (i) list each year from 2000 to the present in which the FAA approved a county-revised FAA Palomar ALP, (ii) for each such FAA-approved -revised Palomar ALP, state when county notified SANDAG and the SDRAA ALUC of the revised ALP, list the notices that county gave to the SDRAA ALUC so that the ALUC could update	I75-153

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4	S.1 at S-1	County Project Objective	**the McClellan-Palomar Land Use Compatibility Plan, (iii) state when the FAA did or is expected to approve the revised Palomar ALP associated with county's 2018-2038 PMP, (iv) state when county expects to notify the SDRAA ALUC of the ALP associated with county's 2018-2038 PMP so that the ALUC may update its McClellan-Palomar Land Use Compatibility Plan and (v) identify the specific final PEIR mitigation measures that assure county will in the future timely obtain ALUC CLUP review before proceeding with its individual Palomar projects.**[7]	I75-153 cont.
			BPR 33. Standard FAA design principles require an airport installing an EMAS system to create a "buffer area" achieved by installing a "displaced threshold" between the newly installed EMAS and actual threshold that landing aircraft would use in the absence of an EMAS. Accordingly, aircraft landing at Palomar after an EMAS install will have shorter distances rather than longer distances to land at Palomar. Provide a drawing showing the relative distances that landing aircraft will need to use. If county cannot do this, then do not make the unsupported claim in the PMP and PEIR that EMAS systems improve airport safety.	I75-154
			BPR 34. County says that Palomar Airport improvements must be financially feasible. Last year the FAA agreed that the city of Santa Monica could shut down its airport within a decade and use formerly airport property for other uses including general commercial uses. County's limited economic analysis (if any) focuses only on use of Palomar as an airport. County within the last five years, with FAA approval, devoted the use of the Palomar Airport property on the south side of Palomar Airport road to a very large commercial development including a Lowe's store. Nearly opposite Lowe's and east of El Camino Real, the Via Sat corporation is building a nearly 1 million square foot office building, which confirms the high value of commercial property in the airport area for non-airport uses. Our review of county Palomar	I75-155

[7] County must obtain a new operating certificate from the State of California Division of Aeronautics when it extends its runway pursuant to PUC Division 9. The Aeronautics Division application form requires the county to state whether its requested permit relates to Palomar facilities compatible with the ALUC Land Use Compatibility Plan (LUCPs). We understand that the county left this portion of the form blank when it last applied for a new Aeronautics operating permit. LUCPs create certain noise and safety zones around airports. Accordingly, the county PEIR must provide the requested information to assure it is complying with the CEQA requirement that the EIR discuss all issues of substantial concern to the community.

		2: Financial Feas-ibility	**Airport records suggests that the airport has operated at a loss or at minimal profit over the last five years. In the final PMP and PEIR, compare Palomar airport profitability against profitability if the land is used for non-airport purposes.[8] Include the financial statements for Palomar operations from 2012 through 2017. For comparison, also include the county statements showing how much rent county derives from commercial facility on airport land south of Palomar Airport Road. Add to the county's macro economic analysis of the economic benefits the airport creates to areas external to the airport an analysis of the macro economic analysis that (i) the existing commercial south of Palomar Airport road on airport land create and (ii) the macro economic benefit that use of Palomar airport for non-airport purposes would create. Include a discussion of how many acres of county land now used for infrastructure (which is exempt from taxation) would be returned to the tax roles if converted to private use. Recall that county prepared a macro economic analysis for its commercial development south of Palomar Airport Road about five years ago. So perhaps 1 hour of staff time would be required to include the information above. Similarly, list the size of the airport property on the northeast corner of El Camino Real, which is mainly vacant, and the loss in property tax revenue resulting from that nonuse. Also list the number of acres that the ViaSat building now being built on ECR several blocks from Palomar Airport, the projected property value, and the annual property taxes that ViaSat will pay to county and the city. Based on reviewing past county environmental documents, we are aware that county often tries to sidestep questions raised. Sidestepping our financial questions would simply indicate that county staff would not be providing county Board of Supervisors sufficient information to make a truly informed decision on the financial benefits of the use of county land with and without an airport use. Recall that it is the county PMP and PEIR, which requires the financial evaluation of the PMP land uses. Also, include in the final PMP and PEIR a discussion of the following economic factors, which county, currently omits from its technical analysis:**

I75-155 cont.

[8] We understand that FAA Grant Assurances require continued airport uses for certain periods. But Santa Monica was able to cope with that limitation. Also, recall that county dumped nearly 1 million cubic yards at the Unit 1, Unit 2, and Unit 3 Palomar landfills over a 14-year period. Landfills attract birds which endanger aircraft nearby. That concern did not stop the county. The landfills also created methane gas which continues to escape and threaten buildings on the airport. As does continued landfill settlement. County should decide if it makes sense to shut down Palomar in the future. Hence, an analysis is needed now before county accepts more grants. More grants simply delay the county's ability to follow Santa Monica's lead.

- **The PMP proposes relocating a number of airport buildings including when the runway is relocated. To relocate these buildings, county will either have to condemn the remaining value of each tenant lease or negotiate large payments to such tenants. If some of these tenants are not able to relocate on airport property due to space limitations, such tenants will be entitled to payment for their remaining leasehold, their building, and the tenant's business loss. In total, these amounts will be quite substantial.**

- **In 2016 and 2017, county staff brought to the Palomar Airport Advisory Committee (PAAC) several leases to be amended. On one occasion, county had to reduce the rent due to landfill settlement near the facility. In another case, the tenant had been having financial difficulties for several years. Rather than terminate the lease, county decided to "buy back" a good portion of the tenant's leased premises at very substantial cost.**

BPR 34 (con'd). Include in the final PMP and PEIR and related financial analyses the cost the county will incur by having to relocate the buildings on airport. Removing those buildings will also require a cleanup of any soil contamination caused by tenant operations including using underground fuel tanks. Assure county includes a contingency amount for these costs. I75-155 cont.

BPR 35. The county 2012/2013 Palomar Runway Feasibility Study Benefit Cost Analysis and Macro Economic Analysis (See Feasibility Study Chapters 8 and 9) failed to justify a runway extension. We have seen no facts in the 2018 PMP and PEIR to improve the county claims. In the Runway Study, county assumed without proof that 40% of corporate flights would fly internationally with a longer runway, thereby increasing Palomar fuel and other revenues. This argument failed for five reasons. First, county provided no supporting data for the assumption. Second, county already captures these revenues at San Diego International Airport 29 miles away when a relatively few aircraft leaving Palomar choose to refuel at SDIA. Third, county's 40% assumption presumed an extended runway allowed Palomar I75-156

			aircraft to leave at 90% capacity rather than 60% capacity. Fourth, county staff has conceded that perhaps 1% to 3% of aircraft leaving Palomar in the past refueled at another airport to travel internationally. Fifth, County presents no evidence that lengthening the Palomar runway 200 feet will materially increase Palomar aircraft flight distances, certainly no evidence that an aircraft could fly to China. Explain in the final PMP and PEIR how lengthening the Palomar runway 200 feet will materially increase flight distances and quantify the environmental benefit resulting from a 200-foot longer runway. If county disagrees when any of the five assertions above, identify the specific pages among the count 3400 pages of PMP and PEIR documents where the contrary, supported facts are.	I75-156 cont.
			BPR 36. Palomar actual max operations in the 1990s were about 286,000. The PMP projects a max of 208,000 operations by 2038. Hence, Palomar already has substantial excess operational capacity. In fact, the 1997 PMP said Palomar operational capacity was substantially higher than 286,000. Moreover, Palomar on-airport revenues have decreased over the last seven years. Alos, county will not amortize the existing Palomar facilities and FAA past grants (including the 2009 FAA grant for runway rehabilitation) until at least 2030. Lastly, with or without the PMP improvements, county has said that Palomar operations will grow from their current about 155,000 annually – as evidenced by (a) the projections of Cal Jet [Elite], which started operations in 2017, and which has said it needs no runway improvements to operate and (b) the projections of California Pacific Airlines (CPA), which says it will start flights in a few months and has also said it needs to Palomar runway improvements. Explain in the final PMP and PEIR and supporting documents where there is an FAA-compliant Benefit Cost Analysis for the PMP improvement and (ii) how that BCA analysis takes into account all of the just listed factors. In commenting, recall that the FAA AIP Handbook determines airport grant eligibility NOT by general economic macroeconomic models but by benefit cost analyses. In responding, make sure the county focuses on BCA data, not general macroeconomic data. The BCA focuses on benefits created directly to the on airport community and aircraft using Palomar. In contrast, routine macroeconomic studies focus on general community well being aided by business within the community.	I75-157
			BPR 37. As county's October 2013 SCS Engineers report notes, an aircraft crash into the	I75-158

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			Palomar Unit 3 landfill could distribute substantial amounts of hazardous materials from the burning aircraft and from fire-fighting waters into the landfill. County would then have to haul away substantial volumes of landfill material to a hazardous waste dump. In the final PMP and PEIR and related financial analysis, discuss what the cost would be to haul away such material. Your estimates can vary with different quantities that would have to be hauled away based on (i) the size of a crater the crashing aircraft would make and (ii) the depth the fire-fighting water and contaminants would sink and (iii) the extra removal cost associated with having to remove contaminants from the hundreds of piling the county sunk to support a runway extension. Include also the post county runway extension Airport Division annual cost of monitoring the Unit 3 landfill issues; once county airports is actively using pile supported runway extensions through the landfill, the monitoring costs should no longer be borne by taxpayers but rather by airport users benefiting from the extended runway. Omitting either of the above costs from the county BCA analysis fails to comply with the FAA BCA manual "sensitivity" analyses, which require county to address contingencies related to county development of PMP projects. We understand that current Unit 3 annual monitoring costs and remediation measures can exceed several hundred thousand per year.	I75-158 cont.
			BPR 38. For the reasons above, the existing PMP and PEIR fail to support the claim that (1) PMP improvements meet the FAA Benefit Cost Analysis test or (2) the county or the city derives a fair rate of return for the substantial Palomar acreage taken out of private sector use, especially considering the return that alternate use of the property would create. State in the PMP, PEIR, and related financial documents, what the (i) Palomar acreage is on the northwest corner of ECR and PAR and on the northeast corner of ECR and PAR, (ii) what the fair market value of the land on each parcel is, (iii) what the FMV is for all improvements on these two parcels, (iv) the annual Palomar revenue that county has derived from these parcels for each year since 2010, (v) the rate of return that county directly derives from its Palomar Airport premises devoted to airport use, and (vi) the amount of tax revenue that county loses by the Palomar Airport land on the northeast corner of ECR and PAR being held in county public ownership. Without the foregoing data, the Board of Supervisors has no data to decide how much money the county loses by using Palomar for airport purposes nor data to use to compare against the macroeconomic data that county does provide.	I75-159

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			BPR 39. Perhaps recognizing that its chances for FAA funding will encounter substantial obstacles, the county 1 hour video presentation at the February 20, 2018 Carlsbad special council meeting said that county was in the process of raising substantial "private" funding for PMP projects. Explain in the final PMP and PEIR whether such funding refers to (i) county issuing airport revenue bonds or (ii) soliciting money from current and future Palomar tenants. If county issues revenue bonds, county will need to publish a detailed prospectus explaining all the risks we have outlined in our cover letter entitled "The Top 32 Reasons that County's PMP and PEIR do not Support its Preferred Project Alternative, a D-III Modified Standards Compliance" Alt. State in the PMP and PEIR when the prospectus will be available for public comment. If county raises money from its existing or prospective tenants, there is a substantial likelihood that the money raised will be tied to "sweetheart" lease deals. In other words, airport tenants will ask that their lease rents be reduced if they contribute toward county infrastructure improvement funding. Such reductions raise at least two issues. First, the FAA past grant conditions that county has accepted require that county operate the airport on a non-discriminatory basis. Giving preferences to tenants funding airport infrastructure may well violate the FAA grant condition. Second, if county "trades" rent for infrastructure contributions, county reduces its annual airport revenue. Airport revenues typically fund airport-operating expenses (which can not be funded with grant monies). Explain in the Final PMP and PEIR how the foregoing factors impact its Alternative Evaluation Criteria 2 (financial feasibility).[9] •	I75-160
4	S.1 at p. S-1	County Project Objective # 3: Avoid Impacts to	**BPR 40. The PMP Preferred Project calls for substantial Palomar tenant dislocation and also elimination of the parking areas along the airport north side for General Aviation aircraft. Thus the plan creates, not avoids, serious impacts on airport businesses. Discuss in the PMP and PEIR the specific buildings that will be demolished and/or relocated as a result of the PMP plan. Also, include for what period of time Palomar Airport operations will be curtailed**	I75-161

[9] Recall that county at a 2017 PAAC meeting recommended buying out a portion of a tenant lease rather than defaulting the tenant for default based on rents substantially in arrears. In other words, county paid substantial sums to recover property (presumably needed for airport expansion and already indicating the county's intent before the PMP CEQA analysis was finalized) that county could have obtained at minimal cost by proceeding with a lease default.

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		Airport Business Including Physical Terminal Changes	**or shut down if the runway is extended 200 feet and/or relocated to the north. As noted early in these comments, county staff cannot always say in essence: *"No comment is needed now. This is a programmatic EIR. We add information in the future as developments progresses." Why not?* Because county staff is asking the Board of Supervisors to approve a 20-year roadmap for future airport development. If the BOS is given incomplete information, it cannot choose wisely. Note especially: staff proceeds under a critical mistaken assumption. The mistake can be illustrated as follows: (i) county says it will defer project specific 200-foot runway analysis for 5 years, perhaps to see if Cal Jet or replacement carriers in fact materially increase Palomar operations; hence county does not discover how much of the 200-foot extension will be on pilings and the true 200-foot cost; (ii) county accepts a new FAA EMAS grant in 2018; (iii) county realizes in 2023, upon analyzing the 200-foot extension, either that retaining Palomar as a B-II airport or closing the airport makes more financial sense to the county. Now county wishes it had not accepted the 2018 EMAS grant. Grant acceptance extends the time county must keep the airport open by 5 years. If the data shows that the county and community receive a $100 million annual higher benefit resulting from use of the "former airport" site for other purposes [such as the Lowe's common property], then staff has cost the county ½ billion dollars. Is Santa Monica's decision to close its airport wrong or are SM council members simply smarter than BOS members?**	I75-161 cont.
5	S.1 at p. S-1	Project Objective 4: Accommodate Existing and Future Demand	**BPR 41. Include in the final PMP and PEIR comparative statistics showing (i) current Palomar capacity and future capacity with an EMAS and 200-foot runway extension; (ii) future capacity with a relocated runway and 800-foot runway extension; (iii) the maximum size aircraft that Palomar can currently handle on a regular basis (at least twice a day); (iv) the maximum size aircraft that Palomar could handle at least twice a day with a 200-foot runway extension; and (v) the maximum size aircraft that Palomar could handle at least twice a day with a relocated runway and 800-foot runway extension. Assuming John Wayne airport retains its current acreage, one runway, and terminal configuration, provide**	I75-162

			comparative statistics showing how the Palomar 2038 airport maximum capacity would compare to the maximum John Wayne airport capacity.[10] See footnote 10 below to assure the Palomar-John Wayne comparison starts with a correct baseline of the John Wayne airport capacity. **BPR 42. In the final PMP and PMP EIR provide the data supporting the claim that 40% of Palomar airport aircraft operators would be able to and would wish to fly at 90% loads rather than 60% if county extended the runway 200 feet, which county claimed when spending $700,000 to prepare its 2012/2013 Runway Feasibility Study.** **BPR 43. For the last three years, several aircraft manufacturers have announced their intent to market aircraft that can carry substantial payloads but using comparatively shorter runways. To show that county considered whether it was truly necessary to extend the Palomar runway 200 feet, include in the final PMP and PEIR all the data that county has gathered to show how the future aircraft fleet mix will affect Palomar operations. In other words, why keep making buggy whips if the automobile is coming? Recall that the FAA Benefit Cost Analysis Manual requires airports seeking federal AIP capacity grants, such as those for runway extensions, to perform a sensitivity analysis discussing in part how the aircraft fleet using airports will change. County's entire Preferred Alternative case seems to be based on only 500 D-III aircraft using Palomar within 20 years. Not to consider other aircraft soon to be marketed would highlight county's analysis bias. For the reasons above, the current PMP and PEIR do not support the conclusion that PMP improvements (other than possibly the EMAS, which has both safety pros and cons) will avoid airport business disruption. To the contrary, it proves the opposite.**

I75-162 cont.

[10] Recall that county staff at a late 2017 and/or early 2018 PAAC meeting said that PMP development would never result in an airport having capabilities anywhere close to those of John Wayne today. But county failed to provide the relevant data as requested by these comments. To date, county-provided data has been misleading for the following reasons. Assume John Wayne handles 5 million passengers now, but handed 10 million passengers annually in some past years. Assume that by adding massive retaining walls, relocating Palomar FBOs, and enlarging the Palomar footprint that Palomar could achieve 25% of the John Wayne capacity – as the county's graphical passenger terminal overlay in the county video presentation at the February 20, 2018 Carlsbad City Council special meeting seemed to suggest. Then Palomar by the county's own presentation could handle about 25% of 10 million passengers or 2.5 million passengers. Recall that 2.5 million passengers carried by aircraft with an average boarding of 50 passengers requires only 50,000 annual operations out of county's projected 202,000. And 2.5 million passengers on aircraft averaging 90 passengers require only 28,000 operations.

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6	S.1 at S-1,2	Project Objective 5: Stay in Existing Footprint	**BPR 44. County several times has said that its PMP improvements remain on the existing airport footprint on the northwest corner of El Camino Real and Palomar Airport Road and therefore Carlsbad MC § 21.53.015 (Carlsbad voter approval of airport expansion) and CUP 172 (governing Palomar expansion and use as a general aviation basic transport airport) do not apply. Discuss in the PMP and Final PEIR the expansion provisions identified in this Item 6 and in the footnote and explain why PMP projects do not constitute airport expansions when two laws and the 2010/ 2011 ALUC Palomar Airport Land Use Compatibility Plan say that runway extensions are airport expansions. At the January 2019 PAAC meeting, we provided the PAAC members for forwarding to county staff and the Board of Supervisors three provisions, which contradict the county's contention.[11] In the final PMP and PEIR, state**

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January 18, 2018
[copies of letter distributed at the PAAC meeting]

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Re: **Request by Ray & Ellen Bender During Meeting:** ***Agenda Item 5***
2017-2037 Palomar Master Plan and PMP EIR [2018 bender paac pmp letter jan 18]

Seven hours ago we received the county's PMP and PMP EIR totaling more than 700 pages of text plus appendices even longer. CEQA normally provides for a public response time of forty-five (45) days. In view of the length of the document we ask PAAC members to support our request that the comment period be 90 days rather than 45 days. We also ask that the county provide local libraries at least 20 complete copies so that the many residents of Carlsbad, Vista, and other airport communities can review them at the library. Many seniors do not have computers or are not familiar with their use.

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Also, we noted that PMP pages 3-89 and 3-90 say that extending the Palomar runway is not an airport expansion so long as the extension does not go outside existing airport boundaries. The Carlsbad Municipal Code , State Public Utilities Code, and the McClellan-Palomar Airport Land Use Compatibility Plan prepared by the San Diego Regional Airport Authority acting as the Airport Land Use Commission all expressly contradict the county's statement. We quote the relevant Carlsbad, PUC section that the State Division of Aeronautics (under Cal Trans), and the SDRAA ALUC enforce.

We therefore ask PAAC members to require county staff to explain at this and successor PAAC meetings why the county PMP disagrees with city and state law and with the Compatibility Plan that Public Utilities Code requires county to follow. The failure of PAAC members to support this request can only be viewed as the PAAC rubber stamping a staff recommendation without requiring staff response to reasonable questions raised by the public.

Attachment A
(Back Side of Bender January 18, 2018 Letter to PAAC)

1. Carlsbad Municipal Code Section 21.53.015 provides that Carlsbad residents can vote on certain airport expansions. Carlsbad Conditional Use Permit (CUP) 172 requires county to apply for a CUP 172 amendment if the county expands the airport or converts the airport from a "general aviation basic transport" use. The FAA defines such use as not exceeding 2500 operations per year, which County far exceeds. Carlsbad MC -§ 21.04.140.1 provides as follows:

http://www.qcode.us/codes/carlsbad/view.php?topic=21-21_04-21_04_140_1&frames=on

Carlsbad Municipal Code
Up Previous Next Main Search No Frames
Title 21 ZONING
Chapter 21.04 DEFINITIONS

21.04.140.1 Expansion.

"Expansion" means to enlarge or increase the size of an existing structure or use including the physical size of the property, building, parking and other improvements. (Ord. CS-050 § II, 2009)

View the mobile version.

2. The State of California Public Utilities Code, under which the State Division of Aeronautics acts within CalTrans, provides in § 21664.5:

21664.5.

(a) An amended airport permit shall be required for every expansion of an existing airport. An applicant for an amended airport permit shall comply with each requirement of this article pertaining to permits for new airports. The department may by regulation provide for exemptions from the

I75-163 cont.

Bender March 19, 2018 Comments on County of San Diego 2018 – 2038 McClellan-Palomar (CRQ Master Plan and Master Plan Programmatic EIR and FAA Grant Eligibility Requirements

			whether our January 18, 2018 letter was provided to the Board of Supervisors. If not, explain why not and provide it to them immediately. **BPR 45. Based on our recent tour of the Airport on the northwest airport property at El Camino Real and Palomar Airport Road, we understand that the county and FAA maintain navigational aids and other structures on the northwest airport property at ECR and PAR that will have to be shifted to the ECR and PAR northeast corner. We also understand that these navigational aids will have to be modified to accommodate runway extensions and relocations. We further understand that when Carlsbad Issued Conditional Use Permit 172, the identified airport area was only on the northwest corner of ECR and PAR where the runway lies. It therefore appears that the PMP projects will in fact require modification outside the CUP 172 premises. Discuss this issue in the PMP and PMP EIR and include (i)**

I75-163 cont.

operation of this section pursuant to Section 21661, except that no exemption shall be made limiting the applicability of subdivision (e) of Section 21666, pertaining to environmental considerations, including the requirement for public hearings in connection therewith.

(b) As used in this section, "airport expansion" includes any of the following:

(1) The acquisition of runway protection zones, as defined in Federal Aviation Administration Advisory Circular 150/1500-13, or of any interest in land for the purpose of any other expansion as set forth in this section.

(2) The construction of a new runway.

(3) The extension or realignment of an existing runway.

(4) Any other expansion of the airport's physical facilities for the purpose of accomplishing or which are related to the purpose of paragraph (1), (2), or (3).

3. The McClellan-Palomar Airport Land Use Compatibility Plan [Adopted 1/25/10 and amended 3/4/10, and again 12/1/11 states in § 2.12 entitled Review of airport master plans and development plans on p. 2-29:

§ 2.12.1 *** *"Airport expansion is defined to include the construction of a new runway, the extension or realignment of an existing runway, and the acquisition of county protection zones or the acquisition of any interest in land for the purposes, identified above."*

			documents showing the boundaries of the CUP 172 premises [that is airport on the northwest ECR and PAR corner]; (ii) identify the Palomar navigational aids currently on the airport northwest ECR and PAR parcel; (iii) identify which navigational aids need to be changed; and (iv) if the county claims no navigational aids need to be changed, provide the contact information for the FAA staff member who can confirm the county view.[12] **BPR 46. In the PMP, county says it deletes the 17 acres on the northeast corner of ECR and PAR, which county intended to include for future airport development, (possibly for parking or possibly to relocate buildings). Confirm in the Final PMP and PEIR that county will not undertake any development on the Palomar Airport northeast parcel or permit development by others (such as the FAA) within the PMP 20 year planning horizon without first modifying its PMP and soliciting public comment. Unfortunately, the airport history of adding land to the airport for development without fully informing the public makes this request necessary.**[13]	I75-163 cont.
7	S.1 at SS-2	Objective 6 Environ-mental Impacts	**BPR 47. Sometimes county says or implies that if significant impacts are large and cannot be reduced to an insignificant level, then no mitigation is needed. To the contrary, our understanding is that county is obligated to mitigate when feasible. In the final PMP and PEIR, revise county's Chapter 7 Mitigation measures to: (i) identify all feasible mitigation measures, even if they simply reduce significant impacts even though not below a level of significance; (ii) explain the degree to which the mitigation will help, (iii) assure mitigation measures are enforceable and county will timely complete them; (iv) state clear mitigation implementation deadlines, and (vi) identify the county contact division that can be contacted**	I75-164

[12] We have had many contacts with FAA Western Pacific Region staff about Palomar operations including with Mr. McClardy who heads the division overseeing McClellan-Palomar operations and development.

[13] It appears that between the late 1990s and the mid 2000s, county (1) bought 3 parcels of land outside the CUP premises, (2) coordinated with Carlsbad to develop a specific zone for these properties, and (3) after the former was accomplished, relocated airport parking to these three new parcels outside the CUP 172 premises. County then conceded that adding this property was an expansion but denied that any Carlsbad legislative action was needed to approve the parking relocation since parking was already allowed for those parcels. The rationale appears to be that the parking was shared with non-airport businesses near the parking lot. The mid 2000s CUP 172 B parking shuffle was taken to the Carlsbad Planning Commission (as CUP 172 requires) but no Carlsbad vote for this airport expansion was taken. The interesting questions are: What was the Carlsbad legislative action taken several years before the Planning Commission action to define the use for the 3 parcels and did Carlsbad and County coordinate this activity? In short, the facts suggest that county and Carlsbad coordinated activities behind the scenes for a substantial time period to avoid public review of Palomar Airport expansion.

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			over the next 20 years to determine county's compliance with the mitigation. If county contends that its Programmatic EIR allows county to deter further analysis, then county needs to confirm that its future, supplemental PMP project CEQA analyses will add mitigation measures to those contained in the PEIR as created by specific projects.	I75-164 cont.
			BPR 48. Carlsbad is a San Diego non-attainment area for certain air pollutants. Every Palomar aircraft and every vehicle associated with Palomar will further contribute to exceeding applicable air quality non-attainment pollutants. The final PMP and PEIR -- as to each environmental impact identified – need to specifically list the mitigation measures county commits to. Otherwise, the public has no assurance of an enforceable mitigation measure. For instance, the Carlsbad planning department by letter has begged the county for many years to landscape Palomar Airport perimeters. County may or may not have legitimate landfill concerns that limit landscaping. The public doesn't really know because county hasn't presented the facts to support its objection. But county has said there are no landfills on its northeast airport parcel at El Camino Real and Palomar Airport road but county still refuses to comply with Carlsbad Scenic Corridor requirements.[14] Similarly, there are substantial flat areas between the streets and slope toes on the Palomar northwest parcel that county could permanently landscape. Explain in the PMP and Final PEIR why county has refused to landscape airport perimeters, especially since such landscaping would partially mitigate Palomar air quality emissions. If county claims that the northeast parcel landfills preclude landscaping the slopes, provide in the PEIR (i) the boring logs that show the perimeter 100 feet of slopes actually overlie landfill trash, (2) why permanent landscape irrigation rain birds near the sidewalk can't adequately water perimeter slope plantings, and	I75-165

[14] County apparently asserts that since the Palomar runway is on the ECR and PAR northwest corner, county has no obligation to comply with Carlsbad scenic corridor requirements on the ECR/PAR northeast corner. Airports are integrated units. The northwest corner runway cannot operate without the navigational aids and restricted aircraft "over flight" areas on the northeast parcel. If the two parcels were not mutually necessary, businesses would be located on the north east parcel. These facts reveal that county's argument – namely that landfill restrictions preclude compliance with the Carlsbad scenic corridor requirements – is a sham because the airport northeast parcel has no landfills.

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			(3) why county fails to install alternate attractive landscaping such as colored rocks forming a design or a vertical "plant wall" supporting attractive vines.[15] In the final PEIR, explain why the northeast airport perimeter is not landscaped. We recognize that county may claim that it is not obligated to legally comply with certain *Carlsbad* scenic requirements. But Palomar Airport is also in the county. Explain in the Final PMP and PEIR why county ignores its constituents and taxpayers in the north county and fails to landscape Palomar (i) as feasible CEQA mitigation for various airport impacts including air pollution and/or (ii) as a "good neighbor" doing the right thing. State in the PMP and PEIR whether airport staff has ever asked the Board of Supervisors to approve permanent landscaping for Palomar Airport.	I75-165 cont.
			BPR 49. As noted in detail in Part A of our PMP and PMP PEIR comments, the county has adopted a General Plan (GP) that applies only to the 6 county airports in the unincorporated areas of the county.[16] Not to Palomar. Not to Gillespie. The county GP contains many policies. It appears that county applies these policies to only 6 of its 8 airports. We identify the policies in Part A. As you know a General Plan and Master Plan and Land Use Compatibility Plan are prepared to satisfy different laws, different goals, and different policies. Include in the final PMP and PEIR, which, if any, of county's General Plan policies apply to Palomar Airport PMP projects. If none of the policies apply to PMP projects, explain why the county would apply these presumably well-thought-out policies to 6 county-owned-operated airports but not to all 8 such airports. Refer to each applicable policy and explain how it will apply to PMP projects. Identify the specific county General Plan policy, if any, that requires county GP policies to apply to Palomar.	I75-166
			BPR 50. The SDRAA ALUC advises that the Public Utilities Code requires it to review Palomar Master Plan updates and Airport Layout Plan updates so that the ALUC can timely	I75-167

[15] We have seen county objections to slope rocks as to0 expensive or as interfering with periodic slope grading. Neither objection makes sense. If county feels it an afford $100 million of runway improvements, it can afford a few hundred thousand for slope improvements. If periodic grading is needed, the exiting rock can be rolled into the slope and more rock add in bare spots.

[16] Our goal is to make accurate comments. We have talked to many people (including the Governor's Office of Planning and Research)and the San Diego County planning deparment to assess how state law related to general plans affect the development of county facilities within a charter city, airports specifically. Rest assured the comments above are not random or made without looking at all the relevant provisions we could identify.

			update the McClellan-Palomar Land Use Compatibility Plan (LUCP), which regulates developments in areas around the airport. The ALUC advises that Palomar Airport developments trigger updates to the Carlsbad General Plan, since Carlsbad controls the areas around Palomar. The LUCP[17] especially focuses on noise and safety issues in the communities surrounding Palomar. Discuss in the final PMP and PEIR how (i) existing Palomar operations impact noise and safety in the existing LUCP defined zones and how (ii) the PMP runway extension and relocation will change the LUCP safety and noise zones and (iii) what mitigation measures county commits to in the final PMP and PEIR to assure the ALUC will timely have all information needed to update the LUCP as a result of county's adoption of its PMP and certification of its PEIR.	I75-167 cont.
			BPR 51. PMP PEIR Table S-2 at pages S-8 to S-11 reports that county and the US Fish and Wildlife Service and/or California Fish and Game have or will enter into certain agreements requiring county to mitigate for damage to certain wildlife species and plants. The PEIR language has many contingencies, time ambiguities, and no penalty (such as the requirement that county pay a certain amount of money into a compensation fund to reconstruct habitat elsewhere if county fails to timely complete its mitigation obligations). Absent the county long history of (i) failing to respond to Carlsbad requests to landscape the Palomar perimeter slope for many years, (ii) failing over a decade to properly inform the FAA of the critical design aircraft using Palomar, which affect airport safety, (iii) failing to notify the SDRAA Airport ALUC of such critical design aircraft, which might result in the ALUC updating the Palomar Land Use Compatibility Plan, and (iv) failing to meet RWQCB Order 96-13 objectives for 20 years, despite 2016 and 2017 RWQCB letters to county asking for a correction plan,[18] an ambiguous USFWL and/or CFG mitigation agreement with county might make sense. But given past county failures, the agreements need to be more definite. Include in the final PMP and PEIR a table showing the actual dates that county will implement its biological mitigation measures (such as "within X months after county receives a USFWL or CDF letter stating county is in non-compliance with Agreement XYZ, county will make a	I75-168

[17] Our comments use the terms "Compatibility Land Use Plan (CLUP)" and "Land Use Compatibility Plan (LUCP)" interchangeably. Over time, the former SD ALUC (SANDAG = San Diego Association of Governments) and the new ALUC (SDRAA) have used these two terms.
[18] See the later discussion of RWQCB issues in these comments.

			compensatory mitigation payment in the amount of $XYZ to compensate for the loss of _____ (reference the habitat lost by county action or inaction").
			BRP 52. County has not prepared a project specific Palomar CEQA EIR for Palomar projects for 40 years. County prepared a very short Negative Declaration for its 1997-2017 PMP purporting to rely on a Carlsbad 1995 General Plan EIR, which said relatively little about Palomar Airport. The Carlsbad GP likely used traffic data from 2011. Over the next 20 years, county repeatedly issued CEQA categorical exemptions saying that Palomar Airport projects would result in negligible environmental changes. It is clear that county hopes to use the PMP Final PEIR in the same way: to claim that the environmental impacts of PMP projects were analyzed in the Final PEIR and no or minimal supplemental analysis is needed. ○ **CEQA does encourage programmatic EIRs, which allow supplemental CEQA analysis to be added to the Programmatic EIR when specific projects are undertaken.** ○ **The CEQA categorical exemptions start out with a CAVEAT along the lines: " unless the facts otherwise suggest."** ○ **Melding these provisions together, it is clear that a programmatic EIR can later be used for PMP projects if and only if (i) the specific project impacts were in fact analyzed in the programmatic EIR and (ii) the programmatic EIR is not out of date (according to the courts). The programmatic EIR will likely be out of date (i) if material facts have changed or (ii) if material analytic methods have changed, or (iii) if the law changes or (iv) the programmatic EIR baseline data is old. Three examples: (1) facts: traffic levels on ECR and PAR will change materially within 5 years and the baseline environmental traffic emissions will change; (2) in the last five years, regulatory agencies have changed their air quality modeling models, so 2018 PMP Final EIR air quality analysis may or may not remain valid; and (3) the Governor has several times changed the law related to CEQA greenhouse gas analysis. So the 2018 PMP Final EIR may soon be out of date as to greenhouse gas**

I75-168 cont.

I75-169

			analysis. **BRP 52 (con'd). REQUEST: WHEN THE COUNTY IMPLEMENTS ITS SPECIFIC PROJECTS, THE PUBLIC NEEDS TO KNOW (I) WHAT WAS AND WAS NOT ANALYZED IN THE PMP FINAL PROGRAMATIC EIR: (II) WHAT ASSUMPTIONS COUNTY MADE AS TO PALOMAR OPERATIONAL LEVELS, PASSENGER LEVELS, BASELINE AIR QUALITY LEVELS, BASELINE TRAFFIC LEVELS, BASELINE WATER QUALITY LEVELS, BASELING BIOLOGICAL MEASURES, BASELINE NOISE LEVELS AND HOW THESE LEVELS VARIED IN YEARS 1-5, 6-10, 11-15, AND 16-20; (III) WHAT ANALYTIC MODELS THE COUNTY RELIED ON WHEN PERFORMING ITS NOISE, AIR QUALITY, WATER QUALITY, AND OTHER ENVIRONMENTAL CALCULATIONS; (IV) WHAT ANALYTIC MODELS COUNTY WILL USE FOR FUTURE SPECIFIC PROJECTS (NAMELY THE OLD 2018 ANALYTIC MODELS OR THE NEW THEN APPLICABLE ANALYTIC MODELS); (V) THE NUMBER, LOCATION, AND DEPTH OF SOIL BORINGS THAT COUNTY TOOK TO DETERMINE THE LOCATION OF THE PALOMAR UNIT 3 WEST BOUNDARY OF THE LANDFILL, WHICH SEEMS TO BISECT THE EXISTING PALOMAR RUNWAY EAST BLAST PAD AREA – WHICH ARE CRITICAL FACTS RELEVANT TO ASSESSING RUNWAY EXTENSION IMPACTS. PROVIDE THE ABOVE DATA IN THE PEIR. FAILURE TO PROVIDE THIS INFORMATION WILL LEAVE THE 2018 PMP PEIR INDEFINITE AND LATER COUNTY PMP PROJECT CATEGORICAL EXEMPTIONS AND NEGATIVE DECLARATIONS SUBJECT TO CHALLENGE.**	I75-169 cont.
			BPR 53. Pursuant to CEQA and the CEQA guidelines, this BRP 53 requests that county add Ray Bender and Ellen Bender at 1015 Camino del Arroyo Dr., San Marcos, California and at benderbocan@aol.com to the list of individual persons to receive actual notice of all Palomar Airport projects for which county has issued or will issue any CEQA Notice or NEPA notice (in conjunction with the FAA) for the period April 1, 2018 to December 31, 2028. Please recall that under CEQA, projects can include more than physical airport improvements, such as changes in the county airport rate structure, which might divert aircraft from other county airports to Palomar. Confirm in the final PMP and PEIR that county has added us as	I75-170

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			requested.	I75-170 cont.
8	S.1 at S-2	Objective 7: Minimize Offsite Impacts	• **BPR 54. The PMP PEIR says "*The preferred alternative should minimize changes to the surrounding community and infrastructure.*" As county notes in its project description, county has said the PMP projects no longer include development of a 17-acre parcel on the airport northeast parcel at Palomar Airport Road and El Camino Real. Thank you. Eliminating a project there will reduce PAR and ECR traffic from the now-deleted 17-acre site to and from the airport. Confirm in the Final PMP and PEIR that if county changes its mind in the future, county will amend the PMP with proper notices to the public. Also identify in the final PMP and PEIR what safety and noise impacts the PMP projects will generate in the SDRAA ALUC-designated LUCP areas. If county cannot identify these impacts, confirm in the Final PMP and PEIR that no PMP projects will be undertaken until the ALUC has updated the McClellan-Palomar Land Use Compatibility Plan.**	I75-171
9	S.1 at S-2	Eligibility for FAA Funding	**BPR 55. The PMP PEIR states: "*Proposed improvements should adhere to FAA design criteria and be financially reasonable in order to be eligible for FAA grant funding for design and construction.*" Yet county's Preferred Alternative expressly acknowledges that county will not meet FAA D-III design requirements. County wants to build a runway and an adjacent taxiway that have a 367-foot separation from runway centerline to taxiway centerline. County agrees that the FAA standard requirement is 400-feet of separation. This separation is needed to assure that large aircraft with wide wingspans concurrently on the taxiway and runway do not crash their wings together. The requirement is especially important because pilot error, mechanical failure, or weather conditions may cause aircraft on a runway or taxiway to veer off the centerlines. County says it can cure the noncompliance by assuring that the taxiway and runway do not both have large aircraft on them at the same time. In other words, county is willing to bet that air traffic controllers never become distracted or that landing aircraft in distress can "go round" if a large aircraft is already on the taxiway. Yet, every day we see operational errors that lead to disaster. The FAA 400-foot separation requirement is "idiot" proof. It allows simultaneous runway and taxiway operation safely without requiring FAA tower operational tracking. Moreover, recall that the Palomar FAA tower does not operate 24 hours a day. County's proposed modification simply reintroduces a safety problem. Hard to**	I75-172

I75-172 cont.

believe for a reconfigured runway and improvements costing $100 million.

BPR 56. County's requested D-III modification also creates a "capacity issue. All day long, 365 days a year, the FAA traffic control tower will have to restrict simultaneous runway and taxiway use when large aircraft may be involved. So a brand new runway will operate at less than 100% actual capacity. That procedure will increase aircraft delays and fuel use. In the final PMP and PEIR, explain (i) the circumstances which will prevent simultaneous runway and taxiway use and (ii) the frequency of such restriction.

BPR 57. Explain in the final PMP and PEIR (i) how the county Preferred Alt complies with all FAA design requirements, (ii) why it does not create unsafe operational conditions for the reasons described in BPR 56, and (iii) describe how much delay and fuel use will occur to large aircraft on the taxiway delayed by large aircraft taking off on the runway or landing in an emergency (possibly with a "go around").

I75-173

BPR 58. County hopes to obtain up to 90% [more than $80 million] to fund its 2 EMASs, initial runway extension, and runway relocation and further extension. Stated differently, these projects depend on FAA funding to proceed unless and until county can successfully show a program for private funding exists. Accordingly, county should have included in the PMP and PEIR a reference to the FAA tests that county must meet in order to secure FAA funding since county Alt Evaluation Criteria 8 refers to FAA grant eligibility. On this basis alone, the PMP and PEIR are fatally defective. *County needs to recirculate the PMP and PEIR for the purpose of securing public comment on the FAA funding issue. Here is why.*

- **FAA orders, advisory circulars, and manuals are particularly relevant to the project alternatives the PMP presents and to the financial conditions county must meet. By omitting the relevant FAA requirements, county has denied the public voice on this issue. How does the county in good faith say (i) county is evaluating all the PMP project alternatives by 8 criteria including federal funding eligibility, (ii) county solicits the public's PMP and PEIR comments on all 8 criteria, but (iii) county in the PMP and PEIR does not identify the relevant FAA criteria that set**

forth the tests the FAA applies to determine Palomar project grant eligibility?

- **In our Part B comments on the county PMP and PEIR, we extensively discuss the FAA relevant grant eligibility criteria. There may be others. More importantly, although we have commented, the public as a whole has been denied the opportunity to comment on FAA grant eligibility because the public (and quite possibly even the county) has no idea where to look for the criteria.**

- **Although there is a federal "sunshine act" requiring federal agencies headed by a collegial body to decide certain issues at public hearings after notice to the public, the federal act does not apply to the FAA because the FAA is headed by an individual, not a Board. Moreover, the FAA does not solicit independent public comment on county grant applications to the FAA. Rather, the FAA expects the county to comply with the FAA Community Involvement Policy.[19] Accordingly, when it comes time for the FAA to review Palomar grant applications, the FAA will presumably look at the public comments on the PMP and PEIR but not otherwise. County's workshops did not discuss the FAA grant eligibility criteria.**

- **County in approximately 2016, at the request of county airports, asked the Board of Supervisor to allow county staff to submit grant applications to the FAA without Board review. So when county airports does apply for a federal grant, it does so invisibly without either explaining what FAA conditions county must meet or inviting the public to comment on the submission.**

- **Without even waiting for the Board of Supervisors to consider the 2018 PMP, county staff in December 2016 asked the FAA grant application for an EMAS planning study. That action alone indicates a county pre-commitment to rubber-stamping the PMP and PEIR regardless of its deficiencies.**

I75-173 cont.

[19] See FAA February 2016 Community Involvement Policy available at https://www.faa.gov/about/office_org/headquarters_offices/apl/environ_policy_guidance/guidance/media/faa_cim.pdf

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- **County is correct when it states that Palomar improvements "*should adhere to FAA design criteria and be financially reasonable in order to be eligible for FAA grant funding.*"**
  - **Despite the foregoing statement, county for more than a decade has designated as the Palomar critical design aircraft an FAA-rated B aircraft. In other words for more than a decade, Palomar has operated as an FAA B airport (and almost meets all B requirements) but does not meet the FAA C requirements, which require 1000-foot long RSAs at runway ends or a properly engineered 350-foot EMAS.[20]**
  - **County also ignores certain 2014 FAA AC 150/5300-13A design changes, which prohibit certain modifications to runway and RSA requirements that in the past might have been granted.**
  - **However, the county fails to inform the public of the two most important FAA documents determining whether county should receive FAA grants for its PMP improvements. These are the FAA Airport Improvement Handbook and the 1999 FAA Benefit Cost Guidance manual. Part B to our PMP and PEIR-comments extensively discusses these requirements and explains why the county PMP projects do not qualify for FAA grants.**

I75-173 cont.

  - **FAA Grant assurances say that county could not use Palomar airport for non-airport purposes without the written consent of the Secretary of the Department of Transportation. Instead county over a 14-year period chose to place almost 1 million cubic yards of trash in 3 landfills very close to the Palomar runway. These landfills likely attracted birds to an actively operating airport thereby endangering aircraft; create methane gas from the decomposing trash and land settlement, each of which endangers airport**

I75-174

[20] We note again that although the text above reflects our view, the FAA and Washington Federal Court of Appeals – after exhaustive discussion of the issue – have said that FAA-rated C and D aircraft can safely use FAA B-rated airports. See the 80-page FAA administrative decision and court decision.

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			personnel and potentially aircraft passengers; results in settlement reducing the rent that county would otherwise collect from tenants affected by these landfill impacts, and drives up the cost of extending the Palomar runway more than tenfold by requiring county to extend the runway over hundreds of pilings sunk through landfill trash instead of in the conventional manner.	I75-174 cont.
			BPR 58 (con'd) Explain in the final PMP and PEIR why recirculation of the PMP and PEIR (with guidance about FAA grant eligibility requirements) is not required, given the facts above.	I75-175
10	S.1. 2 at S-3	Purpose: "to preclude incompa-tible uses"	**BPR 59. County says safety zones and runway protection zones will be sought to preclude incompatible uses. Technically, the statement is incorrect. The PUC allows EXISTING incompatible uses to remain. Only new projects outside of and incompatible with new airport development are limited. This distinction illustrates why it is so important that the ALUC McClellan-Palomar Land Use Compatibility Plan be updated as soon as possible after the PMP is adopted. Otherwise structures incompatible with the new PMP and incompatible with future Palomar airport operations could be built in the interim.** **BPR 60. Identify in the final PEIR all existing developments around Palomar and those for which developer applications have been filed and the Carlsbad Planning Department is processing, if any, that would be inconsistent with PMP projects (such as taller buildings interfering with aircraft safety on approach.) If county is unwilling to do this, explain how the county is protecting community safety when county allows projects to proceed outside the airport that may be incompatible with PMP projects**	I75-176
11	S.3 at S-3	17 acre parcel on northeast corner of PAR & ECR	**BPR 61. Thank you for saying county will no longer pursue development of the airport north east Palomar Airport Road and El Camino Real 17 acre site. We understand this to mean that if county changes its mind in the future, it will (i) revise its PMP, (ii) notify the SDRAA ALUC so that the ALUC can determine if the PMP affects the Palomar LUCP, and (iii) notify Carlsbad so Carlsbad can determine if a Carlsbad General Plan update is required. Confirm this in the Final PEIR, and (iv) notify the FAA.**	I75-177

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12	S.4 at S-3	Mitiga-tion	**BPR 62. County says: "*The Board would be required to determine whether significant impacts to … [kind of impacts] … can be reduced to less than significant with implementation of proposed mitigation measures, or whether or not to adopt a Project Alternative that would reduce the impact to less than significant.*" [Emphasis added.] In contrast, county says in S.2 above: "*Table S-2 provides a summary of each potential environmental effect found to be significant with the implementation of the Proposed Project, the mitigation measures that would reduce or avoid that effect, and the conclusion as to whether the effect is reduced to below a level of significance by applying mitigation measures.*" [Emphasis added.] The above two statements are inconsistent, one compliant with the law, the other not. The 1st statement misleads the Board. It suggests alternatives should be considered only if mitigation will reduce impacts below significance and suggests similarly that mitigation should be adopted only if impacts are reduced below significance. Make the 1st statement consistent with county's 2nd statement. Also, throughout the PEIR make the same correction.**	I75-178
13	S.5 at S-4	Project Alterna-tives	**BPR 63. County says the Proposed Project alternative is the D-III Modified Standards Compliance. The FAA Airport Design Manual (AC 150/5300-13A) provides in ¶ 307(a)(2) certain modifications are not possible. Hence, although the FAA has discretion to modify some Airport design standards, it does not have any discretion to modify Runway Safety Areas (RSA) standards. Presumably, that is why the PMP projects proposed EMAS systems. Initially only at the runway west end. In 15-20 years at the runway east El Camino Real end. Insert into the Final PEIR a table listing the Airport Design Manual requirements in one column and the PMP proposed project D-III "modified" standards compliance items for all design elements including the RSA design elements in another column and each specific modification in a third column. Be sure both the length and width of the RSAs are given AND also show how the lengths and widths change with (i) airport visibility and (ii) wet runway requirements. We will not accept a general statement to the effect "we have already discussed our Preferred project with the FAA." If county contends the FAA has approved D-III RSA modifications, attach to the Final PEIR the county and FAA correspondence referring specifically to RSA modifications that supports the county contention.**	I75-179

			BPR 64. The FAA defines a Runway Safety Area (RSA) as the usually unpaved perimeter area around the runway, which provides a margin of safety for aircraft undershooting, overshooting, or veering off a runway. The RSA focus is usually on the 300-foot or 1000-foot long RSA area at runway end. But runway-side RSAs also apply. County's PMP recommends a Preferred Alternative, which would shorten the runway centerline and adjacent taxiway centerline distance to 367 feet instead of 400 feet. As noted above the "separation rule" seeks to avoid aircraft from colliding their wingtips. In contrast, the RSA "No modification rule" noted in ¶ 307 of AC 150/5300-13A seeks to provide aircraft veering off the runway an adequate side RSA. In the Final PMP and PEIR explain what the "side RSA" requirement is for a D-III aircraft and how the county PMP preferred Alt meets the side RSA requirement on both the south and north side of all extended runways. Also, we read the FAA Airport Design Requirements in AC 150/5300-13A to require an extended RSA width of 500 feet, not 400 feet. See AC 150/5300-13A, Appendix 7, Table A7-9 entitled Runway design standards matrix, C/D/E – III. Explain in the Final PMP and PEIR whether county also fails short of the 500 foot RSA requirement [as it falls short of the 400-foot separation requirement]. Provide a detailed drawing to show the dimensions that county can and not achieve with its Preferred Alt. Notice especially that county encounters the same issues even if it decided to try to substitute a C-III for its D-III Alt. **BPR 65. Once the Board of Supervisors approves the 2018-2038 PMP and certifies the PMP final PEIR and Updated FAA-approved Airport Layout Plan, explain when Palomar converts from a B-II airport to a Modified D-III airport. Stated differently, even if county obtains all needed improvements to convert to a Modified D-III Standard Compliance Alt, what improvements must county first complete to comply with FAA design requirements? For instance, we assume Palomar would immediately need either 1000-foot RSAs and/or "substitute" EMASs at both runway ends. We also assume Palomar would need the 400-foot [or, in theory, an FAA approved 367-foot separation modification, which appears to violate ¶ 307 of the Design Standards noted above]. Palomar daily operating concerns will then arise as follows.** **○ As noted above, the FAA does not have discretion to modify the RSA requirements. We have also heard, but not yet confirmed, that airports handling D-III aircraft but**

I75-179 cont.

not meeting the 400-foot separation requirement, will not be eligible for FAA funding.

- **Due to planning and construction time limits and FAA grant review time limits, county will likely not have its $25 million Palomar runway west end EMAS installed for 2 to 4 years after the BOS approves the PMP.**

- **To comply with FAA requirements, including the Airport Design manual during this interim period, Palomar (presumably with FAA concurrence) will have to impose operating limits on D-III and perhaps C-III aircraft using the airport. Discuss in the PMP and in the Final PEIR the operational constraints that county will impose on aircraft (with FAA consent) during this interim period and describe the enforcement measures that (i) county will impose and (ii) county's understanding of what constraints the FAA control tower at Palomar can impose related to Palomar on a going forward basis handling C and D aircraft without meeting FAA C and D RSA requirements. Identify in the final PMP and PEIR the FAA staff members that county has discussed these issues with so we may verify such conversations and the county conclusions.**

I75-179 cont.

BPR 66. For the reasons just noted (BOS/FAA PMP approval), county must assure that the west end and east end Palomar Runway RSAs immediately comply with "D-III FAA Design Manual requirements.

- **As the PMP notes, county does not expect to install a west end EMAS for several years (since it has not even been designed yet) or east end EMAS for 13 to 20 years. Apparently county is saying that the 19 acre Unit 3 runway east end landfill is properly sized, graded, and safe for C-III and D-III aircraft overshooting the runway or crashing into this landfill area for the next 15 years.**

- **The county consultant SCS Engineers draft October 15, 2013 report entitled *"Evaluation of Possible Environmental Impacts of a Potential Aircraft Crash into the***

I75-180

			***Landfill Cover at Palomar Airport Landfill, Carlsbad, California*" did two things. First, it identified the many safety and environmental risks caused by a crashed aircraft impacting the landfill. Second, the report recommended that county pursue further studies to answer questions raised by the SCS Study.** **BRP 66 (con'd): Given the SCS Study findings:** ○ **Explain in the Final PMP and PEIR why using a methane-emitting decomposing landfill with an extensive 19-acre methane gas plastic pipe collection system close to the RSA sandy surface provides a safe and environmentally sound RSA surface for aircraft crashes and Palomar east end runway overshoots.** ○ **Presumably, county followed the SCS recommendation in its October 2013 draft report and ordered a final report from SCS or another consultant to study the further safety and environmental issues raised by SCS. Attach a copy of this "final report" to the Final PMP and PEIR and discuss in the Final PMP and PEIR the final report findings and explain how the findings are consistent with using the Palomar runway east end landfill as an RSA rather than immediately installing an east end EMAS at the same time county installs a west end EMAS.** ○ **Explain in the final PMP and PEIR how and why the PMP proposed Preferred Alt satisfies all 8 of the county Project objectives listed in PMP PEIR section S.1 and discussed extensively above.** ▪ **Since a "newly approved 2018-2038 PMP (presuming the BOS approves it) applies current FAA requirements to Palomar runway operations and since the current FAA requirements do not allow runway RSA modifications for C and D aircraft, explain what operating limitations county will apply to C and D aircraft using Palomar until Palomar either (i) installs compliant EMAS runway systems or installs RSA C and D compliant 1000-foot runway areas at each Palomar runway end. If county contends that such "interim"**

I75-180 cont.

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			operating restrictions are not needed, identify the FAA Western Pacific Regional staff member who can document county's conclusion and attach a copy of his/her advice to county to the final PMP and PEIR. **BRP 67. Explain in the final PMP and PEIR how county will be able to remove all hazardous materials from the Unit 3 landfill caused by an aircraft crashing into the Unit 3 landfill when (i) the landfill would have hundreds of pilings, each 15 to 40 feet deep to support the extended runway; (ii) ARFF fire-fighting equipment would have thrown thousands of gallons on a fire-engulfed aircraft to extinguish the fire; (iii) such fire-fighting water, possibly with chemicals added to suppress the fire, would have washed aviation fuel and the hazardous materials identified in the SCS Engineers report deep into the landfill trash, now congested with the pilings. For purposes of evaluating the PEIR project alts, compare county's ability and county's cost of removing such contamination with (i) alts that do not place pilings through the landfill and (ii) alts that do place pilings through the landfill. Estimate how much residual contamination would be left in the fill if pilings obstruct cleanup operations. Include in your analysis both the direct costs of removing the contamination and the indirect costs resulting from having to shut down the runway, including possibility to remove some pilings to access contamination and then reconstruct the runway extension.**	I75-180 cont.
14	S.5. 1 at S-4	No Project Alterna-tive	**BPR 68. County says "No project" means (i) a continuing B-II, (ii) no safety improvements, (iii) no improvements for C and D aircraft, and (iv) no re-grading of the north slope to meet FAA design requirements. County in PEIR Table 4-1 says the No Project Alt cannot handle existing and future Palomar demand. But consider the following facts:** ○ **Since 2000, county has handled 5,000 to 10,000 C and D aircraft annually despite being classified as a B-II airport.**	I75-181

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- **When we specifically asked the county and asked the FAA Western Pacific Region – which oversees Palomar operations - in the last three years whether Palomar was safe to handle C and D aircraft, the county and FAA said yes.**[21]
- **In 2009, the FAA gave county about $8.6 million to rehabilitate and upgrade the runway. No EMAS was included (and apparently thought not needed) even though the FAA was in the middle of its Year 2000-announced RSA upgrade program, scheduled to end in 2015. (See the FAA YouTube video; search "*FAA & RSA*.")**
- **County's own forecasts indicate that in the next 20 years Palomar will handle nearly 80,000 fewer annual operations than it handled nearly 20 years ago – as a result of the continuing decline in the general aviation industry.**
- **Several aircraft manufacturers have announced delivery of aircraft models that can easily use Palomar's existing configuration.**
- **In short, Palomar operates at under capacity, forecasted traffic is shrinking, newer aircraft do not need a longer runway, and both county and the FAA (after extensive analysis) said Palomar could safely handle C and D aircraft.**
- **Moreover county's own Master Plan shows that lengthening the Palomar runway to 5700 feet will not allow even occasional flights by D-III aircraft, such as by the Qualcomm G650, to achieve their design ranges. The Master Plan at Page 4-13 shows the G650 @ MTOW requires a runway length of 6,500 ft. That length comes from calculating the airport elevation and the mean maximum daily temperature of the warmest month(s). Based on the 6,500 ft runway required for the hottest month(s) means an additional 642 ft more than a 5700 hundred runway will be**

I75-181 cont.

[21] See also *City v. FAA*, 631 F. 3d 550, 554 (D.C. Circuit, 2011) (affirming the FAA decision voiding the SM Ordinance attempting to ban FAA-rated C and D larger aircraft from Santa Monica Airport), § II.A. Jurisdiction rests on the court's authority to review federal agency decisions, including the FAA as set forth in the Administrative Procedure Act. See *D &F Afonso Realty Trust v. Garvey,* 216 F.3d 1191, 1194 (D.C. Cir. 2000).

			required for the G650 to fly directly to China without stopping. **BPR 68 (con'd). In the PMP and PEIR, respond to the facts above. Especially explain why county should be promoting at a $70 plus million cost a 5700-foot runway for D-III aircraft that infrequently use Palomar and even then cannot reach their design destinations without a much longer runway. Recall – as discussed in Part B of our comments that to qualify for FAA grants – county must show an actual, not speculative need, for its Preferred Alt.**	I75-181 cont.
15	S.5.2 @ p. S-4	B-II Enhanced Alt	**BPR 69. County describes the "B-II enhanced" Alt as: (i) retaining the B-II classification, (2) adding a west end EMAS (with retaining walls) which would preserve its capability in the future to add a 900-foot runway extension. At the December 15, 2016 BOS meeting, Supervisor Horn on the record essentially prejudged the project before analysis and kept insisting on a 900-foot extension even though Kimley-Horn at the meeting told him 900-feet was not physically possible. In the final PMP and PEIR, explain why the Palomar runway west end massive retaining wall is needed when the runway service road could be relocated through a tunnel under the runway end. In plain English, show that the consultant is not proposing a $9 million massive west end retaining wall simply to appease Supervisor Horn's repeated request for a 900-foot runway extension rather than an 800-foot runway extension.** **BPR 70. From county documents, it appears that (i) the estimated $25 million cost for the Palomar west end EMAS includes $5 million to $10 million to construct the massive west end retaining wall and (ii) county suggests the retaining wall is needed so county can maintain the existing service road around the runway. The west end runway area has no landfill. We understand that (i) a 500-foot service road tunnel[22] could easily be constructed under the**	I75-182

[22] It would seem that if Denmark and Sweden can duck a road under the ocean, the county could easily bulldoze some dirt and install structurally sound columns in solid ground on the runway east end, especially when county says *"No worries"* we can support a 90,000 pound aircraft over multiple layers of trash of a constantly settling landfill at the runway east side.

The Oresund bridge and roadway connects the Danish capital of Copenhagen to the Swedish city of Malmö. From this angle, it appears as if the roadway disappears into the ocean, because it does...

Oresundsbro Konsortiet

I75-182 cont.

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			runway, under the proposed EMAS, or under a west end blast pad for much less than the $5 million to $10 million massive retaining wall cost, (ii) no engineering impediment exists to a tunnel, (iii) no FAA airport design restrictions would bar a tunnel, and (iv) a tunnel would disturb airport biological species far less than a retaining wall at the proposed location. Explain in the final PMP and PEIR why the tunnel should not substituted for the retaining wall given (i) the considerable cost savings to county and (ii) much less impact to biological species. Specifically, confirm that you have discussed the tunnel alternative with CDFG and USFWL and report their position on the tunnel. **BPR 71. We incorporate in this Item 15 our comments in Item 14 immediately above. Explain in the PMP and PEIR why specifically (not in conclusary form) why the B-II Enhanced Alt does not satisfy the 8-county-selected Palomar project criteria better than the county Preferred Alt.**	I75-182 cont.
16	S.5.3 @ p S-5	D-III Full Com-pliance Alt	**BPR 72. As county notes, this alternative requires 22 acres north of the airport. For this reason, county presumably concedes that Carlsbad voters would have to approve this out-of-airport footprint expansion pursuant to Carlsbad MC § 21.53.015 and we understand county staff does not recommend it.** **BPR 73. We note that this alternative proposes full compliance with FAA D-III Standards but that the next alternative propose a "D-III Modified" Standard Compliance. In the PMP andPEIR, provide a table showing all the relevant FAA D-III design standards and the standards that the "D-III Modified" Standards Compliance Alt do not meet. Based on our review of the FAA Airport Design Standards in FAA AC 150/5300-13A, Table A7-9 (*Runway design standards matric, C/D/E – III)* in Appendix 7, it appears that the county Preferred Alternative has compliance issues beyond the 400-foot runway/taxiway separation that the PMP and PEIR discuss. Include in the Final PMP and PEIR the noted table and include an unequivocal county statement that the county Preferred Alt needs only one FAA modification, namely to the 400 foot separation requirement and no other modifications, such as to the Runway Protection Zone requirement.**	I75-183

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17	S.5.4 @p. S-5	D-III Modified Standards Alt	**BPR 74. We incorporate by reference here our comments above including Items 13 and 16. County says this Alt involves (i) limiting simultaneous taxiway and runway operation due to the separation between them being 367.5 feet rather than 400 feet to avoid wingtip collisions from two aircraft using the taxiway and runway at the same time; and (ii) reducing the runway width to 100 feet without saying what the existing runway width is; and (iii) remove all aircraft north side parking and encroach on existing tenant leaseholds. As to the county Preferred Alt and assuming the FAA did approve a 367.5 foot separation rather than a 400-foot separation (despite the latest FAA Airport Design Manual limitations), explain:** ○ ***Palomar Practical Operational Capacity as a B-II Airport*: If Palomar maintains its current B-II classification and can handle taxiway and runway flights simultaneously, how many aircraft operations can Palomar now handle annually.[23]** ○ ***Palomar Practical Operational Capacity as a D-III Modified Standards Compliance Airport*: If Palomar bans concurrent taxiway and runway operations, how many aircraft operations can Palomar then handle annually?** ○ **Explain and calculate the delay times and increased fuel burns and impact on air quality that would result to waiting aircraft wishing to taxi and to aircraft waiting to land if simultaneous use of the runway and taxiway are not allowed.** ○ **Explain how eliminating north side aircraft parking benefits general aviation, especially since Carlsbad Conditional Use Permit 172, Conditions 8 and/or 11, require county to maintain Palomar as a "general aviation basic transport" airport unless and until Carlsbad approval is obtained to modify this condition.** ○ **Explain how increasing the "air time" of aircraft wishing to land plus the "idling time" of runway aircraft wishing to take off plus the taxiway "idling time" benefits the air quality environment of the San Diego basin, already a non-attainment area**

I75-184

[23] Please do no respond that county would have to speculate. The county 1997 PMP listed the Palomar capacity under the 1997 assumptions.

for certain pollutants.

- **Explain how the just-noted delays benefit airport users, whose aircraft operational and fuel costs will rise.**
- **Explain how the just noted delays benefit aircraft with passengers delayed.**
- **If the Preferred Alt were implemented, (i) list the changes to the navigational aids on airport property on the northeast corner of El Camino Real and Palomar Airport Road and related FAA improvements aiding Palomar operations that would need to be made; and (ii) discuss the environmental impacts of such modifications, especially to biological resources, which the PEIR Table S-2 highlights as especially important. In responding to this sub item, attach to the final PEIR a diagram and/or map showing the airport areas on each side of ECR that the USFWL and/or CDFG have indicated may be disturbed by PMP projects.** I75-184 cont.
- **Explain how reducing the runway width to 100 feet reduces the safety protection of aircraft deviating from the runway centerline. As you are aware, in January 2018 a Pegasus Airlines aircraft skidded of the Trabzon airport runway. See picture below.**
- **Recall that all the foregoing requested data is relevant in the Final PMP and PEIR to (i) justifying the PMP Preferred Alt that staff recommends, (ii) assessing the Preferred Alt impacts on air safety and economy, and (iii) assessing the environmental impacts – such as those on air quality – of Palomar needing to impose operational limitations to compensate for design-deficient improvements.**

BPR 75. County at a November 2017 Palomar Airport Advisory Committee meeting and at by a video presentation at a Carlsbad January 2018 special council meeting has said that I75-185

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			Palomar could not be developed into a facility handling very substantial passenger loads like John Wayne Airport.[24] However, county records and statements suggest that county wants to

[24] Wikipedia.org reports historical John Wayne passenger loads as in the table below.

Annual traffic [edit]

Annual passenger traffic (enplaned + deplaned) at SNA[37]

Year	Passengers	Change	Year	Passengers	Change	Year	Passengers	Change
1990	4,586,596	--	2000	7,772,801	▲ 4.0%	2010	8,663,452	▼ 0.5%
1991	5,345,284	▲ 16.5%	2001	7,324,557	▼ 5.8%	2011	8,609,008	▼ 0.6%
1992	5,672,603	▲ 6.1%	2002	7,903,066	▲ 7.9%	2012	8,857,944	▲ 2.9%
1993	6,141,981	▲ 8.3%	2003	8,535,130	▲ 8.0%	2013	9,232,789	▲ 4.2%
1994	6,773,977	▲ 10.3%	2004	9,272,394	▲ 8.6%	2014	9,386,033	▲ 1.7%
1995	7,159,154	▲ 5.7%	2005	9,627,032	▲ 3.8%	2015	10,180,258	▲ 8.5%
1996	7,307,750	▲ 2.1%	2006	9,613,480	▼ 0.1%	2016	10,496,511	▲ 4.6%
1997	7,718,415	▲ 5.6%	2007	9,979,699	▲ 3.8%	2017	10,423,578	▼ 0.7%
1998	7,460,179	▼ 3.3%	2008	8,989,603	▼ 9.9%			
1999	7,470,415	▲ 0.1%	2009	8,705,199	▼ 3.2%			

elow. See https://en.wikipedia.org/wiki/John_Wayne_Airport

I75-185 cont.

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			(i) install a massive west end runway retaining wall, (ii) relocate its runway north, (iii) relocate certain FBO leaseholds (several of which will be nearing their expiration term), and (iv) enlarge its passenger terminal so that Palomar can substantially increase passenger operations.[25] In the final PMP and PEIR, include as exhibits (i) the drawings and correspondence that county (including Kimley Horn) has already prepared showing how the Palomar Airport premises could be more efficiently used to increase annual operations and passenger loads and (ii) the latest Palomar estimates of Palomar future capacity to handle passengers.	I75-185 cont.
18	S.5.5 @ p. S-6	D-III On Property Alt	**BPR 76. County states its D-III On Property Alt also reduces the runway width to 100 feet and interferes with Palomar FBO tenants even more. In the final PMP and PEIR and related financial documents, explain how this Alt (including modifying and or relocating FBO buildings encroached by relocating the south Taxiway 35 to 53 feet) would impact environmental issues including removing any contaminated soil resulting from FBO underground fuel tanks. So that the accuracy of county's FAA-required BCA and of macroeconomic analysis may be determined, estimate what the cost to county would be to (i) buy out all or portions of existing FBO tenant leases to make room for the runway relocations and (ii) relocate the FBOs and (iii) describe where such relocation would occur.**	I75-186
19	S.5.6 p. S-6	C-III Modified Standards Com-pliance Alt	**BPR 77. County's explanation of the differences among the D-III Modified Alt and D-III On Property Alt and C-III Modified Standards Compliance Alt are confusing. For instance:** ○ **Some county Alts refer to interfering with FBO buildings and north terminal aircraft parking and others do not.** ○ **Moreover, the C-III Modified Standards Compliance Alt says in part: *"The exact sizing of EMAS at the ends of the runway would be based on the designation of a***	I75-187

[25] When county built the new passenger terminal in about 2009, it stated it was reserving the now patio area between the Landings Restaurant and the terminal for future passenger expansion. County could easily also make the Landings restaurant part of an enlarged passenger terminal and relocate the restaurant.

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			***design critical aircraft for the classification C aircraft, but would be very similar to the Proposed Project. … Because the runway safety improvements are identical between C-III and D-III, the airport would maximize safety to the current and future users. Accordingly, the physical improvements outlined in the Proposed Project would match this alternative.*" The confusion is caused by county using the term "runway safety improvements" which may or may not include the EMAS since an EMAS substitutes for the RSA, not for the runway.** ▪ **The quoted two sentences seem in conflict. County seems to be saying (1) the EMAS for C and D aircraft would differ for C-III and D-III classifications because the critical design aircraft differ and D aircraft may be heavier, faster, and have wider wingspans thereby requiring a different EMAS design (and all that makes sense) but (2) the actual runway lengths and widths, runway-taxiway separation requirements, runway safety zones, and runway protection zones, and runway pavement strength requirements would be the same for C-III and D-III aircraft. Please clarify in the Final PMP and PEIR exactly what county is saying. For instance, are pavement strength requirements for C and D aircraft the same?** **BPR 78. The PMP project alts do not discuss how the alt selected affects the SDRAA ALUC Land Use Compatibility Plan Noise and Safety areas. Presumably, larger and faster D aircraft raise more noise and safety issues and change the McClellan-Palomar LUCP designated safety and noise areas. Include in the final PMP and PEIR a discussion of the issues noted in this Item. Discuss what the pros and cons are of county obtaining a C-III v. D-III classification.**	I75-187 cont.
20	S.5.7 @ p. S-6	Public Comment Alt	**BPR 79. County says in part: "*The Public Comment Alternative was presented by a member of the public in response to the NOP. This alternative is not included in the Master Plan Update. It proposes shifting the runway approximately 300 feet to the east as well as 123 feet to the north. The goal of the shift to the east is to allow for the required 1,000 foot RSA and ROFA and therefore eliminate the need to re-install an EMAS on the runway's east end. In order for the***	I75-188

			runway east end RSA and ROFA to meet full FAA design standards, they would require a significant amount of grading to meet the minimum slope as the difference in height from the end of the existing blast pad to the limit of the future RSA is approximately 70 feet. The shift of the runway to the east would also reduce the available length of the future runway extension by several hundred feet. • **This " Public Comment Alternative (PCA)" apparently refers to our March 24, 2016 comment on the PMP Initial Study, which said:** ***"EIR short term alternatives county must consider.*** ○ ***The county IS does not consider shifting the runway. In lieu of a Palomar west end EMAS, county could shift the runway to the east.*** ○ ***County had this opportunity in the mid 2000s when the FAA gave county millions in a runway rehabilitation grant resulting in county digging up the existing runway. Where in its mid 2000s environmental work did county consider this alternative?*** ○ ***In addition – as county concedes – county will in project years 13 - 20 be digging up the existing runway, new west side EMAS, and new 200 feet extension to relocate the runway 153 feet to the north. County at that time could (1) [shift] the runway east, (2) avoid a 2nd west end EMAS cost, and (3) still add up to 200 feet to the runway and still have a west end FAA-conforming 1000-foot RSA. As noted above the law prohibits FAA from funding county's preferred alternative when other cheaper, more environmentally friendly alternatives are available. Especially since the FAA recently funded major Palomar runway work about 10 years ago.*** ○ ***As noted above the law prohibits FAA from funding county's preferred alternative when other cheaper, more environmentally friendly alternatives are available. Especially since the FAA recently funded major Palomar runway work about 10 years ago."*** **BPR 79 (con'd). The facts do not support County's non-inclusion of a "Runway Shift" Alt in the PMP for several reasons.**

I75-188 cont.

			○ **The public comment refers expressly to a shift both in the short term and long term, so county can avoid paying $25 million for a runway west end EMAS that will be destroyed when county moves the runway. The county reply does recognize that when county does move the runway north, an EMAS could also be avoided at each runway end.** ○ **But, says county, when the runway is moved north, the grading requirements for standard RSAs would be too severe. That comment is not supportable for two reasons. First, with or without 1000-foot RSAs at each runway end, moving the runway will require substantial grading. When building freeways, CalTrans easily accomplishes much more severe grading requirements in minimal time. Moreover, both EMASs together cost $50,000,000. County presents no facts suggesting that grading to properly prepare a runway east end RSA would cost anywhere near $50 million. Accordingly, county needs to include in the final PMP and PEIR a cost table showing what the cost of the public Alt is compared to the county alternative. Moreover, as discussed above standard RSAs improve safety for aircraft taking off but not for those landing.** ○ **Also, please confirm in the final PMP and PEIR the county statement that a 70-foot grading differential would have to be overcome. County's data at p. 1-13 in Chapter 1 seems at odds with this statement. There county states: in PEIR § 1.4.3, discussing "Site Characteristics" "The surrounding terrain slopes slightly down towards the west with elevations remaining at approximately 315 feet mean sea level (MSL) to 330 feet MSL. Beyond the runway's western end, the terrain drops abruptly to approximately 230 feet MSL. The foregoing indicates perhaps a 15-foot differential, not 70 foot differential, except west of the canyon bordering the runway west end, an area not relevant to the discussion.** ○ **County's real objection to a runway shift is that keeping standard RSAs "reduces the length of future runway extensions by several hundred feet." That objection**

I75-188 cont.

fails for these reasons:

- **As county said on PEIR p. S-2, one of its main objectives is to define a project eligible for FAA funding. The FAA pays up to 90% of airport improvement projects. The FAA will be asking why it should pay more than $100,000,000[26] for three EMASs plus several runway extensions over deep piles when county hasn't even amortized the 2009 grants the FAA gave county and Palomar has operated at perhaps 70% of its capacity for more than a decade. The law limits what the FAA can do. The Airport and Airway Improvement Act ("AAIA") says:**

  "It is the policy of the United States – [] that the safe operation of the airport and airway system is the highest aviation priority." **49 U.S.C. §47101(a)(1). The AAIA also says that the FAA may grant federal funding for a major airport development project "*found to have a significant adverse effect on natural resources, including fish and wildlife, natural, scenic, and recreation assets, water and air quality, or another factor affecting the environment, only after finding that no possible and prudent alternative to the project exists and that every reasonable step has been taken to minimize the adverse effect.*" 49 U.S.C § 47106(c)(1)(B). [Emphasis added.]**

- **Supervisor Horn can insist as he has and as he leaves office in 2018 (without likely ever having read the PEIR) that he wants a 900-foot runway extension. If the county, not the FAA, wants to pay the $100+ million cost, just follow standard county practice: approve the PMP projects and certify the Final**

I75-188 cont.

[26] The PMP costs include 3 EMAS systems [one for the short term plus two more for the long term when the existing runway – as extended by 200-feet is demolished and moved north], the initial 200-foot extension, then a new 5700-foot runway. Although the PMP and PMP PEIR note the need to relocate many airport buildings and tenants with a runway relocation, county fails to include these added costs. The three EMAS systems alone are $75 million plus another $70 million for runway extensions over hundreds of very deep piles.

			EIR. But if the county wants FAA funding, (i) prove the desired runway extension length is needed, (ii) prove EMAS systems are safer than the standard RSAs [since the prime statutory goal is safety], and prove (iii) the environmental consequences of the county Preferred Alt is more environmentally friendly than the public Alt. Moreover, county has not shown that it can achieve even an 800-foot runway extension for aircraft both taking off and landing if county adopts its Preferred Alt. As noted above, when an EMAS is installed at each runway end, the EMAS design will require county to create a several hundred foot "buffer" area between the EMAS end closest to the runway end and the aircraft landing point probably by an FAA-approved "displaced threshold." Accordingly, include the public alternative as a PMP alternative and discuss the issues above. ▪ **Finally, county rejection of the "public shift alternative" fails for a very basic reason. County "cherry picks" the only criteria it wishes to apply. County cannot say that it evaluates all projects by 8 criteria and then reject any alternative that county claims is inferior by one criteria. County must apply all 8 of the criteria it picked.** **BPR 79 (con'd). Accordingly, include the Public Shift Alternative in the final PMP and PEIR and evaluate it and all the alts by all 8 of the county evaluation criteria. Provide not just conclusions for each criteria but reasoned analysis with supporting facts. Finally, note that it is not a staff function but a Board of Supervisor function to decide what Alt should be selected. County has 8 Alt evaluation objectives. All of the proposed Alts may fail to meet one or more of the objectives. The Board makes the decision, not county staff by the "preemptive strike" of simply failing to include the public Alt, which meets more of the stated county objectives than the county staff's Preferred Alt. Even if only one county project criteria applied, perhaps to extend the runway as long as possible, staff could omit the public Alt from the PMP if and only if Palomar did not now have excess capacity, which negates the need for a longer runway. But with multiple objectives stated, staff omission is improper. A comparison of the Public Alt and county Preferred D-III Modified Standards Compliance Alt follows with**

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Grades A to F, supported by the relevant facts.

Comparison of County Preferred D-III Modified Standards Compliance Alt & Public Alternative (Standard 1000-Foot RSAs)

Evaluation Factors	D-III Modified Compliance Standards (Ratings Below: Letter grades A to F)	Public Alt (Assure Standard 1000-foot RSAs)
Safety	B – Compromises aircraft landing safety; also, a longer runway attracts larger, more fuel laden aircraft creating greater passenger risks due to east end landfill crash hazard	A – Preserves takeoff and landing safety; Minimizes landfill hazard; consistent with 80-pg FAA Administrative Decision that B airports can safely handle C/D aircraft
$$$$	D - EMAS = $75 million for 3 runway extensions = 10 times normal runway extension cost due to county created landfill and violation of FAA past grants	A – No EMASs; Minimal, if any pilings; Cost likely 20% of county Preferred Alt
Airport Bus Impact	D – Extended construction times and interference with FBO tenants and relocation of General Aviation north side aircraft; possibly results in excluding some FBOs	B – Shorter construction time; preserves FBOs and GA parking
Now & Future Demand	D - Not needed; Palomar operates at 70% of its historical capacity and GA needs across U.S. are declining; Corporate jets could not provide more than a few international flights with a 200-foot extension = county's interim plan and not many more even with an 800-foot extension	B – Continues to serve all aircraft Palomar has served and allows for reasonable growth

I75-188 cont.

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			Stays on Airport Pty	**B/C – Requires navigation aid changes on Palomar northeast parcel and – by attracting larger, more fuel laden aircraft - raises safety and noise hazard in the out of airport SDRAA ALUC Land Use Compatibility Plan; it is unclear until county provides a runway drawing with appropriate FAA-required buffer areas between the EMAS (displaced thresholds) how much of a runway extension county can achieve for both departing and arriving aircraft.**	**A/B – Preserving standard RSAs will not permit an 800-foot extension and eliminates or reduces navigational aid changes and avoid the need for SDRAA ALUC LUCP updating**
			Environ -mental Impact	**F – Drilling hundreds of deep holes through landfill will provide migration pathways for landfill garbage juice, some due to 6-month Unit 3 underground fire; also county today annually greatly exceeds RWQCB Order 96-13 contaminate objectives**	**A/B – Public Alt requires minimal impacts on the Unit 3 runway east end landfill**
			Offsite Impact to Near Environs	**B – As a much longer runway attracts larger and larger aircraft, the SDRAA ALUC will have to update the Palomar Land Use Compatibility plan due to increased airport noise and need to enlarge the LUCP safety area.**	**A – minimal, if any, changes would be needed to LUCP to protect surrounding areas**
			FAA Grants ?	**C/D – The FAA may fund an EMAS despite the decrease in safety for arriving aircraft and despite the availability of land to provide the standard 1000-foot RSA. For the reasons extensively detailed in Part B of our comments, the county PMP projects repeatedly fail the multiple FAA Airport Handbook and Benefit Cost Analysis tests. Moreover, for 14 years, county regularly violated its prior FAA Grant Assurances by using airport property for landfills, not an approved airport use. Such use resulted in imminent threats to aircraft at the time from bird strikes, created a methane emitting landfill which increases runway extension costs by ten-fold, and requires ongoing county rent reductions to tenants resulting from continued landfill settlement and methane gas**	**A/B – The FAA should deny county any grants due to his 14-year history of violating the FAA Grant Assurances. We assume however that the FAA wishes Palomar to remain open to serve the continuing diminishing needs.**

I75-188 cont.

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			emissions interfering with the FBO use. Moreover, the FAA apparently now says (needs to be confirmed) that a Modified D-III runway with less than 400 feet runway centerline to taxiway centerline does not qualify for an FAA grant.	I75-188 cont.
			BPR 80. Explain in the final PMP and PEIR why the Public Alt is not superior to the county Preferred Alt.	
21	Table S-1 @ S-7	Project Elements Table S-1	**BPR 81. The Table of 16 PMP Project Elements is incomplete. CEQA defines a "project" to mean *"an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is any of the following: (a) An activity directly undertaken by an public agency. (b) An activity undertaken by a person which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies. (c) An activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies."* (PRC § 21065) Also, recall that county in about December 2016 requested an FAA airport planning grant to study installation of a Palomar runway west end EMAS. We believe the requested grant was in the neighborhood of $200,000. The request was made long before the future BOS action on the PMP and PEIR, essentially prejudging the PMP project in violation of CEQA.** • **Include in the final PMP and PEIR and in the Table of Project Elements (i) the navigational system changes needed to support the runway extension from 4900 feet to 5700 feet and (ii) describe all documents county will exchange with the FAA related to the FAA installing any navigational aids related to county's proposal to extend and/or relocate the Palomar runway. At a minimum these documents will include (i) FAA-grant related documents (since to receive the grants, the local airport sponsor must co-operate with the FAA), (ii) any permits that the FAA would need to install runway-related navigation equipment on airport property, and (iii) any construction-related**	I75-189

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			documents (including as build drawings) exchanged between the FAA and county related to runway navigation equipment.[27] • **Also, describe the northeast airport parcel operations associated with the PMP projects that causes the USFWL and/or CDFG to insist on mitigation for that area.** • **Include also (i) a description of county's CEQA compliance process for FAA Palomar Airport grants during the next 20 years; (ii) county's CEQA compliance process for Palomar Airport grants from the state and other agencies during the next 20 years; and (iii) a description of the process for community residents to get on a county list to be provided actual notice of all county PALOMAR CEQA-related actions rather than such residents having to daily check state Office of Planning CEQA sites to determine what activities county is undertaking.** • **Include in the final PEIR as an attachment, the CEQA document that county completed when it filed its FAA application for a Palomar EMAS planning grant for the time period since July 1, 2015. If no CEQA document was prepared, explain why not.**	I75-189 cont.
22	Table S-2 @	Significant Effects & Mitigation **2.1**	**BPR 82. AE-1Aesthetics: County says it will try to make a pretty landscaped south retaining wall at the Palomar airport east end along Palomar Airport Road if county extends Taxiway A. But the cooperation of county Landfill Management and the RWQCB is required. At the northwest corner of ECR and PAR where the Unit 3 landfill is located, there is a wide area**	I75-190

[27] We have heard that county may contend that FAA installation of Palomar-runway-related navigation equipment on the airport northeast corner of El Camino Real and Palomar Airport Road is not a CEQA project. Because county will have to agree to FAA grant conditions for PMP related projects, county will have a contract with the FAA within the CEQA definition of project. Moreover, FAA will receive from county various documents acknowledging the FAA right to place navigational improvements on county property. In any event, CEQA does not determine whether improvements are Palomar Master Plan improvements. CEQA simply determines what environmental analysis is required. The FAA determines what airfield improvements must be included in the construction or expansion of a runway. Those airfield improvements include navigational aids. New navigational aids are required solely because county is making the decision to extend and relocate its runway. County cannot operate an extended Palomar runway without the navigational improvements. Do not again compromise the county credibility by claiming county is not the precipitating cause of all runway navigational aids installed on the county airport property on the northeast corner of ECR and PAR.

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	p. S-8	**Aesthetics**	**between the bottom of the plateau slopes and the streets. Similarly, along PAR there is a level area between the slope bottom and the sidewalk. In the final PMP and PEIR (i) disclose who owns this property (county or Carlsbad) and (ii) provide a crossed-hatched drawing showing distances from the toe of the landfill slope to the sidewalk in feet showing where the county and Carlsbad property begin and end.** ○ **If county owns the property between the toe of its perimeter "landfill slopes" and the sidewalk, explain why county has not landscaped it as part of Carlsbad's scenic corridor despite repeated requests from Carlsbad. The flat area has no landfill trash underneath it which county claims might have prevented permanent county landscaping over the last 20 years.** ○ **If county owns the property, when and from whom did county acquire it?** ○ **If county does not own the property, how much of the property will county need to place its proposed retaining wall to extend Taxiway A?** ○ **If any land is needed for the taxiway extension retaining wall, why did county not disclose the need to obtain a property interest in the PMP and PEIR?** ○ **As to the Palomar slopes along ECR and PAR, county has said, without providing any evidence, that the slopes lie above landfill trash and hence county cannot permanently landscape and irrigate the slopes. Provide the soil borings and a drawing, certified as accurate by a county surveyor, confirming that the Palomar slopes in fact lie over landfill trash.** ○ **County proposes Palomar Airport improvements costing more than $100 million (much of the cost associated with drilling pilings into the Unit 3 landfill) but has previously said that it would be too costly to place attractive but non plant material on the Palomar slopes. For instance, colored rocks, perhaps in attractive patterns. Provide an estimate of (1) placing such rock and/or (2) building a vertical plant wall 10 -feet in height near the sidewalk with vines and or plants and, if needed, a drip irrigation system.** ○ **Mitigation: County's 30-year history of failing to permanently landscape the Palomar perimeter slopes and/or adjacent flat land below with plant material or**	I75-190 cont.

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			alternate materials or with a "plant wall" demonstrates a consistent county unwillingness to honor the Carlsbad scenic corridor requirements. The PMP and PMP PEIR should commit to making a substantial payment for these purposes with the funds payable to Carlsbad by a date certain prior to any county construction of its PMP improvements. **BPR 82 (con'd): For the reasons above, the final PMP and PEIR need to reflect that the county has not for thirty years complied with Carlsbad scenic corridor requirements in an area several thousand feet in length and perhaps 60 feet high and is likely to continue to maintain an area – as shown in its annual landfill monitoring photos provided to RWQCB – of ugly dead plants subject to annual erosion in the rainy season. Sample photos, which county took to show its "compliance" with RWQCB Order 96-13 in November 2014 appear below. We have driven by these slopes several times a month since 2014 and can confirm they have been essentially in this same condition 70% of the time. Apart from county compliance with the Carlsbad scenic corridor requirements along the Palomar landfill slopes, state in the final PMP and PEIR how county is complying with the RWQCB Order 96-13 erosion control requirements when county's own annual (periodic) photos show no landscaping as the rainy seen approaches, bare earth, and erosion "rills" documenting past erosion problems.**

I75-190 cont.

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Palomar Landfill – Photos

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11/3/2014

Pic 4

Slope Unit 1, N of flare.

Pic 5

Unit 2 slope.

Pic 6

Unit 3 slope, S side.

I75-190 cont.

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	p. S-8 to S-11	B1-1 **2.2 Biology Mitigation**	**BPR 83. County identifies in Table S-2 in Biology Section 2.2 mitigation conditions B1-1, M-B1.1b, B1-2 through B1-6. In other words, the proposed PMP projects impact wildlife and/or wildlife habitat in six different areas and/or ways. County then lists mitigation measures, which county says reduce the impacts to *"less than significant."* The PMP projects impact the California gnatcatcher, San Diego Coastal Sage Scrub, vernal pool habitat, granitic chamise chaparral, and possibly migratory birds. County, the USFWS and CDFG have clearly spent substantial time drafting proposed mitigation for the PMP project impacts. Kudos. But there appear to be some difficulties as noted below.** • **While working at the Port of Los Angeles, I was involved in similar discussions related to Port projects: (1) protecting the habitat of the endangered California**

I75-191

least tern, which nested in the Port every year during certain months; and (2) the dredging of the Carlsbad Batiquitos Lagoon, a mitigation measure to allow the Port to create 500 acres of outer harbor landfill for port tenants in Los Angeles. This dredging project resulted in a Coastal Commission lawsuit and also an Audobon Society lawsuit. The Audubon Society was concerned that though dredging the lagoon benefited marine life, it harmed migratory birds on sand hills in the lagoon, which would partially disappear when the lagoon depth was deepened by dredging the clogged Batiquitos Lagoon inlet. Carlsbad and the port prevailed in both suits. This information is provided only to note that the below comments are informed.

- **County Table S-2 Item B1-1 involves gnatcatcher habitat. Proposed mitigation is *"preservation of southern maritime chaparral (the gnatcatcher habitat) on County-owned lands on or contiguous to a certain parcel or alternate parcel at a ratio of 2:1*."" The language raises two concerns:**
  - **Assume county disturbs 1 acre of Palomar chaparral but agrees to "preserve" two acres of chaparral on county-owned land somewhere in the county. If county is simply preserving an existing chaparral area as opposed to planting and creating chaparral in an area conducive to chaparral but with no chaparral present – county is not mitigating anything. Because the gnatcatcher is a threatened species, the law already requires county to "preserve" the habitat on all county lands.**
  - **The second concern is that the provision does not include any reporting of county's compliance with the provision. As noted in our water quality comments, county agreed in 1996 to comply with RWQCB Order 96-13. The Order requires county to meet multiple "removal/lessoning" of multiple contaminants created by the on-airport Palomar 3 closed landfills. Every year, county dutifully files its RWQCB required report. But county simply continues to report**

I75-191 cont.

			contaminants substantially in excess of the Order 96-13 objectives, sometimes as much as 200% to 1000% over the limit. In 2016 and again in 2017 RWQCB sent county a letter requesting a plan of compliance. **BPR 83 (con'd). County and the wildlife services need to consult and assure county is agreeing to habitat creation, not just habitat preservation (which the law already requires). Also, given county's failure to meet the RWQCB objectives after more than 20 years, the County-USWFL-CDFG agreements should say that by a date certain, county must satisfy the requirements or pay a negotiated amount into a Wildlife Conservation fund which would be controlled only by USFWL and/or CDFG for habitat restoration. Include in the final PMP and PEIR the further discussions county has had with these regulatory agencies related to the issues raised in this item and advise the public in the final PEIR of the result of the discussion. Also, explain in the final PEIR, why the mitigation assures a "*less than significant impact*" when (1) there is no assurance that "new gnatcatcher habitat" will ever be created (2) the airport is proceeding with a specific project that destroys the habitat, and (3) the habitat creation requirement enforcement is as amorphous as the RWQCB cleanup Order 96-13.**	I75-191 cont.
	p. S-9	M-B1-1b **Biology**	**BPR 84. This provision says that a qualified biologist will survey the relevant airport construction area to assure the proposed construction will not interfere with gnatcatcher habitat. The language is too limited for the following reasons: The language should provide for the survey by a 100% independent qualified biologist, preferably from the wildlife agencies with reimbursement of inspection costs guaranteed by county. Otherwise various factors can compromise the consultant's independence. In the 2000s, county hired a consultant to measure its methane gas emissions at multiple county airports. After some time, it was found that the consultant was falsifying the gas reading records at several airports including Palomar. As a result, the consultant and/or county were fined. If county disagrees with this statement, say so in the Final PEIR, and we will dig out the relevant references including FBI news release. From the perspective of protecting the habitat, it does not matter whether a consultant misreports data intentionally or carelessly. The result is the same. Assure that these concerns are discussed with the wildlife agencies and in the Final PMP and PEIR.**	I75-192

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			Recall moreover that inspectors at Palomar on several occasions have bound methane leaking through the asphalt that county personnel had not yet discovered. This history also emphasizes the need for independent inspection.	I75-192 cont.
	p. S-10	B1-2 **Biology**	**BPR 85. County identifies in Table S-2 the need to protect coastal scrub and "preserve" 6.2 acres of coastal scrub. We incorporate here by reference all the comments set forth above related to county mitigation for the gnatcatcher (Mitigation measure B1-1). County needs to again meet with USFWS and CDFG and explain in the final PMP and PEIR why "preservation" as opposed to "creation" is the right word. County already under the law has the obligation to preserve the coastal sage on its land throughout the county. If an airport project destroys coastal sage, county's obligation is to replace it, not preserve the already existing. Also, explain why county assures that the mitigation is *"less than significant"* when there is no assurance that county will successfully be able to replace the habitat destroyed and there is apparently no "back up requirement" for compensatory mitigation from the county to CDFG and USFWL.**	I75-193
			BPR 86. We understand that county has prepared CNEL noise contours for on airport operations. However, those contours apply to humans, not to threatened or endangered birds and insects. In the final PMP and PEIR, list (i) the actual (not a "formula-averaged") take off and landing single event noise levels for the 10 most common corporate aircraft and aircraft with passengers carrying more than 40 passengers per aircraft; (ii) how many times per hour an aircraft in the noted category will use Palomar per hour from 7 a.m. to 10 p.m. assuming Palomar reaches its maximum projection of 208,000 annual flights and 500,000 annual passengers; and (iii) the impact of such individual single noise event on the threatened species, the gnatcatcher, along with the supporting studies that show the impact of such noise.	I75-194
	p. S-10	B1-3 **Biology**	**BPR 87. County identifies in Table S-2 the mitigation needs related to vernal pools. We incorporate by reference our comments above related to the gnatcatcher and to coastal shrub. County's reference to *"less than significant"* in column 3 conflicts with the B1-3 column 1, which says: *"The Proposed Project would impact approximately 0.36 acres of area mapped as vernal pool habitat. This would be considered a significant impact to the sensitive vegetation***	I75-195

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			***community*.**" **Confirm in the final PMP and PEIR that county will change the impact language to: "*If county timely and successfully creates replacement habitat, the environmental impact will be less than significant.*" Also, explain in the final PMP and PEIR how a mitigation can be less than significant if county destroys the habitat of concern in Year 1 and replaces it only in Year 3. That means that for 2 years, the habitat was not available to a threatened or endangered species and the chances of "species die out" were increased.**	I75-195 cont.
	p. S-11	B1-4 B1-5 B1-6 **Biology**	**BPR 88. County again identifies chaparral, vernal pool, and impact on migratory bird issues. We incorporate our prior references as to B1-1 through B1-3 and ask county to address in the final PMP and PEIR all the issues noted as to Table S-2 for the B1-4, B1-5, and B1-6 issues.**	I75-196
23	p. S-12	**2.3 Hazards** **HZ-1 & HZ-2**	**BPR 89. In Table S-2 county in § 2.3 Lists *Hazards and Hazardous Material* Issues. The issues listed and their discussion is woefully inadequate and noncompliant with CEQA, especially the conclusion that the significance after mitigation is "*less than significant.*"** • **County says in HZ-1 & HZ-2 "*Grading or excavation on the site may disturb an underlying inactive landfill presenting a potential hazard to the public or the environment*;" and "*Grading or excavation on the site may disturb contaminated soil and/groundwater presenting potential health risks to personnel during construction.*" To mitigate possible problems, county says: "*Prior to grading or excavation over the inactive landfill units or other areas of known contaminated soil and/or groundwater, a Soil Management 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 health risk thresholds. … Due to vapor encroachment condition at the Airport . … the Soil Management Plan … shall also include a Tier 2 vapor encroachment condition. The timing of this mitigation measure's implementation will vary depending on the timing available funding and priorities or individual project elements under the Airport Master Plan Update; however, this mitigation measure would be implemented prior to or at the time of impact.*"**	I75-197

- **County's hazard and hazardous material discussion is inadequate for the following reasons:**
  - ***ISSUE 1: Current and Twenty-Year History of Palomar Environmental Non-Compliance: WATER QUALITY and GROUNDWATER.*** **County's 2018-2038 Palomar Master Plan governs all Palomar activities for the next 20 years. County has prior continuing contamination mitigation conditions, which it has failed to list or show compliance with. For instance county at least annually files with the RWQCB (Water Board or WB) Palomar landfill monitoring reports as required by WB Order 96-13[28]. But county has year after year reported Palomar landfill Unit 3 contaminant levels [the area of the PMP proposed runway extension] dramatically above the Order 96-13 water quality objectives. Concerns include:**
    - ***WB Order No 96-13*** **¶ 2 reports that county dumped about 1.1 million cubic yards of waste in the Unit 1, Unit 2, and Unit 3 landfills affecting 33 acres of airport land near the Palomar runway. The Unit 3 Palomar east end landfill comprises 19 acres and is the area into which the county PMP proposes an up to 800-foot runway extension in increments, starting with a 200-foot increment within a few years.**
    - **WB Order No. 96-13 states in ¶4 that although a majority of the Palomar waste was residential, "*This landfill also accepted commercial, industrial, agricultural and pathological wastes as well as treated sewage sludge.*"**
    - **WB Order No. 96-13 lists in ¶ 25 (part of the Order's "*Water Quality Control Plan*") specific water quality objectives for *chloride, percent sodium, sulfate, nitrate, nitrogen & phosphorous, iron, manganese, Methylene blue active substances, boron, odor, turbidity, color, and fluoride.***

I75-197 cont.

[28] We are aware that late in 2017 or early 2018 that the WB may have renumbered Order 96-23 in accordance with the WB modern boilerplate language. We understand, however, that the county's obligation to comply with the water quality objectives for various contaminants remain.

- **As the WB June 20, 2016 staff report notes on page 2 *"The exceedance of WQPS for chloride, pH, iron, manganese, sulfate and total dissolved solids during the 3rd Q 2014 monitoring event indicates a discharge of waste to waters of the State."* The staff report notes the exceedances but not how high the exceedances are. But the county monitoring reports do show the degree of county non-compliance. For instance, Order 96-13 on page 6 states an objective for Chloride in Ground Water of 800 mg/l. The March 2015 Geosyntec Report (for the Oct 2014 – March 2015 reporting period) summarizes analytical results in Table 2 for 17 monitoring wells. The high reported is 14000 for MW-30. All the wells materially exceed the 800-mg/l objective. The same is true for the other WB noted contaminants.**

- **Also, county does not comply with 27 CCR, Chapter 3, Subchapter 5 (Closure and Post-Closure Maintenance), § 20960 erosion control measures at Palomar, a condition of WB Order 96-13, related to maintaining vegetation or mechanical erosion control. See Geosyntec Photos 4 to 7 dated 11/3/2014 in the March 2015 Geosyntec Semi-Annual Report AND SEE (duplicate) the county submitted Palomar slope photos reproduced above.**

- **Further, the WB's July 28, 2017 letter titled "*April-September 2016 Semi-Annual Monitoring Report, October 2016- March 2017 Semi-Annual and 2016 Annual Monitoring Report, Detection Monitoring Program, Palomar Airport Landfill, Carlsbad, California*" noted: "The following are San Diego Water Board comments regarding the reports:**

  1. ***Subdrain: … Discharge of treated groundwater must be enrolled under San Diego Water Board's General*** *Order: No. R9-2008-0138.*

  2. ***Several chlorinated VOCs, including cis-1.2, dichloroethene, dichlorodifluoromethane, methylene chloride, tetrachloroethene,***

I75-197 cont.

			trichoroethene, and vinyl chloride showed elevated concentrations in the groundwater samples. Although groundwater at the site has no MUN designation in the San Diego Water Board's Basin Plan, potential health risk to on-site workers and off-site residents from VOC vapor emission from contaminated groundwater needs to be evaluated. The San Diego Water Board requests that the County of San Diego submit a work play by October 31, 2017 to assess potential human health risks due to vapor intrusion from contaminated groundwater. ***3. Elevated concentrations of petroleum constituents, including benzene and toluene, were reported in the groundwater samples from MW [Monitoring Well]-28 and MW-30*** **BPR 89 (con'd). In the final PMP and PEIR, discuss county's compliance with WB Order 96-13. Address all the issues listed in this Item 23. The issues also relate to county's PMP plan to extend the Runway into the Unit 3 landfill, place piles through and below the trash creating migration pathways for the existing garbage juice (common industry term) to drain to clean soils and groundwater. Attach as an exhibit to the final PEIR the county's RWQCB-approved-plan to meet the Order 96-13 objectives and the time frame as requested by the WB 2016 and 2017 letters. Explain how the county – when drilling several hundred piling holes, each 15 feet to 40 feet deep through the bottom of the Unit 3 landfill and into structurally sound soil needed to support each pile – will be able to prevent the migration of Unit 3 landfill garbage juice to the bottom of the landfill and into clean soils and into ground waters.** ○ **ISSUE 2: Lack of Clarity. County says that prior to "grading or excavation," county will assess airport hazards and hazardous waste related to specific PMP projects. What do the words "grading or excavation" mean? Our concerns arise for the following reasons:** ▪ **As you know, the county and community residents disagree on what the term "expansion" means in Carlsbad CUP 172, which governs Palomar**	I75-197 cont.

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			airport development, and in Carlsbad MC § 21.53.015, which requires voter approval of certain airport expansions. As set forth in the footnote below, the Carlsbad MC, State Aeronautics Code, and the 2010 McClellan-Palomar Airport Land Use Committee-prepared Land Use Compatibility Plan all say that a runway extension is an "expansion."[29] County in contrast – citing no

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1. Carlsbad MC§ 21.53.015 says that Carlsbad residents can vote on certain airport expansions. Carlsbad Conditional Use Permit (CUP) 172 requires county to apply for a CUP 172 amendment if the county expands the airport or converts the airport from a "general aviation basic transport" use. The FAA defines such use as not exceeding 2500 operations per year, which County far exceeds. Carlsbad MC -§ 21.04.140.1 provides as follows:

http://www.qcode.us/codes/carlsbad/view.php?topic=21-21_04-21_04_140_1&frames=on

Carlsbad Municipal Code
Up Previous Next Main Search No Frames
Title 21 ZONING
Chapter 21.04 DEFINITIONS

21.04.140.1 Expansion.

"Expansion" means to enlarge or increase the size of an existing structure or use including the physical size of the property, building, parking and other improvements. (Ord. CS-050 § II, 2009)

View the mobile version.

2. The State of California Public Utilities Code, under which the State Division of Aeronautics acts within CalTrans, provides in § 21664.5:

21664.5.

(a) An amended airport permit shall be required for every expansion of an existing airport. An applicant for an amended airport permit shall comply with each requirement of this article pertaining to permits for new airports. The department may by regulation provide for exemptions from the operation of this section pursuant to Section 21661, except that no exemption shall be made limiting the applicability of subdivision (e) of Section 21666, pertaining to environmental considerations, including the requirement for public hearings in connection therewith.
(b) As used in this section, "airport expansion" includes any of the following:
(1) The acquisition of runway protection zones, as defined in Federal Aviation Administration Advisory Circular 150/1500-13, or of any interest in land for the purpose of any other expansion as set forth in this section.
(2) The construction of a new runway.

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			authority – says only runway extensions outside the existing Palomar airport footprint are expansions. ▪ **The 2018 PMP says that, to extend the runway into the landfill area, the county will drill hundreds of holes so that concrete pilings can be cast in these holes to support grade beams, which in turn support the runway extension. Presumably, holes are being drilled instead of battering the pilings into the ground, the more common way of installing pilings. Battering is very noisy and can be heard far away, perhaps explaining why county proposes drilling. But there is no assurance the regulatory agencies will allow drilling at all locations, possibly because of hazardous waste resulting from Palomar's Unit 3 underground fire.** **BPR 89. Rephrase the final PEIR hazardous material language to refer to "grading, excavation, pile driving, pile hole drilling, and all other soil disturbances." In the mid 2000s, the 19-acre Palomar Unit 3 landfill had an underground fire that burned for more than six months. County first tried to pump carbon dioxide gas (and/or other gas) into the landfill to extinguish the fire and failed. County later pumped grout and carbon dioxide liquid (or other chemicals) into the landfill and underground temperatures eventually dropped. During this time, county had to obtain an air quality agency variance due to landfill gas venting into the atmosphere. Portions of the PMP runway extension may be in the fire footprint area. EPA and state environmental sites report that when many materials in household trash burn, toxic waste results. Materials of concern include plastics found in many discarded household items;**

I75-197 cont.

(3) The extension or realignment of an existing runway.
(4) Any other expansion of the airport's physical facilities for the purpose of accomplishing or which are related to the purpose of paragraph (1), (2), or (3).

3. The McClellan-Palomar Airport Land Use Compatibility Plan [Adopted 1/25/10 and amended 3/4/10, and again 12/1/11 states in § 2.12 entitled Review of airport master plans and development plans on p. 2-29:
   § 2.12.1 *** *"Airport expansion is defined to include the construction of a new runway, the extension or realignment of an existing runway, and the acquisition of county protection zones or the acquisition of any interest in land for the purposes, identified above."*

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			A, B, C, and D batteries found in hundreds of thousands of household toys, TV remote controls, other remove control devices, flashlights, book reading lights, and games; remodeling materials including household vinyl flooring and asbestos in wall and ceiling insulation – among many, many other materials. If county disagrees with any of the facts noted in this paragraph, state the county's position in the PMP and PEIR and provide substantial evidence to support the county position. In the Final PMP and PEIR discuss the foregoing issues. Also, after the 6-month landfill fire, did county perform any soil borings to determine: ❖ **If the fire converted landfill trash to hazardous material? If so, how many borings were taken over what size of an area and at what depths and what did the report show? If a report exists, attach it to the PEIR technical reports. If county did not perform any soil borings, explain why not since county was then on notice that it was quite likely maintaining hazardous waste in a landfill not permitted for hazardous waste dumping?** ❖ **During county's effort to extinguish the fire, how many liters of chemicals did county inject into the Unit 3 landfill, what were the chemicals, and were any of the chemicals classified as hazardous materials. How many cubic yards of grout did county inject over what size area and to what depth?** ❖ **After the fire, did county perform any tests to see how much migration off the underground fire site and/or off the landfill site occurred and what impact such migration had on water quality? If none was performed, why not?** ❖ **After the fire, did county identify how much of its extensive, spaghetti like underground network of Unit 3 methane gas collection piping had been consumed by the underground fire? Recall that evidence suggests that a major contributing factor causing the underground fire was a damaged very large county underground storm drain feeding oxygen to the elevated underground temperatures caused as part of the natural process of landfill material decaying. Either county or a county contractor working on the site damaged the storm drain and county failed to**

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discover it. Given that county track record, it is likely that county also failed to identify the impact of the fire on the Unit 3 methane collection system. At least two impacts would be (i) converting the PVC or ABS or other plastic piping into hazardous material and (ii) interrupting the proper functioning of the methane gas collection system so that methane some methane gas remained uncollected and vented to the landfill surface.

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- **Discuss all the foregoing issues in the final PMP and PEIR. Discussion is required now rather than only at a later project phase for the following reasons:**

  (i) if county is maintaining part of the Palomar Unit 3 landfill to keep hazardous waste, county has not obtained the proper permits for such use and/or has a legal obligation to remove the waste to a site properly permitted for such use; (ii) workers on the site, not working on a dedicated project which might first trigger a worker health review, could be exposed to methane gas;

  (iii) the county October 2013 SCS Engineers report identified (discussed in more detail below) the many safety and environmental impacts of an aircraft crashing into the Unit 3 landfill and such a crash could occur tomorrow, not at a future indefinite time when a Palomar runway extension is considered and hence risks are immediate not beyond the programmatic stage; and

  (iv) county staff asks the Board of Supervisors to choose a Project alternative based on 8 criteria including a quite significant project cost. As shown throughout these comments, county's cost estimate of $100+ million for all improvements is likely too low for various reasons we have identified.

  Recall that the San Diego Association of Governments (SANDAG) is the San Diego agency charged with evaluating the cost of SD transportation projects, in part to support ballot measures related to public sector bond issuances to support such projects. Even though SANDAG has considerably more expertise

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than county in calculating project costs and revenue projections, SANDAG's failure to provide accurate data on a recent SD ballot measure has been widely reported.[30]

Moreover, in our comments on the county Runway Feasibility Study – which attempted to justify a runway extension based on gas tax revenues transferred from other parts of San Diego to Palomar – we demonstrated that county's analysis (i) violated the principles of the 1999 FAA Benefit Cost Analysis Manual and (ii) was unsupported by any facts. In short, county has yet to show its expertise in making economic projections. Nothing in CEQA allows County's 2018-2038 PMP and PEIR to ignore existing Palomar safety and environmental problems and to delay analysis to a future date when county may or may not be willing to evaluate Palomar conditions.

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- **ISSUE 3***: Specific Issues Raised by the October 2013 SCS Engineers Report.* **County has failed to address the safety and environmental hazardous issues raised by the County Consultant October 2013 SCS Engineers Study entitled "*Evaluation of Possible Environmental Impacts of a Potential Aircraft Crash into the Landfill Cover at Palomar -Airport Landfill, Carlsbad, California.*"**

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BPR 90. CEQA PUC § 21065 makes clear (see Item 21 above), county must environmentally assess the impacts of all activities it undertakes or discretionarily permits which foreseeably impact the environment, especially when grant-funded. Moreover, the CEQA Guidelines define the term "*project*" as *"the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably indirect physical change in the environment. . . . ."*[31] For instance, the courts have held that simply raising rates charged for public services can trigger impacts to the environment and require CEQA analysis. County

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[30] See East County Magazine, February 2017, "*SANDAG APPROVES INDEPENDENT INVESTIGATION OF INACCURATE REVENUE PROJECTIONS FOR MEASURE A.*"

[31] 14 CCR § 15378(a).

			intends to seek FAA grants for its PMP projects including adding an EMAS system, extending the runway, and relocating the runway – as already evidenced by county's December 2016 application to the FAA for an FAA runway EMAS planning grant and by the $30+ million in past FAA grants that county has received. Moreover, county has granted discretionary leases and other real property agreements including to Cal Jet (Elite) and (in process) to California Pacific Airlines to serve tens of thousands (perhaps hundreds of thousands of passengers), whose aircraft could crash into the Palomar east end Unit 3 landfill tomorrow. As proof, simply look at the Airport Rescue and Fire Fighting (ARFF) equipment that FAA rules require that county daily station at the airport and operate, either directly or by contract (Carlsbad). **Moreover, County has defined its PMP Project purpose (in addition to the physical improvements) as converting Palomar Airport from an FAA classified B-II airport to an FAA Modified D-III Standards Compliance airport. The consequences of such a reclassification and redevelopment are these:** ○ **The FAA Airport Design Guidelines impose more stringent safety standards on the county.** ○ **As county announced in its 2011 Runway Study, county seeks to increase its runway length in part to allow larger, faster aircraft to use the airport at 90% load, not just 60% load. Increased load means (county claims) one of two things. Either corporate jets carrying 30% more fuel to fly internationally or scheduled passenger service aircraft carrying not the historic 30 passengers per aircraft but perhaps up to 90. In 2017, Palomar tenant Elite Air, dba Cal Jet, estimated that it would handle about 270,000 passengers at Palomar within a few years. Last year, Palomar handled less than 60,000 passengers. Also, the county 2018 PMP estimates increased aircraft operations in the future, rising from the current 156,000 per year to about 208,000 per year. Most Palomar flights are not passenger flights. But if only 10% of the flights were passenger flights, each carrying 80 people, Palomar would handle 1.6 million passengers per year (20,000 flights x 80). In short,**

I75-200 cont.

county's announced 20-year plan has as its purpose the immediate increase of operations, passengers handled, and increased risk of large, fast, fuel-laden aircraft crashing into the Unit 3 landfill. The increase is not dependent on a runway extension. Both Cal Jet and CPA have said that they can handle their projected traffic with the existing Palomar runway length.

- **As a member of the air industry stated at one of the public workshops that county conducted for its 2011 Runway Feasibility Study, aircraft pilots generally avoid airports with runways less than 5,000 feet. But once Palomar increases its runway from the current 4900 feet above 5000, more aircraft will be attracted to Palomar. In other words, the number of annual operations will increase.**
- **To finance its $100+ million in airport improvements (including 3 EMAS systems including the initial one to be relocated, runway and taxiway extensions on hundreds of pilings, runway and taxiway relocations, and relocation of tenant buildings, county will seek up to 90% FAA grants for each project and/or private monies.**

I75-200 cont.

BPR 90 (con'd). CEQA requires that county now assess the SCS Engineers identified hazards and hazardous material environmental issues raised by county's concerted effort to increase annual Palomar operational (flights) and passenger throughput at the PROGRAMMATIC stage. Why? Because the risks are immediate, not delayed to the future. Substantial Palomar passenger increases may take place without any further county discretionary actions. We have already seen that county's failure to monitor its already installed underground storm drain lead to the 6-month plus underground fire catastrophe. Not having learned its lesson, county wants to follow its mantra: *Hear no evil, see no evil, speak no evil. Trust us. All is well.* But recall that the CEQA Guidelines provide that where a responsible expert alerts an agency to issues of concern, the agency must address them.[32] This is especially true when the (i) the

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[32] See 14 CCR § 15151: "*Where comments from responsible experts or sister agencies disclose new or conflicting data or opinions that cause concern that the agency may not have fully evaluated the project and its alternatives, these comments may not simply be ignored. There must be good faith reasoned analysis in response.*" See also *Cleary v. County of Stanislaus* (1981) 118 Cal. App. 3d 348, 357.

			expert noting the concerns is the county's own consultant (SCS Engineers) and (ii) the expert three years ago recommended specific issues for county to further review and county has ignored the recommendations. ○ **ISSUE 4: *County Confusion of CEQA Requirements and Aviation Act Requirements*. The environmental laws are generally procedural. They may allow a project sponsor to claim only one project Alt will achieve all the sponsor's goals. In contrast, federal aviation law precludes a project sponsor from selecting its preferred goal if other alternatives better satisfy the federal act's purpose.** **BPR 91. The Airport and Airway Improvement Act ("AAIA") says: *"It is the policy of the United States – [] that the safe operation of the airport and airway system is the highest aviation priority."* 49 U.S.C. §47101(a)(1). The AAIA also says that the FAA may grant federal funding for a major airport development project "*found to have a significant adverse effect on natural resources, including fish and wildlife, natural, scenic, and recreation assets, water and air quality, or another factor affecting the environment, only after finding that no possible and prudent alternative to the project exists and that every reasonable step has been taken to minimize the adverse effect.*" 49 U.S.C § 47106(c)(1)(B).** **Paraphrased, the woefully inadequate county PEIR Table S-2 Section 2.3 *Hazards and Hazardous Material* Discussion simply says: "*When we need to in the future, we'll look* at soil and water issues; trust us we'll solve them." As the Water Quality discussion in this Item 23 shows, the county's promise is illusory. The FAA will require far more informed analysis of the hazards, environmental, and safety issues that county's plan to convert Palomar from a B-II airport to a "D-III Modified" airport create. For a far more objective, though still not complete analysis of the issues, see the October 2013 SCS report. Key SCS Engineers report issues include the following.** **"[1] County Consultant SCS Engineers October 15, 2013 Report Identification of Palomar Aircraft Crash Hazards**

I75-201 cont.

			➢ **Spillage of flammable liquids such as Jet fuel:** ***"These fuels are highly combustible, burn at extremely high temperatures, can be corrosive to aircraft equipment and are highly toxic to human beings … Ignition of the jet fuel or other flammable material, upon impact, could also be highly probable."*** **[p. 3]** ➢ **Burning of solids.** ***"Post-crash fires can result in burning of … aircraft batteries and electrical equipment, engines, tires, wheels, pathogenic substances, radioactive materials, and metals such as aluminum and fiber-reinforced polymer composites of the aircraft fuselage and wings. Most landfills are vegetated with grasses for soil erosion control purposes. If the crash occurs during the dry season, grass fire could ignite and spread to other areas of the site and create secondary environmental issues such as smoke (air quality issues), as well as possible offsite wildfires and or burn, smoke and or structural damage to other onsite or offsite property."*** **P. 3]** ➢ ***"As a landfill site, a violent aircraft crash ground impact … may … expose the buried solid waste to the atmosphere. Post-crash fires can then initiate surface fires as the LFG (landfill gas) is now free to vent directly into the atmosphere. Once a surface fire ignites, it can also potentially begin to burn the exposed waste materials and spread down into the subsurface solid waste. Subsurface landfill fires … can continue indefinitely as they tend to create a natural draft inducing air into the landfill allowing them to travel and spread horizontally and deeper into the waste mass. …"*** **[p. 3]** ➢ **Spillage of cryogenic liquid.** ***"Cryogenic liquids … are used as cooling agents to reduce engine temperatures …. These liquids are … on the Hazardous Materials Information System. Hence, even low quantities of cryogenic liquids can expand into large volumes of gases …. If not stored in containers with adequate pressure-relief devices, enormous pressures can build up within the containers. The impact from an aircraft rash can cause a sudden rapid increase in the internal pressure of the container. Results can range from damage to surrounding equipment, structures, explosions, called 'boiling liquid expanding vapor explosion,' to asphyxiation hazards."*** **[p. 4]**

I75-201 cont.

- **Pressurized liquid and/or vapor release.** ***"Aircraft utilize a variety [of] hydraulic and pneumatic accumulators, which contain pressurized air or fluids that assist in the operation of equipment …. [R]upture can] lead to sudden discharge of large amounts of pressurized fluids, resulting in destruction of property, and possibly injury to persons in proximity to the rupture."*** **[p. 4]**

- **Pipe rupture.** ***"Impact from an aircraft crash may result in extensive damage to nearby above/below-grade utility lines. Damage or rupture of a buried water, gas or storm drain line, could contaminate nearby soils and water bodies. Emission release from pipes could severely compromise the air quality and even cause explosions, depending on the contents of the carrier pipes. Impact to piping associated with the GCCS [methane gas collection and control system] may damage the system and cause a release of LFG to the atmosphere. If the LFG concentration is within flammable ranges and an ignition soured is present, explosions or fires may occur. …"*** **[p. 4]**

- **Site-Specific Hazards [pp. 4-6]**
  - ***"Areas north of Areas 1 & 2 of the airport serve as aircraft parking areas, house fuel farms and other structures, which store various chemicals required for routine aircraft maintenance activities. There is an additional fuel island north of Area 3. A crash in this area could result in extensive damage to structures and other parked aircraft. A detailed review of the different types of chemicals, their locations and proximity to the runway and/or to the three landfill areas is beyond the scope of this preliminary evaluation."***
  - ***"The site also contains a below-grade, high-pressure, gas transmission main owned by San Diego Gas & Electric (SDG&E) running east-west along the north fence of the property. Damage to gas mains can vary from a gas leak resulting in the evacuation of surrounding areas, to potentially significant explosions. …"***
  - ***"Additionally, there are several below-grade LFG extraction wells and pipelines …***

I75-201 cont.

			which are assumed to be damaged/ruptured by an aircraft crash causing free-venting of methane into the atmosphere. Furthermore, a post-crash fire can pose as an ignition source, which can lead to explosions …. A post-crash fire and/or explosion will also severely compromise the air quality at the site, and possibly, at downwind locations. The San Diego air basis is currently in non-attainment of the 8-hour ozone standard set by the United States EPA ….” ○ ***”Finally, the site also maintains an extensive storm water drainage system with a treatment vortex. … Storm water runoff from the airport property travels through the drainage system … to a structure under an existing business park areas, located immediately north-west of the airport. The runoff eventually discharges into Agua Hedionda Lagoon, located north-west of the airport. Under a worst case scenario, it is assumed contaminated liquids from fire-fighting efforts or chemicals released from a crash can enter the storm water management system and potentially impair downstream tributaries and water bodies such as the Agua Hedionda Lagoon. … “*** **BPR 91 (con'd). Discuss each of the foregoing hazardous material risks that SCS Engineers identified in the final PMP and PEIR if larger, faster, more fuel laden aircraft crash into the Palomar Unit 3 landfill. Specifically, list the general characteristics for A, B, C, and D aircraft so the degree of increased environmental and safety risks may be assessed as a result of converting Palomar Airport from a B-II airport to a modified C- III and/or D-III airport. We provide a sample matrix below showing the type of analysis the county needs to make. No doubt our numbers need adjusting. We rely on the county consultant to provide realistic numbers. As the table shows, as aircraft speed, weight, and volume of fuel handled increases, an aircraft crash into the Palomar Unit 3 landfill risks more and more significant safety and environmental damage as a result of a “bigger bomb” exploding, creating a deeper Unit 3 crater, and directly and indirectly damaging the methane gas collection system by the shock wave. In the final PMP and PEIR, insert a table as immediately following and enter the correct data based on proper engineering calculations.**	I75-201 cont.

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Bender Sample Matrix Showing Severity of Palomar Risks for Large Aircraft Crashing into Palomar Runway East End Unit 3 Landfill with 19 Acres of Subsurface Plastic Methane Gas Collection Piping
(Blank cells below require county data entries)
A Gulfstream G550 is Used for the D Aircraft Below
A Piper Arrow is Used for the A Aircraft Below

Shows Significant Increased Risk of Converting Palomar from a "*GA Basic Transport Airport*" (as County Promised Carlsbad Residents in Carlsbad Conditional Use Permit 172, Condition 11 to County's D-III Modified Standards Compliance Alternative

	FAA Aircraft Size	Max Takeoff Weight (lbs)	FAA Max Approach Speeds (knots)	People At Risk	Max Fuel Load (in lbs)	Crash Crater Depth [Aircraft Mass & speed]	Unit 3 Land Fill Me-thane Pipe Depth	Risk: Fire and/or Explosion and/or Methane Gas Release
1	A	2,750 lbs	91	2	432 (72 gal)	Minimal	3 - 7	Low
2	B	?	121	?		?		?

I75-201 cont.

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3	C	?	141	?		?		?	
4	D	91,000 lbs	166	8 but 80 if an air carrier D Air-craft	41,300 (6,883 gal)	Huge		Very high	

Note: As the matrix above was being prepared, the top media story was the collapse of a newly installed pedestrian walkway for students across a Florida road killing several motorists in cars trapped by the falling walkway. The accident chillingly reminds us of two things. First, the government can easily forget to properly study safety risks. Second, even a simple narrow walkway can cause catastrophic loss when falling 50 feet. Yet county wants to ignore a 90,000 pound object, travelling at up to 160 miles an hour, carrying 6,000 plus gallons of highly explosive fuel, crashing into a landfill with explosive methane gas in cheap plastic piping several feet below the surface. What could possibly go wrong? The Board of Supervisors should be questioning the qualifications (or objectivity) of any consultant who neglected to study this issue in the PEIR.

I75-201 cont.

- **ISSUE 5:** ***County's Failure to Address the Increased Risk to Ground waters and Environmental Cleanup by Creating Runway Extension Obstacles to Environmental Cleanup if a Crash Does Occur.***

I75-202

BPR 92. In the final PMP and PEIR, provide the following information: (i) what plan has county presented to the RWQCB in 2017 to respond to the RWQCB request that county explain how county will meet the contaminant improvement objectives set forth in RWQCB

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Order 96-13 and attach a copy of the plan to the final PEIR? (ii) at what Unit 3 landfill strata are the "garbage juices"[33] that have been leaching from the landfill for the last 40 years? (iii) how will drilling hundreds of piling holes, each 15 feet to 40-feet in depth in order to extend the Palomar runway, redistribute the garbage juice and what tests has county performed to confirm county's opinion? (v) since county staff is now requesting the Board of Supervisors to approve a plan to extend the runway in the future and requesting FAA grants, each of which will today (not when a runway extension is made) commit the county to keeping Palomar Airport open for 20 years following each FAA grant, explain why the foregoing analysis should be deferred for 5, 10, or 15 years. Discuss in the final PEIR, the below website information, which notes how burning trash is converted to hazardous waste.

- ***https://www3.epa.gov/epawaste/nonhaz/municipal/backyard/pubs/residents.pdf [Burning trash produces dioxins which can cause cancer and reproductive disorders]***
- ***http://www.gobroomecounty.com/files/planning/_pdf/BackyardBurningFactSheet.pdf [Burning trash produces three exceptionally dangerous products: toxic gases, particulate matter (soot), and ash residue.***
- ***https://www.pca.state.mn.us/sites/default/files/w-hhw1-17.pdf [If you're burning trash, you're making poison.]***
- ***https://www.pca.state.mn.us/sites/default/files/w-hhw1-17.pdf [Health effects of burning trash[***
- ***http://www7.nau.edu/itep/main/HazSubMap/twrap_HzSubMap_Burning.asp***

- **Issue 6: We understand that since 2000, several tenant and/or county underground fuel tanks have been found to be leaking.**

I75-202 cont.

BPR 93. In the final PMP and PEIR, (i) identify the tanks found leaking and their location, (ii) describe the extent of any hazardous material that county discovered when each leak was discovered and specify the records confirming the county conclusion so that we may review them, (iii) specify whether any of these locations will be within an area (aa) of a potential PMP runway extension and/or (bb) within an area now in or near a Palomar tenant building, which will have to be relocated.

BPR 94. We understand that since 2006, county and/or its tenants have allowed spillages from

I75-203

[33] The term "garbage juice" is a common industry term referring to the nasty materials that every day leach from buried, decomposing trash.

			various Palomar daily aircraft maintenance and/or operations to enter the Palomar Airport storm drain. In the final PMP and PEIR, list each of the foregoing instances and detail the mitigation measures that county is including in its 2018-2038 PMP to assure immediate identification and resolution of such issues in the future. Include any regulatory citations that county received as a result of such storm drain intrusions.	I75-203 cont.
			BPR 95. County says it cannot install permanent landscaping on the Palomar perimeter slopes (in the middle of the Carlsbad Scenic corridor) because the slopes lie over now trash-filled landfills and permanent landscaping irrigation would worsen landfill conditions. In the final PMP and PEIR provide the soil borings, which confirm that the last 50 to 100 feet of the Palomar Airport "plateau" perimeter slopes do in fact lie over buried trash. That seems unlikely. Provide the info to confirm whether the slopes are burdened with a landfill problem. If no borings exist, perform a boring at least every 300 feet. The information is relevant to whether county can or cannot support its claim that permanently landscaping its Palomar slopes is not possible. **BPR 96. February, March, and April 2018 rains have or may impact the Palomar Airport landfill. In the final PMP and PEIR, state how county prepared the Palomar Airport perimeter slopes since October 2017 to comply with RWQCB Order 96-13 (or its successor if there is one) erosion control measures and to prevent rain intrusion into the landfill, particularly the slopes. Include a description of the slope erosion control measures that county commits to in the 2018-2038 PMP and PEIR annually to control such erosion.**	I75-204
24	S-13 to S-14	2.4 Noise Issues: Converting Palomar from B-II to C-III or D-III	**BPR 97. Amazingly, county's PMP and PEIR refer to NO non-construction significant noise impacts resulting from county's announced-goal to convert Palomar from a B-II airport to a Modified D-III airport. County's PEIR Executive Summary does not explain why. Presumably, county is saying it is now only adopting a 2018-2038 PMP and not implementing any physical PMP projects. But the PMP direction to staff is clear:** **(i) Extend the runway as much as possible as soon as possible;** **(ii) Install a west end runway EMAS now and build a massive retaining wall on the**	I75-205

				Palomar runway west side (as well as on the southeast side) to increase the Palomar buildable footprint;
			(iii)	**Add a 350-foot long runway west end EMAS system to substitute for the much longer 1000-foot RSAs (runway safety areas) that the 60,000 to 90,000 pound C and D aircraft require (instead of the less than 12,500 pound A aircraft and up to 60,000 pound B aircraft);**
			(iv)	**As Supervisor Bill Horn said at the December 2015 meeting, which considered the Palomar Runway feasibility study: (a) move the general aviation aircraft off Palomar to other places, (b) convert Palomar to a full fledged commercial airport encouraging international flights, and (c) prepare to extend the Palomar runway in the next plan across El Camino Real to the existing Palomar airport property on the northeast corner of ECR and Palomar Airport Road;[34]**
			(v)	**Ignore the increased noise complaints from the Vista residents involving more noise and changes in flight paths over the Vista neighborhoods even before the B-II to D-III conversion takes place as expressed by the Vista South Communities in a letter to the county dated March 18, 2016 (See PEIR Appendix A);**
			(vi)	**Ignore the noise problems that extending the runway east would cause to about 1100 mobile home owners under and near the Palomar landing approach from east to west as expressed by San Marcos Mayor Desmond;**
			(vii)	**Fail to fulfill all the obligations of the mid 2000s FAA Part 150 Noise Study agreement, which required county to maintain at Palomar, certain noise monitors, which we are informed and believe county has failed to continuously maintain in the numbers required, and for a time, at all;**
			(viii)	**Failed to discuss how single noise events and frequent flights over housing impacts human health as required by the California court of Appeals in *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners of the City of Oakland,* 111 Cal. Rptr. 2d 598 (2001);**
			(ix)	**Ignore the fact – as county repeatedly quotes when ever more larger aircraft use**

I75-205 cont.

[34] See the transcribed December 2015 Supervisor Bill Horn statement in Attachment --- to these comments.

			Palomar – that once Palomar extends its runway, Palomar has no ability to limit aircraft wishing to use Palomar; **(x) Ignore how an added 1,000,000 plus annual vehicle trips to and from Palomar (if Palomar achieves its projected 500,000 added passengers with air carriers) will impact ambient traffic noise; and** **(xi) Fail to calculate, and thereby ignore the traffic noise caused by all non-air carrier Palomar "passenger" movements. These movements likely exceed 100,000 per year.**[35] **BPR 97. In the final PMP and PEIR, discuss the foregoing factors and explain why converting Palomar from a B-II airport to a D-III airport will not create significant noise impacts. Explain why county ignored single noise events in view of the supplemental California court requirements. Explain whether county – at the request of complaining residents in Carlsbad or Vista – will deploy county approved noise monitors to neighborhoods encountering aircraft noise issues.**	I75-205 cont.
		County Identified Construc-tion Noise Impact M-N-1and N-2	**BPR 98. The county PMP says that when county installs hundreds of very deep pilings, it will use the DDC method, meaning that holes will be drilled through the landfill and piles cast upward from the hole bottoms. County says noise from such drilling will be less than significant. And, it may be if county uses only the DDC method. However, methods often change on a job site. For instance, what if heat caused by pile drilling ignites layers of underground trash and/or damages part of the plastic methane gas collection piping and causes another 6-month underground fire? Would county then use the most common method of placing piles, namely driving them into the ground with very large hydraulic pile driving rigs? Battering piles into the ground is excessively noisy, even at great distances from the site.**	I75-206

[35] Ray Bender is a member of the Palomar Airport Advisory Committee (PAAC) Ad Hoc Subcommittee currently reviewing the county staff "monthly" noise performance report. Discussions at the subcommittee meetings disclosed that when Palomar reports "passengers" using the airport, the numbers reported are only those from the perhaps 500 to 1,000 annual commuter flights at the airport. The county PMP and PEIR project 202,000 annual flights. The non commuter flights include private pilots (with or without friends), helicopters (with or without friends), and corporate jets, which might ferry 2 to 8 people on each flight. In short, the county fails to report the total number of people flying to and from Palomar. Each person driving a vehicle to and from the airport creates noise, traffic, and air pollution issues.

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			Add language to the Final PMP and PEIR that county will not beat any pilings into the ground for the runway extensions or retaining wall installations without first performing a supplemental EIR on this noise issue. Also, clarify county's language on page 1-9 in the 4th ¶ of the section entitled "*Relocation and Extension of Runway 06-24. County states "…A portion of the runway extension and future EMAS system would be built over the existing landfill, which requires stabilization. In order to accommodate the full-length runway, EMAS and taxiway extensions, it is anticipated that drilled displacement column piles would be DRIVEN into sections of the ground … .* "[Emphasis added by caps.] We assume the word "driven" is mistaken. Drilling pile holes may be "relatively" quiet to human receptors at a distance but DRIVING piles is not. While working at the Port of Los Angeles, I was personally familiar with the complaints of residences miles away from city contractors driving piles into the ground to create landfills in port waters as well as personally hearing the noise when visiting their homes. IF county is saying that it intends to drive some pilings, then the Final PMP and PEIR need to provide substantially more information about (i) how many piles would be driven, (ii) the length of the piles, (iii) the number of gravity falling hammer blows needed to drive each piling, (iv) the number of decibels each blow makes at various distances from the work, (v) the time of the day the work would be performed (since presumably county wants to minimize the amount of time Palomar is shut down during the day while extension work proceeds), and (vi) the total estimated number of days it would take to install all the driven pilings.	I75-206 cont.
25	S-15	2.5 Transportation & Traffic • TR-1 and TR-2	**BPR 99. County agrees that added Palomar airport traffic will lead to further deterioration of road level of service (LOS) below E/F (meaning gridlock) on two designated road areas adjoining or very near Palomar. County then agrees to contribute some mitigation monies to Carlsbad to improve traffic flow via synchronization of traffic signals. Kudos. But some ambiguities need to be clarified in the final PMP and PEIR as follows:** ○ **For the reasons noted in footnote 33 above, Palomar underreports the total number of persons working at, using, or servicing the airport. The most obvious under-count results from failing to report persons carried aboard corporate and private aircraft, each of whom likely uses a vehicle to and from the airport. For instance,**	I75-207

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