

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

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| | | | <p>15,000 annual corporate flights with 5 people aboard translates to 75,000 persons not presently counted.</p> <ul style="list-style-type: none"> ○ The term “enplanement” needs clarification, perhaps deletion and replacement with a better word. IF enplanement means the number of people boarding an aircraft, then counting only enplanement undercounts people using Palomar. Both people embarking and disembarking need to be counted. Please clarify the language. For instance, when county forecast 500,000 annual Palomar enplanements in the future, is county saying that Palomar will handle 500,000 people or 1 million people? When county performed its noise, pollution, and traffic analysis, did county use 500,000 or 1,000,000 persons? ○ Because the airport traffic numbers need to be recalculated, the stated percent of the county contribution needs to be recalculated. ○ Finally, the terminology conclusion that the traffic impact will be mitigated “below the level of significance” seems in error. With or without the mitigation, the Level of Service along the designated areas will remain at LOS E/F or gridlock. The public should not be given the impression that a magic wand will be waived and traffic will flow smoothly, even with mitigation. | <p>↑</p> <p>175-207 cont.</p> |
| | | County Table S-2 Silence | <p>BPR 100. When county adopted its 1997-2017 PMP, county relied on a Negative Declaration adopting the Carlsbad 1997 General Plan and (allegedly) agreed to a host of Palomar Airport mitigation measures. Include in the 2018-2038 Final PMP and PEIR an attachment (i) listing the 1997 aesthetic, air quality, biological, hazards/hazardous materials, noise, and traffic measures that county agreed to implement for the old PMP, (ii) provide the evidence that county complied with such measures, and (iii) identify in the new Final PMP and PEIR the mitigation measures that county is carrying forward from the old PMP, if any. If any are not carried forward, explain why not.</p> | <p>175-208</p> |
| End of Comments on PMP Executive Summary | | | | |

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| Bender PEIR Chapter 1 (Project Description, Location, and Environmental Setting) Comments | | | |
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| 26 | p. 1-1 | Intro | BPR 101. Add reference to John Wayne. Why? Presence of other nearby airports is relevant to (i) the need to expand Palomar and (2) the ability of Palomar to attract passengers to P rather than JW. Also for accuracy add to the project description county’s announced goal: to convert Palomar from an existing FAA rated B-II airport to an FAA-rated D-III Modified Standards Compliance Alt. The project is more than adding two EMASs, extending the runway and taxiways, relocating the runway, building massive retaining walls to increase the airport buildable footprint, and relocating Palomar tenant buildings. |
| 27 | 1-3 | FAA Design Standards | BPR 102. Add to the existing “critical design aircraft” discussion the critical facts that Palomar since at least 2000 has annually served more than 500 aircraft classified as FAA-rated C and D (the FAA test for defining “critical design aircraft”) rather than the B aircraft for which Palomar was designed. Why? <ul style="list-style-type: none"> ○ Reason 1. Because county’s incomplete description is shaded to suggest that Palomar must shift from a B-II airport to a D-III airport to serve larger aircraft even though Palomar has routinely handled from 1,000 to 10,000 C and D aircraft annually at Palomar since the year 2000. ○ Reason 2. County lists 8 criteria to evaluate PMP alternatives. Criteria 8 is eligibility for FAA grants. The FAA Airport Improvement Program (AIP) Handbook defines the criteria that county must meet to show that PMP projects can be “justified” and are “allowable” for FAA grants. See our extensive FAA discussion in Part B of our PMP and PEIR comments. While county’s description need not be exhaustive, it must be fairly balanced. |
| 28 | 1-4 | Runway Length & Width | BPR 103. Add to the existing width discussion: “Although county received FAA approval for a B-II airport, which has an FAA design minimum of 75 feet to 100 feet wide (depending on airport visibility), county built Palomar to a width of 150 feet.” Why? |

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| | | | <ul style="list-style-type: none"> ○ Reason 1. County has said it cannot control the aircraft using Palomar. County has failed to note that C and D aircraft for 20 years have been attracted to Palomar because county built an “oversized” airport runway to attract larger aircraft without ever informing the public of this fact. The wider runway allows aircraft with wider wingspans to travel concurrently down the runway and parallel taxiway. ○ Reason 2. County oversized the runway even though it agreed in 1979 in Carlsbad Conditional Use Permit 172, Condition 11, to maintain Palomar as a “general aviation basic transport airport.” ○ Reason 3. We understand that after county accepted \$8 million+ in FAA Palomar runway “rehabilitation” grants in 2009, county by change order increased the runway pavement strength to handle larger and larger aircraft. If we are mistaken, please provide the facts as to what the runway strength rating was for the various single and tandem wheel loads before and after runway rehabilitation. ○ Reason 4. Without seeking Carlsbad approval for a CUP 172 amendment, county in the 1990s requested FAA approval to be classified as an FAA Part 150 airport regularly serving large commercial scheduled air carrier service.” ○ Reason 5. Bill Horn, Supervisor for the 5th District in which Palomar is located, in December 2015/2016 stated on the record his desire to extend the Palomar runway to 900 feet and to relocate general aviation aircraft off the terminal to make room for the commercial flights. ○ Reason 6. From 1975 to 2017, county failed to prepare any Palomar CEQA EIRs and engaged in repeated project “piece mealing” to avoid community review. <p>BPR 103 (con’d) Recall that the PEIR says county and the public should judge the PMP</p> |
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| | | | <p>project Alts by 8 criteria. Criteria 8 refers to county eligibility for FAA grants. In our Part B comments on county’s PMP and PEIR, we discuss at great length the FAA AIP Handbook requirements that county must satisfy to received FAA grants. One requirement noted there must be intergovernmental cooperation. In the final PMP and PEIR, discuss the facts noted above and explain why county has often chosen to increase the Palomar Airport capabilities in a manner inconsistent with its CUP 172, Condition 11, promise to Carlsbad and Carlsbad residents to operate Palomar as a general aviation basic transport airport. When responding, understand that we are not in this BPR 103 asking for a county legal analysis. Rather we are asking why county broke its “moral” promise to the people to keep Palomar as a local airport for smaller aircraft and wishes to convert it to a regional airport handling frequent, very large regularly scheduled commercial aircraft.</p> |
| 29 | 1-4 | Enhance Safety, RSA, & EMAS | <p>BPR 104. County says it needs an EMAS to improve Palomar safety. In reality, county wants to avoid a Palomar runway west end FAA runway safety area (RSA) having an FAA required-length of 1000 feet by replacing it with a 350-foot EMAS. Do the math. County wants 650 feet more available for its runway extension. County wants to build a runway extension capacity enhancement project in the guise of a installing an EMAS safety system. How do we know this?</p> <ul style="list-style-type: none"> ○ As footnote 3 notes, the FAA in 2011 exhaustively examined the question of whether C and D aircraft could safely use B-II airports (like Santa Monica) with residences much closer to the runway than at Palomar. Santa Monica even deposed FAA witnesses and a long FAA administrative hearing followed. As did a federal court of appeals review. Both the FAA and court said that B-II airports could safely handle C and D sized aircraft with 300-foot RSAs. To provide a complete “fair and balanced record” for judicial review, county needs to address this issue in its PMP and PEIR. ○ Moreover, the FAA traditionally encourages EMAS systems to improve safety for airports having 300-foot RSAs with NO room to lengthen the RSA. That is not the situation at Palomar. Tomorrow, county could easily move the runway 100 feet |

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| | | | <p>north, keep its 4900 foot length, and provide a 1000-foot RSA on each end. Instead county wants to increase capacity at the expense of safety.</p> <ul style="list-style-type: none"> Moreover, an EMAS reduces the useable length that aircraft LANDING at an EMAS airport have to stop safely because EMAS design requires installation of a “buffer” area between the EMAS and touchdown point for the landing aircraft. Why? An EMAS is designed for aircraft overshooting a runway at about 70 knots. In contrast, C and D aircraft have a landing approach speed of 141 to 166 knots rather than 70 knots. In other words, a C or D aircraft landing in an EMAS would like flip over and cause serious injury or death and environmental harm as aviation fuel poured from the aircraft. To minimize this “EMAS landing problem” the EMAS design calls for creating an artificial landing threshold removed from the EMAS. <p>BPR 104 (con’d). Include the foregoing facts in the final PMP and PEIR and discuss them in the PMP and PEIR.</p> | 175-212 cont. |
| 30 | 1-5 | Capacity & Efficiency Landside | <p>BPR 105. County says “<i>Although the existing terminal and other landside facilities are expected to accommodate much of the potential demand, landside project elements identified in the Master Plan Update would allow for the necessary space and physical changes to further support the Airport’s ability to meet anticipated increase in air transportation service demands, if needed.</i>” The county’s “<i>justification-horse has already left the barn</i>” for these reasons:</p> <ul style="list-style-type: none"> County forecasts up to 208,000 annual operations by 2038, down 30% from the highest Palomar runway use in prior years; County forecasts from 300,000 to 500,000 passengers within 20 years (optimistic numbers the FAA does not yet accept). But 10,000 passenger aircraft flights, each carrying an average load of 50 persons per aircraft, easily handle even the max estimate of 500,000. In other words, Palomar needs only 10,000 out of 208,000 forecasted flights to handle the passengers. When county built its new passenger terminal in the late 2000s, county designed the | 175-213 |

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| | | | <p>building to preserve a patio area between the terminal and the Landings restaurant about 100 feet away. At the time, county said it could simply eliminate the patio (and presumably relocate the restaurant) at the existing passenger terminal site if passenger throughput increased substantially.</p> <ul style="list-style-type: none"> ○ County has forecast perhaps 500 D-III sized flights within 20 years or one half of one percent of its projected 208,000 annual operations. ○ And, county wants to spend in excess of \$100 million to ignore the above “out of the county’s mouth” data. <p>BPR 105 (con’d). In short, Palomar (i) already has substantial excess operational and passenger terminal capacity and (ii) already has planned for an expanded passenger terminal at its existing site with no need to move or extend any runways. Explain in the final PMP and PEIR why the foregoing facts do not show that county can easily increase terminal capacity for increased passenger levels without any 2018-2038 PMP improvements. When answering, recall that even 500,000 annual Palomar Passengers spread over a 15 hour day, results in about 333 passengers per hour.</p> |
| 31 | 1-5 | Project Description | <p>BPR 106. Clarify the Project description to include:</p> <ul style="list-style-type: none"> (i) county’s conversion of Palomar from a B-II airport to a D-III airport; (ii) county construction of at least 16 individual project elements; (iii) construction elements on both the Palomar Airport northwest corner of ECR and PAR and on the northeast corner of ECR and PAR including the navigational aids that must be constructed on the northeast corner (even if by the FAA with FAA monies) in order for county to extend and relocate its runway as county desires;³⁶ and (iv) state whether county needs any non-county property from Carlsbad or a third party to construct its proposed Palomar west runway end massive retaining |

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³⁶ An airport is an integrated unit. It cannot operate without all FAA required facilities including navigational aids. The FAA would not move or install navigational aids if county did not extent and relocate its runway. Nor would the FAA allow county to operate an extended, relocated runway without the navigational aids.

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| | | | <p>walls and/or retaining wall along ECR and PAR, which is needed to extend Taxiway A; and</p> <p>(v) describe all non-construction activities that county may undertake to increase Palomar use by large aircraft and passengers including but not limited to (aa) granting leases for use of Palomar property, (bb) applying for FAA and state grants to finance Palomar improvements, and (cc) adjusting its rate structure to divert aircraft from San Diego International Airport to Palomar.³⁷ If county is unwilling to do this, then state what measures county may undertake by 2038 that county does not consider to be part of its 2018-2038 PMP and PEIR.</p> | ↑ | 175-214 cont. |
| 32 | 1-6 | Glideslope Bldg & Antenna | <p>BPR 106. In the final PMP and PEIR, state whether the Glideslope building and antenna will be on the Palomar Airport northwest ECR & PAR parcel or Palomar northwest ECR and PAR parcel. County is entitled to its opinion and argument as to whether it is staying within the existing airport footprint. It is not entitled to its own facts and must make full disclosures.</p> | ↑ | 175-215 |
| 33 | 1-6 | ARFF Facilities | <p>BPR 107. In the Final PMP and PEIR, state whether all the ARFF facilities will be on the Palomar Airport northwest ECR & PAR parcel or Palomar northwest ECR and PAR parcel. County is entitled to its opinion and argument as to whether it is staying within the existing airport footprint. It is not entitled to its own facts and must make full disclosures.</p> | ↑ | 175-216 |
| 34 | 1-7 | Runway 24 EMAS | <p>BPR 108. County says a Runway 24 EMAS on the west side would be designed to be 350 feet long by 150 feet wide. According to FAA AC 150/5300-13-A, Appendix 7, Table A7-9 entitled Runway design standards matrix, C/D/E – III, the EMAS would replace a standard RSA 1000 feet by 500 feet wide. It is apparent that a C/D aircraft overshooting Runway 24 while traveling down the runway centerline onto the EMAS would have an EMAS width of 75 feet to stop on either side. However, the same aircraft veering off the runway end (50 feet from the centerline) at 70 knots (105 feet per second) would have an EMAS width of only 25 feet to stop it. In contrast, the a 500-foot wide RSA would give that aircraft a 200 foot wide margin to</p> | ↓ | 175-217 |

³⁷ The 2010/2011 SDRAA Regional Airport Strategic Plan (RASP) – which discusses alternative measures that various county airports (including Palomar) can take to increase traffic flow already raised the rate structure issue.

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| | | <p>stop. Provide an expert opinion confirming that an EMAS in this situation performs better than the standard RSA – which seems contrary to the facts. Since Runway 24 ends at a canyon, an ineffective EMAS results in the aircraft plunging into the canyon. We understand from conversations with the FAA Western Pacific Region staff that the county’s December 2016 EMAS planning grant was put on hold. It therefore appears either that (i) county does not have the EMAS expertise to answer this question or (ii) county has proceeded with an EMAS study with its own funds, again prejudging PMP projects before the CEQA work has been completed. When answering this question, identify the EMAS expert assisting the county and provide the expert’s report supporting the county’s answer to this BPR 108.</p> <p>BPR 109. County states that a retaining wall and fill slopes would be constructed on the runway’s west end to support the EMAS, which would be necessary to relocate the service road and localizer antenna. We understand that the massive retaining wall cost would be in the range of \$5 million to \$9 million dollars. In the Final PMP and PEIR explain why the service road relocation cannot be accomplished at a far cheaper cost in lieu of the retaining wall by providing a tunnel under the EMAS supported by proper-drilled displacement columns if need (since there is no landfill issue on the runway west side). State whether county needs to acquire any third party property (in fee or by easement or other property agreement) to build its proposed massive runway west end retaining wall. Explain why consultant is not proposing the runway east end massive retaining wall merely to create an extra 50-feet to 75 feet of land in order to respond to Supervisor Horn’s repeated request that a runway extension be 900 feet, not 800 feet.</p> <p>BPR 110. As county has stated, (i) one criteria for selecting PMP project alts is eligibility for FAA grants and (ii) a new runway west end EMAS would require demolition and or relocation if the runway is moved 123 feet north in the future. In the final PMP and PEIR, state (i) the estimated cost of the runway west end EMAS (exclusive of the retaining wall cost) and (ii) how much if any of this EMAS can be salvaged if the runway is relocated and (iii) explain why the Board of Supervisors and/FAA should pay twice for a safety system at Palomar when Palomar already has substantial excess capacity and no runway relocation is needed.</p> |
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| 35 | 1-7 | 200-Foot East Runway Extension | <p>BPR 111. County says: <i>“The current runway length at CRQ is 4,897 feet. As a near term project, a 200-foot extension of the runway’s eastern end and associated Taxiway A would occur over existing pavement. The conversion to an aircraft movement area requires only the reinforcement of the pavement strength to meet FAA standards”</i> County apparently refers to the existing blast pad at the east runway end. However, the Regional Water Quality Control Board drawings – based on the drawings that county consultants periodically provide as part of the Palomar monitoring program – show the Palomar runway Unit 3 east end landfill approximately bifurcating the blast pad area.³⁸ One of two things is true. Either the entire blast pad is on “solid ground” or substantial portions of the blast pad impinge the landfill. If landfill work is needed, including placing deep pilings, the 200-foot extension cost rises dramatically and environmental impacts (including bringing contaminated materials to the surface) multiply. In the final PMP and PEIR, provide the soil boring information that supports county’s claim that simple pavement strengthening is all that county needs for an east end runway 200-foot extension.</p> <p>BPR 112. Assuming that borings confirm that the runway east end blast pad for the 200-foot extension is itself on solid ground and assuming that an aircraft overshoots the extended runway, about how many feet will the aircraft travel into the sandy/clay east end “Runway Safety Area” before encountering the landfill and its methane gas collection system, which county says is 3 to 7 feet below the surface?</p> <p>BPR 113. County’s consultant Kimley-Horn stated at a Runway Extension Feasibility workshop, that construction work on the runway east end will involve very heavy equipment likely resulting in tearing up or damaging the Unit 3 subsurface plastic methane gas collection system. County does not indicate this work in its summary. Correct your summary for accuracy and completeness. Also, even if the 200-foot extension itself is outside the Unit 3 east end landfill area, explain how county will assure that heavy construction equipment used for the 200-foot extension will not inadvertently tear up the Unit 3- methane gas collection system.</p> |
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³⁸ For the RWQCB drawing, see Attachment ---- to these comments.

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| | | <p>BPR 114. County states: <i>“The 200-foot extension would also require the relocation of the Medium Intensity Approach Lighting System with Runway Alignment Indicator Lights (MALSR) located east of the runway. The MALSR is a system of lights that provide pilots with navigational assistance to the runway. It is estimated that with the runway extension, an additional light foundation would need to be constructed. The additional lighting system would be located on County-owned land that is currently vacant. A portion of this land is designated Open Space. However, the County is not responsible for these additional improvements. The FAA is the owner and responsible agency for this lighting system, and relocation of the lights would be considered a federal action.”</i> In the final PMP and PEIR:</p> <ul style="list-style-type: none"> ○ Admit that the revised MALSR system is needed only because county wants to extend and/or relocate the Palomar runway; ○ Admit that all or a portion of the MALSR system will be on the Airport property on the northeast corner of El Camino Real and Palomar Airport Road and outside the approximately 231 acres of Palomar Airport property on the northwest corner of ECR and PAR; ○ Admit that the FAA would not allow county to operate its proposed extended and/or relocated runway without installation of a revised/new MALSR system outside the current Palomar northwest acreage; ○ Admit that in order for the FAA to install a new or revised MALSR system, the FAA would need to obtain a lease, permit, or other form of real property agreement from county and/or grants with grant conditions that require county to abide by FAA decisions related to the relocated and/or extended runway; ○ Admit that the Palomar Airport property on the northeast corner of ECR and PAR is outside the Carlsbad Conditional Use Permit 172 premises; ○ Provide an estimated cost of the installed new MALSR system. Recall that when seeking FAA grants, the FAA looks at total project costs to assess their reasonableness and to determine if county has properly justified the project in accordance with FAA AIP Handbook criteria. Accordingly, a MALSR cost number should be readily available. |
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| | | | <ul style="list-style-type: none"> ○ If county refuses to unqualifiedly admit the foregoing requests, state the facts that county relies on to reach different conclusions and attach supporting documentation. ○ Describe (i) how much of a MALS system installed on the county northeast corner of ECR and PAR will impact wildlife preserve areas on that corner and (ii) what discussions county staff has had with CDFG and/or USFWL staff regarding these impacts. |
| 36 | 1-8 | Removal of North Aviation Fuel Farm | BPR 115. County states it will be removing the Palomar North Apron 12,000 gallon above ground fuel tanks. In the final PMP and PEIR (i) state whether the tank will be relocated and, if so where, and what risks it presents as an above ground tank of explosion, fire, or leakage; (ii) state whether this tank serves mainly general aviation aircraft; and (iii) state whether county has inspected the tank to determine if it has had any known leaks. |
| 37 | 1-8 | General Aviation Parking | BPR 116. Recalling Supervisor Horn’s statement at the December 2015/2016 Board of Supervisor meeting that he would like to see general aviation aircraft relocated off the Palomar Airport, in the final PMP and PEIR, state (i) how many parking slots Palomar currently allots for general aviation parking, (ii) how far any GA parking slots must be maintained from an extended, relocated runway, and (iii) how many GA parking slots can be accommodated at the reconfigured Palomar modified D-III Standards Compliance airport. When answering, recall that one of the 8 county alternative evaluation criteria looks to the impact of development on existing users. |
| 38 | 1-9 | Relocation and Extension of Runway 06-24 | BPR 117. We incorporate here all our questions from Items 27 through 37 above. [Note: ITEMS, NOT BPR #27 through 37]. In addition, provide the following information in the Final PMP and PEIR for the described runway extension/relocation: <ul style="list-style-type: none"> ○ Approximately how many piling holes will county have to drill through the runway east end Units, 1, 2, and 3 landfills to extend its runway and taxiways 800 feet? ○ Estimate the depth of the piling holes needed in the following categories: (i) < 10 feet, (ii) 10 feet to 20 feet, (iii) 21 feet to 30 feet, (iv) 31 feet to 40 feet, and (v) 41 feet |

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| | | | <p>to 50 feet.</p> <ul style="list-style-type: none"> ○ What diameter pilings will be cast in the holes drilled? ○ Based on the number of pilings, depth, and hole diameter, how many cubic yards of contaminated soil will county bring to the surface when auguring the piling holes? ○ Approximately how many layers of trash now exist from top to bottom of the Unit 3 landfill? ○ How many layers of “garbage juice” (the industry term used for the effluent that gathers as trash naturally decomposes) now exist at the Unit 3 fill? ○ As county drills hundreds of holes to cast piles, what will happen to the many layers of garbage juice? How will county prevent the garbage juice from draining under the landfill bottom into clean soils, especially since the landfill has no bottom liner? ○ What is the direction of the water migration under the Unit 3 landfill and how does it change during the course of the year with seasonal rains? ○ How will county assure that drilling tens of thousands of linear feet of piling holes will not result in contaminating clean soils and the groundwater? ○ How will county assure that drilling tens of thousands of feet of piling holes will not rupture the existing, extensive plastic methane gas collection system? ○ Identify in the technical appendices the specific expert reports – including boring logs to verify needed piling depth – that answer the above questions. ○ Identify the amount of air pollutants and the constituent types that county will create when drilling through the Unit 1, 2, and 3 landfills and – recalling that the San Diego Air Basin is a non-attainment area for certain pollutants – describe the mitigation program that county is accepts to mitigate the air pollution created. ○ Explain whether county airports or county landfill management will be bearing the cost of installing and maintaining and monitoring the pilings needed to support a runway extension. Once airports uses the landfill to create and stabilize its runway, explain why county landfill management and taxpayers should bear any expense for monitoring, maintaining, and remediating Palomar Unit 3 landfill problems. ○ Identify in the technical reports, the specific cost information that allowed county to calculate its PMP cost estimates for its PMP runway extension and relocation including but not limited to: |
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| | | | <ul style="list-style-type: none"> (i) performing diagnostic borings to determine piling lengths and locations to support the runway extension grade beams; (ii) determining the size and location of the Unit 1, 2, and 3 hazardous materials that were created when county had several underground landfill fires in Units 1, 2, and 3; (iii) estimating the amount of contaminated soil that county will have to haul to a properly classified landfill off site and the cost of such removal; (iv) determining the cost, not in 2018 dollars, but the cost in about 15 years of a long term runway extension and relocation; (v) installing a new Unit 1, 2, and 3 methane gas collection system at airport expense; (vi) the “double cost” and/or unamortized cost of moving or modifying the Palomar runway before 2030 (the end of the FAA 20-year grant assurance period starting when county completed the 2009/2010 Palomar runway rehabilitation for which county received about \$ 8.6 million in FAA rehabilitation grants); (vii) the “double cost” of creating and then relocating a Palomar west end EMAS when the runway is relocated; (viii) the operating and maintenance costs for the extended/relocated runway from 2018 to 2038, which the FAA Benefit Cost Analysis Manual requires county to include in its BCA ratio when applying for FAA grants; (ix) the contingency cost that county has allowed to remediate the problems that SCS Engineers identified in its October 2015 report if an aircraft crashes into the Palomar landfill and spills aviation fuel and other hazardous materials through the multiple layers of landfill trash as ARFF firefighting equipment drenches the soil and drives the contaminants deeper, often around virtually inaccessible deep pilings installed to support the runway extension. |
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| | | | <ul style="list-style-type: none"> ○ We understand that county’s relocation of the Palomar runway and taxiways will also raise the issues noted above as to Palomar landfill Units 1 and 2, which currently border the south side of the runway. Answer the questions above as to landfill Units 1 and 2. ○ Include in the Final PMP and PEIR the city of Carlsbad July 25, 2000 report entitled “<i>Evaluation of Acquisition of McClellan-Palomar Airport Report</i>,” which at pages 30-37 reports the long history of county substantive and procedural non-compliance with water quality and air quality problems associated with the Palomar landfills.³⁹ Note: The Carlsbad summary does not discuss the several Palomar underground fires, which occurred in Units 1, 2, and/or 3 in the 2000s after Carlsbad prepared its report. <p>BPR 118. Identify in the final PMP and PEIR whether county has purchased “All Risk” insurance or any other insurance to help fund property damage and clean up costs resulting from an air crash into the Palomar landfills and provide a copy of all “disclosure documents” that county has provided insurers to inform them of the level of risk such insurers are undertaking as to the landfills. Usually, insurance policies exclude risks associated with hazardous materials. However, all risk property insurance policies are sometimes written differently (depending on the premium paid). Explain whether, if county does have such All Risk Property insurance, the insurance includes or excludes Palomar landfill-related risks.</p> <p>BPR 119. Identify in the final PMP and PEIR whether county has begun searching for non-FAA monies to fund the conversion of Palomar from a B-II airport to a D-III airport and to construct the PMP improvements and provide a copy of all “disclosure documents” that county has provided to potential sources of funds to inform them of the level of risk the PMP projects involve. Be sure to inform them of the risks outlined in these PMP and PEIR comments.</p> |
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³⁹ See Attachment --- for a copy of the Carlsbad report.

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| | | | <p>BPR 120. County has said that converting Palomar from a B-II airport to a Modified D-III airport will require county to obtain certain FAA design variances (modifications) including allowing county to have a (i) 362-foot rather than 400 foot runway/ taxiway separation and a 493-foot parking rather than 500-foot runway/aircraft parking area separation. Identify (i) the FAA AIP design manual paragraphs that allow the FAA to make such modifications and (ii) the paragraphs restricting FAA grants to local airport sponsors requesting new facilities without fully complying with FAA design requirements.</p> <p>BPR 121. County has said that the FAA, not county is responsible for maintaining airport lighting needed for a runway extension/relocation. We understand the FAA to say that (i) county is responsible for maintaining airport safety on the ground, (ii) county is responsible for holding the FAA harmless and/or indemnifying the FAA if accidents occur at Palomar on the ground regardless of the cause, and (iii) that county would be jointly and severally liable for Palomar ground accidents caused in part by insufficient lighting. In the Final PMP and PEIR, state the county’s position on these issues, which are relevant to county’s claim that the navigational lights are not part of the county’s PMP project.</p> |
| 39 | 1-10 | Meeting federal grant assurances | <p>BPR 122. County acknowledges at the bottom of p. 1-10 that it is responsible for complying with all FAA airport Grant Assurances to qualify for FAA grants. County specifically acknowledges that: <i>“The airport and all facilities which are necessary to serve the aeronautical users of the airport ... shall be operated at all times in a safe and serviceable condition.”</i> One of the standard FAA Grant Assurances states that local airport sponsors may not use airport property for non-airport purposes without first receiving the written permission of the Secretary of Transportation. Over a 14-year period in the 1960s and 1970s, count dumped about 1 million cubic yards of trash in the Palomar Airport canyons after receiving multiple FAA grants before and during this period. Dumping the trash compromised the then and future Palomar Airport operations for the following reasons:</p> <ul style="list-style-type: none"> (i) Landfills attracted birds near an actively operating runway for 14 years presenting the risk of bird strikes to aircraft; (ii) Landfills naturally subside creating settlement and methane gas problems, |

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| | | | <p>which damage buildings, crack asphalt cover and vent air pollutants into the air, and threaten the groundwater, especially when the landfills are built without a bottom liner – as the three Palomar landfills were;</p> <ul style="list-style-type: none"> (iii) County has had to reduce the rent of various Palomar tenants as a result of the problems noted above losing the county more than a \$ 1 million; (iv) County landfills have created unstable soil drastically escalating the cost of runway extensions and relocations by more than 10-fold (County in 2009 rehabilitated the entire 4900-foot runway with two FAA grants totaling about \$8.6 million and now wants to extend and relocate the runway at a cost exceeding \$70 million; and (v) As set forth in county’s October 2013 SCS Engineers report entitled <i>“Evaluation of Possible Environmental Impacts of a Potential Aircraft Crash into the Landfill Cover at Palomar Airport Landfill, Carlsbad, California.”</i> <p>BPR 122 (con’d). Provide the following information in the Final PMP and PEIR:</p> <ul style="list-style-type: none"> (i) A list of all FAA grants that county received from 1956 to the present; (ii) A list of all FAA grants containing the FAA Grant Assurance that county could not use Palomar Airport property for non-airport uses without first receiving the written consent of the Department of Transportation Secretary; (iii) A copy of all written notices that county provided to the FAA and/or Department of Transportation Secretary asking for permission to use Palomar Airport canyons as a trash dumping site rather than for airport purposes; (iv) A copy of all written responses that county received from the FAA and/or Department of Transportation Secretary giving county permission to use any or all of its Palomar Unit 1, Unit 2, and Unit 3 landfill sites as trash dumps at Palomar Airport; and (v) A copy of all county records from 1960 to the present discussing county eligibility for FAA grants after having used Palomar Airport as an active |
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| | | | <p>trash dumping site for 14 years and as closed methane-emitting landfills thereafter;</p> <ul style="list-style-type: none"> (vi) Explain how county has “operated the airport at all times in a safe and serviceable condition” considering its simultaneous creation and operation of Palomar Airport landfills over an extended period; and (vii) If county failed to timely obtain Department of Transportation Secretary approval for use of Palomar Airport for creation and maintenance of landfills, explain why county is eligible for any FAA AIP grants, which is one of county’s PEIR project evaluation criteria. |
| 40 | 1-11 | Environmental Setting & Baseline | <p>BPR 113. County states, when discussing the environmental setting and citing CEQA Guideline § 15125: “... an EIR must include a description of the existing physical environmental conditions in the vicinity of the Proposed Project to provide a baseline condition against in (sic) which project-related impacts are compared. The baseline shall be the environmental conditions as they existed at the time the NOP was published, which was February 2, 2016 for the Proposed Project.” The February 2, 2016 date may or may not be accurate. In the final PMP and PEIR, clarify the date for the following reasons:</p> <ul style="list-style-type: none"> (i) Usually the data that EIR preparers use lags the EIR preparation date by one to four years; for instance a 2018 EIR might use traffic data, air quality data, noise data (which varies from season to season), demographic data, and/or airport forecasts from 2014; (ii) Moreover, EIR preparers then take the data for the year available and plug it into various regulatory calculation models (such as air quality) and these models may be 5, 10, or 15 years old; (iii) Periodically, the regulatory agencies find faults with their calculation models and update them to reach more reliable results; (iv) When county carries out its future PMP projects, CEQA requires the county to determine if its baselines, as analyzed, is stale and/or whether |

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| | | | <p>new information exists. If the baseline data is stale, county must supplement its PEIR analysis to comply with CEQA.</p> <p>(v) In short, the “baseline date” is a very important date and needs to be accurate.</p> <p>BPR 113 (con’d). Accordingly, in the final PMP an PEIR – for each potential environmental impact analyzed (including but not limited to air quality, biological surveys, traffic studies, water quality studies, hazardous material studies) add a table listing (i) the study that was used to gather the baseline data and identifying the years that the data was gathered, (ii) the name, version, and date of the analytic model that was used to make the necessary calculations, and (iii) the latest law that county was complying with when deriving its data. As an examples of these issues, before the city of Carlsbad completed its 2015 General Plan EIR, the State Air Resources Board and/or Air Quality Management District changed their analytic model thereby affecting whether significant air quality impacts occurred. Similarly, Governor Brown and the California legislature have adopted several measures related to calculation of greenhouse gases. Unless the county final PMP and PEIR provide the requested information, the county’s baseline will be ambiguous and incomplete. Note especially that the foregoing request will aid county and the public in the future when specific PMP projects are considered. When future requests are made, the public and county will have readily at hand from one table the needed baseline information instead of having to fumble through 3400 pages of PMP, PEIR, and technical exhibits.</p> |
| 41 | 1-13 | EIR Intended Uses | <p>BPR 114. In the final PMP and PEIR, advise whether county has discussed with the FAA the question of what NEPA analysis the FAA will require and when in order for (i) county to convert Palomar from a B-II airport to a Modified D-III airport, (ii) county to receive FAA grants for PMP elements, and/or (iii) FAA construction of the navigational aids needed to assure that county runway extensions and/or relocations satisfy all FAA operating requirements. If so, state what the FAA has advised. In answering, please recall that the periodic FAA Agenda items that are prepared when county airports discuss issues at the 8 county airports including Palomar will be reviewed.</p> |

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| 42 | 1-15 | Project consistency with Regional and General Plans | <p>BPR 115. County states: “The Proposed Project was reviewed for consistency with applicable regional and general plans including the County of San Diego General Plan, City of Carlsbad General Plan, ALUC Palomar Plan, Carlsbad Habitat Management Plan, County of San Diego Draft North County Multiple Species Conservation Plan, SANDAG Regional Transportation Plan, and the Regional Aviation Strategic Plan.” However, county does not state whether any inconsistencies were found. Address the following issues in the final PMP and PEIR:</p> <ul style="list-style-type: none"> ○ The County General Plan says it applies to unincorporated areas of the county. County operates 8 airports including Palomar and Gillespie. Palomar and Gillespie are not in unincorporated areas of the county. State in the final PMP and PEIR whether any portions of the County General Plan apply to Palomar and, if so why? If so, identify the County General Plan policies, which affect the evaluation of the PMP project alternatives. Otherwise, it appears that the County General Plan is inconsistent with the PMP. ○ Since at least November 2017, we understand county to say that it has sovereign immunity from the zoning and planning laws of the city of Carlsbad and hence county at Palomar Airport need not comply with any Carlsbad General Plan policies and need not comply with Carlsbad Conditional Use Permit 172 related to Palomar Airport operations, which county applied for and accepted in 1979/1980. State in the final PMP and PEIR whether county intends to ignore Carlsbad General Plan policies and whether the Board of Supervisors concurs in this position. ○ We understand that an FAA-approved Palomar Airport Layout Plan triggers a San Diego Regional Airport Authority, acting as the Airport Land Use Commission (ALUC), update of the 2010/2011 McClellan-Palomar Land Use Compatibility Plan. State in the Final PMP and PEIR: <ul style="list-style-type: none"> • Whether county has an FAA-approved ALP as of March 19, 2018; • If so, the date of the last FA-approved ALP for Palomar; |
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| | | | <ul style="list-style-type: none"> • Whether county has submitted such ALP, if available, to the ALUC for review; • Whether county has reviewed the existing 2010/2011 McClellan-Palomar Land Use Compatibility Plan for compatibility with county’s PMP proposal to (i) convert Palomar from a B-II to a Modified D-III airport and (ii) to undertake the PMP projects; and • Whether the PMP projects, increasing especially the Palomar runway extension and/or relocation, will alter the safety zones and noise zones currently set forth in the ALUC LUCP; and • If such an alteration occurs, what steps the ALUC, county, and/or Carlsbad need to take to assure compatibility. |
| 43 | 1-15 | Forecasted Project Area Projects | <p>BPR 116. County says it has reviewed development project environmental documents within two miles of the airport for potential cumulative environmental impacts as listed in Table 1-4 and Figure 1-7. State in the final PMP and PEIR when this review took place. Was the “cut-off review date the county NOP date of February 2, 2016? If not, what was the date and why was that date chosen?</p> |
| 44 | 1-17 | Economic Growth Promotion | <p>BPR 117. County says <i>“The Proposed Project includes improvements to an existing airport that would not significantly induce economic or population growth. Even with additional air traffic forecasted by 2036, the Airport only expects a modest increase of employees congruent with the natural growth of aviation transportation. The marginal increase in growth would not significantly affect the demand for goods and services within the local environment or within the region.”</i> In contrast, the county 1 hour video presentation at the February 20, 2018 Carlsbad special council meeting suggested significant economic growth as a result of PMP projects. In the Final PMP and PEIR, pick the correct version of the county story. Assuming that the PEIR text is correct, edit the county video to be consistent and avoid showing the video anywhere in the county or to the Board of Supervisors until proper edit changes have been made. Confirm in the final documents what edits county has made to the video.</p> |

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| | | | <p>BPR 118. In its page 1-17 quote related to promotion of economic growth, county refers to the “marginal increase in growth” resulting from PMP projects. Recall that the term “baseline” (discussed in Item 40 above) in CEQA discussions refers to two different statistics. First, it refers to existing baseline environmental conditions for a particular environmental factor assessed at a pre project date certain. For instance, in February 2016 at peak hours the Palomar Airport traffic baseline adjacent to the airport might have been Level of Service (LOS) D. Second, the term baseline also refers to the increase or decrease in the environmental factor over time WITHOUT the CEQA project being analyzed (here the PMP projects). In the Final PMP and PEIR, provide the following information:</p> <ul style="list-style-type: none"> • WITH the PMP projects, county forecasts up to 208,000 annual operations within 20 years and midlevel and max level passengers served of about 300,000 and 500,000. • Cal Jet, which started operations at Palomar in 2017 and California Pacific Airlines, which estimates starting service at Palomar within a few months, each say that they do not need any runway improvements for their operations or to increase passenger service levels. What operational and passenger levels to Cal Jet and California Pacific Airlines predict over the next 20 years? <p>BPR 118 (con’d). Accordingly, provide the increased number of annual operations and increased number of passengers served if the county undertakes NO PROJECT. Those numbers should further confirm that Palomar has substantial existing excess capacity and does (i) not need to be converted from a B-II airport to a D-III airport and (ii) does not need any of the PMP projects, especially at a collective cost of \$100 million+.</p> |
| 45 | 1-18 | Table 1-2 RSA & Object Free | <p>BPR 119. Table 1-2 identifies 3 D-III standards that county will not meet. But county’s text on page 1-9 referring to runway relocation and extension refers to 2 standards not met. Be consistent in the final PMP and PEIR.</p> |
| 46 | 1-19 | Table 1-3 | <p>BPR 120. County states it needs a California Department of Transportation (Caltrans)</p> |

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| | | <p>Project Approval Matrix</p> | <p>Aeronautics Division Permit to extend and/or relocate the Palomar runway. To obtain the permit, county must complete the Aeronautics Division form to represent that the county PMP projects are compatible with the ALUC McClellan-Palomar Land Use Compatibility Plan. In lay language, Aeronautics wants assurance that (i) if the county 2018-2038 PMP increases the size of LUCP noise zones or safety zones, than Carlsbad will either (aa) restrict development in the affected zone (such as the height of buildings allowed) or (bb) accept liability for development within those zones if the planning and zoning is not changed. Yet, county in the Table 1-3 Matrix does not list the ALUC or Carlsbad. Add these to the Final PMP and PEIR.</p> <p>BPR 121. Several California state statutes require county to submit its 2018-2038 Palomar Master Plan to Carlsbad and the ALUC for a determination that the PMP is consistent with the Carlsbad 2015 General Plan (or an action updating the Carlsbad 2015 General Plan to assure consistency) as follows:</p> <ul style="list-style-type: none"> ❖ Government Code § 65402(b) provides: <p style="padding-left: 40px;"><i>“(b) A county shall not ... construct or authorize a public building or structure ... within the corporate limits of a city, if such city ... has adopted a general plan ... and such general plan ... is applicable thereto ... until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof.”</i></p> <ul style="list-style-type: none"> ❖ Public Utilities Code § PUC § 21661.6 provides in relevant part: <p style="padding-left: 40px;"><i>(a) Prior to the acquisition of land or any interest therein ... by any political subdivision for the purpose of expanding or enlarging any existing publicly owned airport, the acquiring entity shall submit a plan of that expansion or enlargement to ... the city council of the city, in which the property proposed to be acquired is located.</i></p> <p style="padding-left: 40px;"><i>(b) The plan shall show in detail the airport-related uses and other uses proposed for the property to be acquired.</i></p> |
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| | | | <p>(c) ... [T]he city council ... shall, upon notice, conduct a public hearing on the plan, and shall thereafter approve or disapprove the plan.</p> <p>(d) Upon approval of the plan, the proposed acquisition of property may begin.</p> <p>(e) The use of property so acquired shall thereafter conform to the approved plan, and any variance from that plan, or changes proposed therein, shall first be approved by ... the city council after a public hearing on the subject of the variance or plan change.</p> <p>(f) The requirements of this section are in addition to any other requirements of law relating to construction or expansion of airports</p> <p>❖ PUC § 21676(c) provides in relevant part:</p> <p style="text-align: center;">* * *</p> <p>(c) Each public agency owning any airport within the boundaries of an airport land use compatibility plan shall, prior to modification of its airport master plan, refer any proposed change to the airport land use commission. If the commission determines that the proposed action is inconsistent with the commission’s plan, the referring agency shall be notified. The public agency may, after a public hearing, propose to overrule the commission by a two-thirds vote of its governing body if it makes specific findings that the proposed action is consistent with the purposes of this article stated in Section 21670. ... (Emphasis added.)</p> <p>BPR 121 (con’d). Summarized, GC § 65402(b) requires the county to obtain Carlsbad council confirmation that the county 2018 -2038 PMP is consistent with the Carlsbad 2015 General Plan and Carlsbad must update its GP if it is not consistent with the county GP. PUC § 21661.6 imposes the same requirement with one precondition. This PUC section is triggered if county needs to acquire a property interest for its PMP projects. As noted earlier in our comments, it appears that to build its massive retaining walls, county may need to acquire property, however small. This is a fact yet to be determined and not conceded by the public. County has the burden of proof of disclosing the facts. County cannot claim no acquisition is needed unless and until it warrants no acquisition is needed and county will amend its PMP if the “facts” change. Finally, PUC § 21676(c) requires county’s Palomar Master Plan to be compatible with the ALUC plan. Since Carlsbad controls the zoning and planning in the areas</p> |
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| | | | <p>around the airport, compatibility is possible only if Carlsbad conforms its 2015 General Plan to the ALUC plan. Recall that the county General Plan applies only to unincorporated areas. Hence, PUC § 21676 can refer only to the Carlsbad General Plan, not a county General Plan.</p> <p><i>BPR 121 (con'd).</i> Specific Request. Explain in the Final PMP and PEIR why state law does not require county, while processing its PMP, to obtain (i) city of Carlsbad concurrence that the county 2018 – 2038 PMP is consistent with the Carlsbad 2015 General Plan and (ii) a Carlsbad update of the 2015 General Plan if the county 2018-2038 PMP is not consistent with it and (iii) both an ALUC and Carlsbad determination of the compatibility of the 2018 – 2038 PMP with the McClellan-Palomar Land Use Compatibility Plan. In responding to BRP 121, recall that our questions refer to what California State law (the Government Code and PUC) require, not what Carlsbad CUP 172 and MC § 21.53.015 require – a separate issue. Advise whether the county considers any of the Carlsbad 2015 General Plan policies applicable to county as mitigation measures that county will incorporate into its PMP projects and, if so, identify the specific language in the PMP and PEIR that adopts these measures as county mitigation for PMP project environmental impacts. Include in the PMP and PEIR, (i) a flow chart showing how county intends to process its PMP and PEIR, (ii) the agencies that count will include in the processing, and (iii) the time frame for such processing.</p> |
| 47 | 1-19 | Table 1-4 Cumulative Projects List | <p>BPR 122. County lists 8 projects including Roberston Ranch in its cumulative projects list. So that we may verify the list accuracy, in the Final PMP and PEIR, state the date the data was gathered and the source. Add this information to Table 1-4. Is the date the NOP date of February 2, 2016? If not, why not? Also, the Robertson Ranch description given is “99 multifamily housing units near ECR and Cannon Road.” The county Robertson Ranch description is NOT accurate. The project includes many individual homes, many multifamily housing units, and a large commercial center, similar to the La Costa development identified. Because the added pollution is in an existing air quality non-attainment area, every addition is by definition significant. Correct the project description and cite the specific pages in the final PMP and PEIR that list the forecasted Robertson Ranch air quality impacts. In the final PMP and PEIR, identify the pages that show (i) the baseline air quality levels before the 2018-2038 PMP is adopted, (ii) the cumulative level of air quality pollutants added by the 8 projects</p> |

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| | | | <p>listed in Table 1-4, (iii) the Palomar Airport air pollutant increases that will occur from Palomar operations for the forecasted 208,000 annual flights and up to 500,000 added passenger movements, (iv) how the foregoing numbers compare to air quality thresholds of significance, and (v) the specific air quality mitigation measures that county has adopted for its PMP projects. Finally, Carlsbad has advised that county omitted from the cumulative projects list several projects that Carlsbad had identified for county, including but not limited to two hotels. In the final PMP and PEIR, state whether Carlsbad is correct and why or why not.</p> |
| 48 | 2-1 to 2-16 | Project Aesthetic Impacts | <p>BPR 123. In its <i>“Regulatory Framework”</i> discussion on p. 2-3, county says applicable laws are the San Diego County General Plan and City of Carlsbad General Plan. But county’s General Plan says it applies to the unincorporated areas of the county, and county in the last three months in discussions with Carlsbad and the public has said it has sovereign immunity from Carlsbad zoning and planning laws. Discuss these issues in the Final PMP and PEIR. If county is saying that county and/or Carlsbad general plan policies apply to the PMP projects, (i) cite the specific pages in the county General Plan that make the county GP policies applicable to airport projects within cities (such as to Palomar in Carlsbad and to Gillespie in El Cajon), (ii) cite the county’s specific commitment to comply with the Carlsbad General Plan policies, and (iii) cite the specific 2018-2038 PMP and PEIR mitigation policies that incorporate the county and Carlsbad general plan policies. In replying to this BPR, recall that county staff does not make policy decisions for the county. Cite the specific Board of Supervisor actions that are support the county’s position.</p> <p>BPR 124. As shown by county’s own photos in Item 22 above, by creating Palomar Airport landfills, county has created a perpetual landscaping eyesore along several thousand feet of Carlsbad Scenic Corridor land. County says that RWQCB and other regulatory agency rules bar county from permanently landscaping the site. Yet, we understand that after several years of litigation among county, the City of San Marcos, and the San Elijo Ranch, Inc.⁴⁰,</p> |

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⁴⁰ The litigation files are large and involved related cases, among others; San Elijo Ranch, Inc. v. County of San Diego, No. 701583 filed in the Superior Court in 1996. We understand that the court upheld city of San Marcos allegations that county had violated various terms of the San Marcos-issued Conditional Use Permit for operation of the landfill.

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| | | <p>county was forced to close a large San Elijo landfill and replace it with grassy areas including soccer fields which are permanently landscaped and irrigated even though over a landfill. In the Final PMP and PEIR, explain why county could permanently landscape the San Elijo over-a-landfill site but not the Palomar site. If our facts are incorrect, please state the facts accurately.</p> <p>BPR 125. County says it cannot permanently place irrigation pipelines on or under the Palomar “landfill” slopes. However, none are required for permanent landscaping. There is a substantial distance between the slope base and the sidewalk. Irrigation piping with rain birds can easily water at least the lower half of the slopes. Moreover, county says that the slopes have a “protective clay cap” [though no bottom liner], which prevents water intrusion. In the Final PMP and PEIR, explain why county can not better plant and water the Palomar slopes to maintain green cover during most of the year.</p> <p>BPR 126. The RWQCB 96-13 order, by incorporating relevant rules, requires county to install Palomar slope landscaping not just to be pretty but to minimize soil erosion problems. Based on the slope photos county has provided, explain why county is not complying with the RWQCB Order 96-13 erosion control measures. Explain (i) whether Palomar airport does sometimes have slope erosion problems, (ii) what efforts county makes to control erosion, and (iii) what mitigation measures county has agreed to reduce and/or compensate for erosion it has allowed.</p> <p>BPR 127. Explain why in the final PMP and PEIR county has not landscaped the Palomar Airport northeast parcel perimeter. Palomar Airport is an integrated unit requiring the west side runway and the east side navigational aids and over flight area. There is no landfill on the northeast corner. Yet county ignores the Carlsbad scenic corridor requirements. Planting landscaping is a standard CEQA mitigation measure to offset on-airport aircraft and auxiliary equipment emissions and off-airport traffic induced air pollution.</p> <p>BPR 128. In the final PMP and PEIR, explain why county cannot install a 10 foot-high landscape wall with a drip irrigation system between the Palomar slope toe and the sidewalk</p> |
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| | | | <p>to provide attractive mitigation. No landfill issues would prevent such a wall.</p> <p>BPR 129. In the 1980s, the Carlsbad Planning Director (Don Neu) sent county a letter imploring county to honor its landscaping promises and install an attractive Palomar landscape feature. In the final PMP and PEIR, list (i) all proposals that county presented to the water quality regulatory agencies to install landscaping along the Palomar perimeter slopes and (ii) all proposals that staff made to the Board of Supervisors to respond to the Carlsbad Planning Director request.</p> <p>BPR 130. In the final PMP and PEIR, state the approximate dimensions of the retaining wall proposed to extend Taxiway A along Palomar Airport Road. Is it 1000 feet long by 50 feet high? Or 3,000 feet long by 100 feet high? Or? At present, county fails to define the size of the obstacle.</p> | 175-231 cont. |
| 49 | 2-2 to 2-48 | Biological Resources | <p>BPR 131. We incorporate here by reference all of our biological related mitigation comments set forth above including in Items 7, 15, 17, 25, and 40 and request the information asked for in the Bender requests detailed in those items.</p> | 175-232 |
| 50 | 2-49 to 2-72 | Hazards & Hazardous Materials | <p>BPR 132. County lists various laws, which sometimes do require discussion of special HM issues. County correctly says (implies) that when certain special hazardous material laws are triggered, extra special CEQA review is required as dictated by applicable special statutes. For instance, if the airport were on a statutorily-declared toxic waste site, various special rules would apply. However, county then seems to imply that no analysis is needed if no special law is triggered. To the contrary, the principles are these:</p> <ul style="list-style-type: none"> • Whether an EIR is to be prepared (already conceded) and what issues must be discussed are determined by the “fair argument” principle set forth in various cases. If a fair argument can be made that a project element has the potential to significantly impact the environment – especially if the public has expressed a concern on that issue – the EIR must discuss the issue. | 175-233 |

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| | | <ul style="list-style-type: none"> • As noted in Item 21 above, CEQA defines a “project” to mean <i>“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. (d) 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.”</i> • The county 2018-2038 says it wants to convert Palomar Airport from the existing FAA-rated B-II [serving comparatively small aircraft (most as small as 12,500 pounds) with slower speeds and lesser fuel-carrying capacity] to an FAA-rated D-III airport [serving larger aircraft (up to 90,000 pounds), with much faster speeds and fuel capacity. In fact, county consultant prepared both the 2018-2038 PMP and predecessor 2013 Palomar Runway Feasibility Study, and county’s stated justification for converting was so that aircraft could fly at 90% fuel loads, not 60% fuel loads, so they could fly internationally. The PMP also proposes relocating the runway and extending it from 4900 feet to 5700 feet with the last approximately 800 feet being directly in the middle of the Runway Safety Area (RSA) at the runway east end. Almost all of this RSA is within the Palomar Unit 3 landfill, which had a 6-month plus underground fire in the 2000s, has had methane gas emissions exceeding the regulatory explosive limit at various time at the landfill monitoring wells, and has had false methane gas reported readings within the last decade as a result of a county consultant failing to properly read data at Palomar and several other county airports – which resulted in the consultant and/or county being fined by the air quality agencies. <p>BPR 132 (con’d). County’s duty is to discuss in the EIR all issues for which a “fair argument” can be made that the issue would concern the public and could potentially involve significant environmental harm. Given the foregoing facts, is Kimley-Horn (and their sub consultants) and county airport staff prepared to tell the Board of Supervisors:</p> |
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| | | | <p>(i) 500,000 passengers that county hopes to serve at Palomar, who may be on a flight overshooting the Palomar east end runway or crashing into the Palomar east end RSA area, should have no safety or environmental concerns arising from county attracting larger, faster, more fuel laden aircraft?</p> <p>(ii) County’s plan to drill several hundred 12 inch to 24 inch diameter holes through the 19 acre, Unit 3, landfill to place pilings will not drain most of the landfill “garbage juice” that has accumulated over the last 40 years to the clean soils below the landfill and to ground waters?</p> <p>(iii) County can simply ignore all the detailed safety and environmental problems that may result from county attracting large, fast, fully fueled aircraft to Unit 3, which county consultant SCS Engineers listed in its October 2015 report, which county fails to analyze in its PEIR?</p> <p>BPR 132 (con’d). The only “Fair Argument” is that the airport conversion, construction, and operation will automatically lead to environmental problems. Accordingly, county has at least three PEIR obligations when replying to these comments in the final PMP and PEIR:</p> <ul style="list-style-type: none"> • First, since county failed to make the public aware of the facts and issues above, county needs to recirculate the PMP and PEIR so that the public generally can comment on the issues above. County was aware of the foregoing issues because we presented them in our detailed EIR SCOPE of Work comments more than a year ago and county chose to ignore them. In other words, the evidence is overwhelming that county’s failure was both intentional and calculated to avoid discussing what may be the most important environmental issue raised by county’s PMP. • Second, in its discussion of project Alts (both as required by CEQA and as required by the federal aviation acts), county must discuss why it would choose any |
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| | | | <p>alternative converting Palomar from a B-II airport.</p> <ul style="list-style-type: none"> Third, county must discuss why the points raised above do not lead to almost assured significant adverse water quality, air quality, and safety impacts. <p>Otherwise, San Diego Grand Jury review may be required.</p> | 175-233 cont. |
| 51 | 2-73 to 2-100 | § 2.4 Noise | <p>BPR 133. In § 2.4, county says “as operator of a public-use airport, the County cannot place restrictions on Airport users.” That language conflicts with certain exemptions allowed by the Airport Noise and Capacity Act (ANCA). County records reveal that starting in the 1970s, county did place noise restrictions on jet aircraft. See, for instance, Tuesday, March 13, 1979, Board of Supervisor “RESOLUTION REVISING RULES AND REGULATIONS FOR COUNTY AIRPORTS. In addition, in 1980 by Carlsbad Conditional Use Permit 172, Condition 11, county agreed to maintain Palomar as a “General Aviation Basic Transport” local airport. See the FAA 2017-2022 NPIAS Report, Appendix C, for the restricted frequency and types of such flights that fall into this category. Accordingly, it appears that county could qualify for an ANCA noise exemption. Discuss in the Final PMP and PEIR (i) the process county would have to follow to qualify for an exemption and (ii) identify all the noise restrictions county imposed at Palomar (and other county airports) from 1970 to the present to make the factual case to the FAA that mandatory noise restrictions could be supported.</p> | 175-234 |
| | 2-75 | Regulatory Setting Carlsbad Noise Standards | <p>BPR 134. County suggests that the City of Carlsbad noise standards would apply. But since November 2017 at PAAC meetings and Carlsbad city council meetings and in the PEIR, county has been saying that it has sovereign immunity from complying with Carlsbad requirements. The county cannot have it both ways. It cannot deny a compliance obligation but than list Carlsbad restrictions as if applicable. Fish or cut bait. Throughout the Final PMP and PEIR, either delete references to allegedly applicable Carlsbad requirements or affirm that county will in fact comply with them. If county says it will not comply, cite the Board of Supervisor decision so saying.</p> | 175-235 |
| | | | <p>BPR 135. County says “The County’s Noise Compatibility Guidelines and Noise Standards are</p> | 175-236 |

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| | | <p><i>presented in Chapter 8 (noise Element) of the County’s General Plan.” But county’s General Plan says it applies only to unincorporated areas of the county and hence not to Palomar Airport or to Gillespie. In the final PMP and PEIR, either confirm that the county General Plan does not apply to Palomar or cite the specific pages and sections of the County GP that say otherwise. Similarly, cite the language in the County of San Diego Noise Ordinance that make its provisions applicable to equipment working within chartered cities.</i></p> <p>BPR 136. In its regulatory requirement section, county does not reference California state requirements as imposed by the court in <i>Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners</i>, 111 Cal.Rptr.2d 598. While it is true that the federal requirement may refer only to CNEL methodology, California courts impose supplemental single noise event analysis requirements. In the final PMP and PEIR, (i) explain what these requirements are, (ii) provide the number of flights that cross over Carlsbad daily as ambient noise to and from San Diego International Airport 29 miles to the south, John Wayne Airport 50 miles to the north, and LAX 100 miles to the north, and (iii) provide the number of added flights that the Palomar B-II to D-III Modified Standards Compliance Alt conversion will generate if Palomar achieves the county forecast of 202,000 annual flights. We understand that Vista’s Mayor and Vista residents have expressed many concerns about changing flight paths and noise over Vista neighborhoods. Explain why this has happened. In part, it appears that the changing flights coincided with the opening of the new, very large Robertson Ranch development on El Camino Real in Carlsbad. Our multiple visits to the Robertson Ranch models revealed few aircraft flights over the development, notwithstanding the loudly playing Marimba music and soothing, loud “water feature” noises from the Robertson Ranch model backyard hardscape. Disclose all notices that county personnel received from Carlsbad or county to keep air traffic away from the Robertson Ranch development while sales were in progress.</p> <p>BPR 137. Accurate Palomar Airport related noise calculations depend on (i) the number of aircraft operations handled annually, (ii) the noise generated from the aircraft and auxiliary aircraft assist equipment in the air and on the ground, (iii) the number of passengers served and hence the number of vehicle trips generated to and from the airport, and (iv) during the PMP project phases, the type, characteristics, and duration of construction equipment used.</p> |
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| | | <p>The data that county has provided to date related to the number of passengers and people using Palomar is incomplete and/or confusing for the following reasons:</p> <ul style="list-style-type: none"> ○ County forecasts a future, annual “enplaned” air carrier passenger level of 500,000. “Enplaned” is defined as passengers “boarding” an aircraft. But passengers at all airports both embark and disembark. When county says that Palomar will in the future serve 500,000 annual air carrier passengers, does county mean 500,000 total or 1 million total (including passengers leaving on departing flights and arriving on arrival flights)? ○ It became clear at the January 2018 meetings of the Palomar Airport Advisory Committee Monthly Performance Report (MPR) Subcommittee that county does not report the total number of persons working at and using Palomar. County concedes that the term “passenger” refers simply to fare-paying persons on regularly scheduled commercial air carriers. From the MPR meetings, it appears that county does not report the number of people the (i) 10,000 plus corporate jet flights annually carry, (ii) the number of persons the 100,000 plus people small aircraft carry, (iii) the number of people flown by helicopter, and (iv) the number of persons carried on charter flights. Collectively, it seems like this number could easily be 100,000 to 200,000 in addition to the 500,000 (1 million?) regular fare paying air carrier passengers. Similarly, it does not appear that county captures all the Palomar Airport service provider trips. For instance, county has said that one PMP project is to remove the aboveground 12,000 gallon fuel tank on the airport north side and suggests that airport fuel needs can simply continue with fewer fuel tanks but more frequent fuel deliveries to the airport. Moreover, MPR members suggested at the MPR meetings that county did not capture the noted information. The omitted information is relevant both to traffic congestion issues and to the added noise that vehicles attracted to Palomar add to the community. <p>BPR 137 (con’d). In the final PMP and PEIR, discuss the foregoing issues. Explain (i) what mechanisms county currently uses to capture total person trips to and from Palomar, (2) what</p> |
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| | 2-78 | § 2.4.2 Project Effects Analysis | <p>number of persons county used in its existing airport noise studies discussing Palomar-related vehicle trips, (iii) county’s revised estimate as to what the number should be and how county calculated it, (iv) the added noise associated with the added vehicle trips and (v) what changes county will make in its current procedures to assure that it more accurately captures and reports the total persons using Palomar and their associated vehicle trips. Based on the info above, it appears that the noise, traffic, and air quality data that county has used in its PEIR undercounts the persons causing the impacts by 20% to 40%. Hence, the data county has provided to date is unreliable.</p> <p>BPR 138. County says: <i>“The analysis in this PEIR includes a comparison of the proposed Project’s potential aviation noise impact associated with increased commercial air service activity in existing (2016) conditions, and future (2036) conditions. The County has no discretion or enforcement over non-commercial aviation activity, so the noise impact analysis does not include anticipated growth of non-commercial aircraft growth over the planning period.”</i> The language confuses us for these reasons:</p> <ul style="list-style-type: none"> ○ Time Frame. It now appears that the new county 20-year PMP might be in effect from July 2018 to June 2038. Considering all the PMP and PEIR studies and county staff time, county is apparently spending \$2 million to \$3 million for an 18-year study, not a 20-year study. Either update the data to include 20 years of data or correct the PMP effective dates to be 2018 to 2036. ○ Baseline. Recall that the CEQA term “baseline” requires county to apply two concepts. First, disclose how future Palomar noise compares to the 2016 noise baseline condition today if the PMP projects are implemented. Second, disclose how future Palomar noise with PMP project implementation compares to future Palomar noise without the PMP projects. An example may help. Using an arbitrary scale, assume the Palomar 2016 existing noise level at Lowe’s across the street from Palomar is 65 CNEL. Assume that Palomar remained a B-II airport and no PMP projects were implemented but that Palomar air traffic continued to increase resulting in the Lowe’s noise level increasing to 67 decibels in 2036 (2038?). |
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| | | | <p>In contrast, assume county converts Palomar from a B-II airport to a Modified D-III Standards Compliance Alt airport and the Lowe’s noise level increases to 69 decibels. County than provides the data to compare how the Lowe’s noise data changed with and without the PMP projects. Assure the Final PMP and PEIR discusses both concepts.</p> <ul style="list-style-type: none"> ○ We do not understand county’s statement <i>“The County has no discretion or enforcement over non-commercial aviation activity, so the noise impact analysis does not include anticipated growth of non-commercial aircraft growth over the planning period.”</i> Discuss in the Final PMP and PEIR what does “non-commercial” aircraft growth mean? If Palomar doubles its corporate flights – in part as a result of expanding FBOs serving corporate flights – are the corporate flights commercial or non-commercial? If county classifies them as non-commercial, why would county have no control since county leases land to the FBOs to service the corporate aircraft? Also, whether county controls the Palomar GA flights or not, those flights create noise, which is part of the ambient noise the community hears. In short, county must count all noise from all Palomar sources. ○ Moreover, explain why the “control” issue is relevant. County must do its best to forecast future Palomar levels induced by lengthening its runway. One Palomar Runway Feasibility workshop participant within the air industry stated that once any airport increases its runway length beyond 5,000 feet, more aircraft will use the airport. The question is not can county control it but rather what noise levels will community members likely hear as a result of county converting a B-II Airport to a Modified D-III airport. ○ In the quoted language above, is county really saying (i) we are giving you the county PMP and PEIR noise report but (ii) we really can’t tell you what the noise levels will be? We (county) only analyze pieces of the puzzle. If county is not saying that, explain how relevant the county reported levels are if they are incomplete. |
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| 2-79 to 2-81 | § 2.4.2.1 Noise Sensitive Land Uses | <p>BPR 139. County says “<i>Noise-sensitive land uses (NSLUs) are any residence, hospital, school, hotel, resort, or similar facility where quiet is an important attribute of the environment. Currently, no NSLUs exist on the Proposed Project site ... therefore, no noise exposure impacts would occur to on-site NSLUs.</i>” The Palomar Airport “Landings” Restaurant, which daily serves breakfast, lunch, and dinner and includes an open-air patio eating area as part of the restaurant sits about 600 feet from the existing and future Palomar runway. Also, San Marcos Mayor Jim Desmond – in his written 2016/2017 PEIR scoping comments to county noted that about 1100 San Marcos mobile home units sit within one to three miles of the runway east side. In other words, a D- III aircraft taking off to the east or landing from the east approaching Palomar at 140 knots flies over many mobile homes about one minute before touching down at Palomar. Prefabricated mobile home units have notoriously porous construction and are especially subject to noise impacts. At the November 2017 PAAC meeting, one SM mobile home owner spoke to complain about existing noise and soot cased to his home by Palomar flights. As Mayor Desmond (who is said to be one of the leading candidates for the Board of Supervisor 5th District seat to replace “termed-out” Supervisor Bill Horn) notes, since county wishes to add 800-feet the new Palomar “glide slope” will likely result in such aircraft flying over the mobile homes at a lower altitude. Discuss all the foregoing issues in the final PMP and PEIR.</p> |
| 2-83 | § 2.4.2.3 Construction Activities | <p>BPR 140. County again says that county’s noise ordinance would limit PMP project nighttime construction noise. This issue is especially important because county has substantial incentives to operate Palomar Airport during the day and perform as much construction work at night to keep the airport open while the runway is extended 800 feet over hundreds of deep pilings. In the final PMP and PEIR, cite the noise ordinance provisions that make it applicable to county activities within Carlsbad, a charter city. Recall that the county General Plan seems to refer to county GP policies as applying within unincorporated areas but not within cities. Also, county has previously said that California law reciprocally exempts cities from complying with county law and county from complying with city laws. Discuss these issues in the Final PMP and PEIR. Describe the night time violation penalties that mandatorily apply, cite the specific county noise ordinance page that makes them applicable, and provide the contact information (name, title, phone, email) of the county division that will</p> |

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| | <p>2.83 to 2.84</p> | <p>§2.4.2.4 Ground-borne Vibration and Its Overlap with Hazardous Material Issues in Item 23 Above</p> <p>Other Noise Issues Not Sufficiently Covered by County</p> | <p>immediately respond to a community noise concern arising from Palomar nighttime construction. Also, construction contracts frequently provide for higher worker pay for hours worked other than daytime hours. In the final PMP and PEIR state whether county’s PMP project cost estimates include higher labor rates for night-time hours. If not, recalculate the project cost to include higher labor rates.</p> <p>BPR 141. As county recognizes, construction work can cause significant ground-borne vibration. This is especially true when a project involves either battering hundreds of long pilings into the ground or drilling hundreds of piling holes. In the final PMP and PEIR, discuss how much ground-borne vibration will result at Palomar from the runway extension work. Assure the discussion includes both noise and hazardous materials issues. For instance, will the county’s sustained drilling of tens of thousands of linear feet of piling through the 19 acre Unit 3 Palomar runway east end trash cause the “garbage juice” (which has been accumulating for decades) to migrate to clean soils below the fill and/or off the Palomar terminal? When answering this concern, cite the specific studies at Palomar that county relies on for its conclusions.</p> <p>BPR 142. As a member of the PAAC MBR subcommittee, I understand that as a result of an FAA Part 150 noise study, county entered into Noise Agreement with the FAA and community in the mid 2000s requiring county to implement and maintain certain noise measures. One requirement was that county maintain a VNAP (Voluntary Noise Abatement Program) to discourage aircraft from certain activities, such as night time flights. Another requirement was that county install and continuously maintain a certain number of properly calibrated noise monitors on and near the airport. We understand that in the roughly 14 years the VNAP program has been in effect, few written “warnings” have been provided to VNAP “violators.” We also understand that (i) county has failed to continuously maintain the appropriate number of FAA-County Part 150 Noise Agreement monitors and (ii) as to the insufficient number in service, failed to continuously calibrate them. In the Final PMP and PEIR, provide the following information:</p> <ul style="list-style-type: none"> ○ List each of the FAA-County Noise Agreement requirements; |
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| | | | <ul style="list-style-type: none"> ○ For each year since the Agreement was implemented, state the months in which county was and was not in compliance; ○ Explain why county was out of compliance and – since facts show that county has (i) frequently violated RWQCB Order No. 96-13 and the FAA-County Part 150 agreement and (ii) said it need not abide by Carlsbad zoning and planning provisions and (iii) apparently applies its county GP to only the unincorporated areas of the county, explain why the public should believe that county will finalize and/or abide by the mitigation conditions that the Final PMP and PEIR references including noise mitigation measures. <p>BPR 143. When referring to measuring noise levels, county sometimes refers to an 8-hour averaging. If county undertakes Palomar runway extension construction, what are the applicable “night time” hours that apply and how does the 8-hour averaging work? For instance, assume county drills 30-foot deep piling holes on the runway east end from 6 p.m. to 6 a.m. What portion of this time is the restricted period subject to a penalty of some type? Cite the portions of the relevant ordinance or other applicable rule that explains the county answer. If nighttime refers to from 7 p.m. to 6 a.m., how does the 8- hour averaging rule apply? The noted time frame is 11 hours. If county records and averages the first 8 hours, the averaging makes sense. But how does county calculate the average for the hours from 3 a.m. to 6 a.m.? Does county record the actual 3 hours and then assign 0s for the 5 non-existent hours in order to achieve an 8-hour averaging?</p> <p>BPR 144. As noted above, the Vista Mayor and Vista residents have complained to the county and to the FAA about increased flights and noise over the south Vista community. In the Final PMP and PEIR, explain whether county has any mobile noise monitors (perhaps required by the above-noted 150 FAA-county Agreement) and whether a Vista (or other community resident) may require the county to perform noise monitoring in their neighborhoods.</p> <p>BPR 145. As Mr. Graham Thorley has reported on his website savecarlsbad.com – which has reported on Palomar Airport noise issues for about two years – the federal government</p> | |
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| | | | <p>recognizes on the Whitehouse.gov website that for each community noise complaint, about 26 additional noise complaints go unreported. Include this information in the final PMP and PEIR.</p> | 175-245 cont. |
| 52 | 2-101 to 2-132 | Transportation & Traffic | <p>BRP 146. Unfortunately, before commenting on county’s specific transportation points, a troubling issue needs to be addressed. Various times, county bases its analysis on the San Diego Association of Government (SANDAG) models. [See for instance p. 2-113 referencing the “SANDAG Series 13 Model forecast.] But SANDAG has been criticized since 2004 on several unrelated projects for providing inaccurate data to the public. In February 2017, the Voice of San Diego reported that SANDAG approved an investigation into its forecasting scandal, which resulted in SANDAG misleading voters and overestimating revenues projected to be received in voters approved Ballot Measure A.⁴¹ The VOSD article said: “The investigation will attempt to determine who in the agency knew its forecasts were wildly overestimating how much revenue an existing sales tax, and another proposed one, would generate for regional transportation projects – and when they knew it.” Six months later, the VOSD reported in an aptly named article “SANDAG Misled Voters on 2004 Tax Measure, Showing Pattern of Deception Goes Back at Least 13 years.”⁴² Just a few of the allegations against SANDAG included:</p> <ul style="list-style-type: none"> • Its revenue projections were off by 10% or \$1.3 billion dollars and the tax measure approved by voters after SANDAG’s bad info is on a pace that will bring in \$5 billion less than the projected 14 billion; • SANDAG members knew of the errors before the election but failed to correct them so that voters acted on incorrect information; and • SANDAG hid certain data sought by public records request on a hidden email server.⁴³ | 175-246 |

⁴¹ See Andrew Keatts, “SANDAG approves Investigation Into Forecasting Scandal,” February 24, 2017.

⁴² See the above named July 11, 2017 Andrew Keatts article.

⁴³ See also the YouTube Video at <https://www.youtube.com/watch?v=pGDvzDm2W0Q> from ABC News entitled “Regaining San Diego’s Trust in SANDAG.”

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| | | | <p>BPR 146 (con'd). Recall that the county PMP and PEIR traffic study determines whether a significant airport traffic impact has occurred by determining if there has been a 0.02 ICU (Intersection Capacity Use) increase. In other words, the SANDAG level of inaccuracy in its other forecasts dwarfs the level of change that the county PMP project traffic analysis is trying to isolate. For the foregoing reasons, in the final PMP and PEIR, provide the following information: (i) list all the SANDAG traffic models and model analysis relied on in the PMP and PEIR, (ii) identify the consultant who developed and applied the models to the PMP projects, (iii) advise whether county or its traffic consultants made any effort to verify the accuracy of the SANDAG traffic models used, (iv) explain whether SANDAG – when greatly misestimating tax revenues – needed to apply its traffic models to tax rates (as is presumably needed), and (v) explain why the SANDAG traffic model analysis should be deemed accurate if the forecasted tax revenues (which depended on the traffic estimates) were unreliable. Also, if county cannot provably support the accuracy of the SANDAG traffic models, explain what non SANDAG models are available and provide a new reliable analysis using the non-SANDAG models.</p> <p>BPR 147. Accurate Palomar Airport related traffic calculations depend on (i) the number of aircraft operations handled annually, (ii) the traffic generated from the aircraft and auxiliary aircraft assist equipment used in the air and on the ground, (iii) the number of passengers served and hence the number of vehicle trips generated to and from the airport, and (iv) during the PMP project phases, the type, characteristics, and duration of construction equipment used. The data that county has provided to date related to the number of passengers and people using Palomar is incomplete and/or confusing for the following reasons:</p> <ul style="list-style-type: none"> ○ County forecasts a future, annual “enplaned” air carrier passenger level of 500,000. “Enplaned” is defined as passengers “boarding” an aircraft. But passengers at all airports both embark and disembark. When county says that Palomar will in the future serve 500,000 annual passengers, does county mean 500,000 total or 1 million total (including passengers leaving on departing flights and arriving on arrival flights)? |
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| | 2-104 | §2.5.2.3 LOS THRES- | <p>○ It became clear at the January 2018 meetings of the Palomar Airport Advisory Committee Monthly Performance Report (MPR) Subcommittee that county does not report the total number of persons working at and using Palomar. County concedes that the term “passenger” refers simply to fare-paying persons on regularly scheduled commercial air carriers. From the MPR meetings, it appears that county does not report the number of people the (i) 10,000 plus corporate jet flights annually carry, (ii) the number of persons the 100,000 plus people small aircraft carry, (iii) the number of people flown by helicopter, and (iv) the number of persons carried on charter flights. Collectively, it seems like this number could easily be 100,000 to,000 in addition to the 500,000 (1 million?) regular fare paying air carrier passengers. Similarly, it does not appear that county captures all the Palomar Airport service provider trips. For instance, county has said that one PMP project is to remove the aboveground 12,000-gallon fuel tank on the airport north side and suggests that airport fuel needs can simply continue with fewer fuel tanks but more frequent fuel deliveries to the airport. Moreover, MPR members suggested at the MPR meetings that count did not capture the noted information. The omitted information is relevant to traffic congestion. In short, it appears that the “passenger/people” numbers that the PMP uses could be off by 40%.</p> <p>BPR 147 (con’d). In the final PMP and PEIR, discuss the foregoing issues. Explain (i) what mechanisms county currently uses to capture total person trips to and from Palomar, (2) what number of persons county used in its existing airport studies discussing Palomar-related vehicle trips, (iii) county’s revised estimate as to what the number should be and how county calculated it, (iv) the added traffic associated with the added vehicle trips and (v) what changes county will make in its current procedures to assure that it more accurately captures and reports the total persons using Palomar and their associated vehicle trips.</p> <p>BPR 148. County says: <i>“For intersections analyzed under the ICU methodology that are currently operating worse than LOS D a project impact will be considered significant if the project causes the ICU value at an intersection to increase by more than 0.02. For street</i></p> |
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| | 2-105 | <p>HOLDS</p> <p>§ 2.5.2.4 Vehicle Miles Traveled</p> | <p><i>segments which are currently operating worse than LOS D, a project impact will be considered significant if the project causes the V/C at a segment to increase by more than 0.02. For intersections analyzed under the Highway Capacity Manual methodology (for long-term conditions) that are currently operating worse than LOS D, a project impact will be considered significant if the project causes the delay at an intersection to increase more than 2.0 seconds. County’s documents must talk to the public, not float above their heads. The first two thirds of the quote above are gobbleygook. Only the last third, which talks about PMP projects increasing traffic delays by 2 seconds makes sense. In the Final PMP and PFEIR, explain what an increase in an “ICU value at an intersection by more than 0.02” means and what “a project segment causing more than a V/C increase of more than 0.02” means. We’re guessing that the county language confuses the PAAC and Board of Supervisor members as much as the public. Should we try asking the PAAC members at the next PAAC meeting to translate the county PMP traffic language?</i></p> <p>BPR 149. County notes that Governor Brown signed into law Senate Bill 743, which creates new traffic analysis methodology not yet in place because regulations are still being drafted. We have noted throughout our PMP and PEIR comments that:</p> <ul style="list-style-type: none"> (i) County has a 40-year history of issuing categorical exemptions and claiming that a de minimis prior county CEQA environmental analysis previously analyzed a Palomar CAT X project; (ii) County will likely continue its past practice and use its new Final PMP and PEIR to claim that individual PMP projects were analyzed when they in fact were not or when the environmental setting and/or facts and/or analytic methodologies have changed; and (iii) For the foregoing reasons, county has an obligation in its final PMP and Programmatic EIR to provide a detailed table listing (i) which, if any of its 16 listed PMP project elements have been analyzed at a project level in its Programmatic EIR, (ii) the individual environmental impact areas analyzed |
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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

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| | 2-105 | | <p>(aesthetics, air quality, biological, noise, traffic, water quality, etc), and (iii) the dates, sources, and analytical info use;</p> <p>(iv) Only with the foregoing information provided will county avoid expensive challenges to future PMP project CEQA environmental findings.</p> <p>Accordingly, provide the needed specifics [such as the well-done Governor Brown SB 743 reference above], in the final PMP and PEIR in a new chapter so that it will not be necessary for county staff, county consultants, or the public to search 3400+ pages of the PEIR in the future when individual PMP projects are carried out. County’s approach of “burying” the relevant data throughout the document simply escalates county costs. We note for example that county accounting and financial records for the last several years of Palomar operation suggest county has been operating Palomar Airport at a substantial loss and PAAC members periodically say at the monthly meetings that Palomar has a limited budget to provide the public more noise info or noise monitoring. Accepting our recommendation will both materially reduce county future environmental costs and more reliably inform the public of CEQA requirements.</p> <p>BPR 150. The Study Scenarios again reference the confusing term “enplanements” as “departing passengers.” See our comments in BPR 99. In the Final PMP and PEIR, clarify the terms and state whether an estimated “500,000” Palomar “enplanements” means 500,000 total annually (“departing” only) or 1 million (“departing” and “arriving” passengers). Also, as noted in BPR 116, confirm in the Final PMP and PEIR that county is amending its Study Scenario analysis to include all persons using vehicles at Palomar including but not limited to the air carrier enplanements; persons arriving and leaving Palomar by corporate aircraft, small aircraft, helicopter, charter flights; all on-airport employees and consultants; all service providers including the frequent fuel deliveries; all tenant and tenant service providers. State the total number of such persons included in the Final PMP and PEIR and the total number that county included in its initial analysis so that the public may know the size of the discrepancy.</p> |
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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

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| | | <p>BPR 151. Unfortunately, the Study Scenarios confuse the PMP and PEIR terminology further. Throughout its documents, county refers to the PMP projects as short term (Years 0-7), interim term (Years 8-12), and long term (13-20). The Study Scenario says that scenarios analyzed include “Near-term Conditions (i.e. existing + cumulative 2020)” and “Near-Term Conditions Plus Project” and “Long-Term Conditions 2036.” County has hopelessly confused the PEIR analysis with the PMP defined project times. Note the following:</p> <ul style="list-style-type: none"> • The Board of Supervisor won’t even approve the PMP and certify the PEIR until mid or late 2018. For all the reasons set forth in all of our comments, implementation of the PMP will likely be substantially delayed due to (i) the need for the county to properly process its PMP in accordance with its General Plan since county has suggested it intends to withdraw from any current Carlsbad regulation requirements; (ii) the FAA is unlikely to fund a county runway extension or relocation, especially since the FAA has already required county’s PMP to use aircraft traffic forecasts far more conservative than the optimistic ones county also provides; and (iii) new air carriers at Palomar continue to have substantial issues. • Providing a “short-term” traffic analysis for two years (2019 and 2020) is meaningless when the period does not conform to the PMP-stated project implementation timeframe. • Providing a “long-term” analysis ending in 2036 (an 18 year time period, not the alleged 20-year time period) both fails to conform to the specified project requirements and raises the questions: Why is county paying \$2 million to \$3 million for its combined Palomar reports (including enormous county staff time)? And how does county carry out Palomar projects in 2027 and 2038 when it then has no properly approved PMP? <p>BPR 151 (con’d). In the Final PMP and PEIR, discuss the foregoing issues and explain why county is not providing interim and long term traffic studies conforming to the PMP project definitions and methodology.</p> |
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| | 2-105 to 2-108 | §2.5.2.6 Regulatory Setting | <p>BPR 152. Disclose in the final PMP and PEIR whether county received FAA grants to aid county in preparing its PMP and/or PEIR. Our recollection is that when county applied for its 2011-2013 Palomar Runway Feasibility Study grant – on which the 2018-2038 PMP is built – the FAA advised county that county did not qualify for an FAA grant because county had not followed the FAA consultant selection process. We understand that the consultant preparing the Palomar Runway Feasibility Study, with or without the use of sub consultants, prepared much of the 2018 -2038 PMP and PEIR. IF our recollection is correct, the county withdrew its request for the FAA Runway Feasibility Grant after receiving the FAA letter. We will be using the requested information in part in our report to the Department of Transportation Inspector General, who is charged under the federal Improper Payments Elimination and Recovery Act (enacted in 2010, as modified in 2012 and 2015) with determining whether the FAA has made proper grants to airports. Recall that county lists 8 PMP and PEIR project alternative selection criteria including eligibility for FAA grants. We wish to verify that county has complied with all FAA grant requirements and/or that county has used consultants not hired in accordance with FAA grant requirements.</p> <p>BPR 153. County refers to the Carlsbad General Plan and Growth Management Plan as applicable. Yet in late 2017 and early 2018 and in it 2018-2038 PMP and PEIR county seems to assert that it has sovereign immunity from Carlsbad zoning and planning laws and does not intend to comply with them. Similarly, county seems to suggest that it is not obligated under California Government Code § 65402(b) to obtain a determination from the Carlsbad city council that the county 2018 -2038 PMP plan of (1) converting Palomar from a B-II airport to a Modified D-III airport and (2) relocating its runway and extending it by 800 feet is either consistent with the Carlsbad 2015 General Plan or requires an update of the Carlsbad 2015 General Plan. County needs to fish or cut bait. County cannot on the one hand say that its 2018 – 2038 PMP and PMP projects will be implemented in accordance with Carlsbad General Plan requirements and then say county chooses not to follow such requirements whenever it wishes over the next 20 years. In the final PMP and PEIR either confirm that county will be abiding by all Carlsbad General Plan policies or have the county Board of Supervisors confirm that county will not be complying with such policies and county will</p> |
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| | 2-107 | § 2.5.3 Project Impact Significance | <p>instead adopt county General Plan policies (which currently seem to apply to only unincorporated areas of the county) in compliance with all Government Code processing and substantive requirements. Under county’s current announced policy, it owns and operates an airport impacting several hundred thousand residents as an “unregulated island.”</p> <p>BPR 154. County says that one PMP project event triggering a significant traffic impact is a change that would “<i>result in inadequate emergency access.</i>” Discuss the following facts and resulting safety and environmental problems in the Final PMP and PEIR:</p> <ul style="list-style-type: none"> • County must maintain at Palomar sufficient ARFF (Airport Rescue and Fire Fighting Equipment) to put out an aviation fire resulting from an aircraft overshooting the Palomar runway, landing short of the runway, or crashing into the Runway Safety Area (RSA) at the end of the runway. • The FAA requires larger and heavier ARFF vehicles to fight fires caused by FAA-rated C and D aircraft weighing as much as 90,000 pounds and carrying up to 4,000 gallons of highly volatile aviation fuel, as contrasted with the ARFF vehicles needed to fight fires from FAA-rated aircraft rated A (about 12,500 pounds and carrying a few hundred gallons of less volatile fuel). • Palomar FAA-rated A aircraft operations comprise more than 80% of Palomar’s current 155,000 annual operations in each of the last 10 years. • County’s announced-PMP-purpose is to increase Palomar passenger traffic from the few thousand served in 2016 and 2017 to as much as 500,000 annually in the future to be carried on aircraft carrying up to 80 passengers per aircraft rather than on aircraft carrying up to 30 passengers. • Palomar now has a service road around its 4900-foot runway, which either avoids or is only partially within the runway east end 19 acre Unit 3 landfill, which has an extensive system of plastic methane collection piping about 3 feet |
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| | | <p>2-108 2-110</p> <p>§ 2.5.4.1 Circulation to System Performance & Congestion Management Program</p> | <p>to 7 feet below the surface.</p> <ul style="list-style-type: none"> County’s 2018 -2038 PMP includes projects (i) to extend the runway from 4900 feet to 5700 feet, (ii) to relocate the runway service road around the newly extended runway, and (iii) to place the relocated service road, which will provide access to emergency service vehicles, in the middle of the Palomar runway 19 acre Unit 3 landfill will subsurface methane-gas collection system. ARFF vehicles fighting a downed aircraft fire will have to pour hundreds, perhaps thousands, of gallons of water and fire fighting chemicals on the down aircraft and surrounding areas. <p>BPR 154 (con’d). In the final PMP and PEIR, assess how the foregoing facts will impact the county’s ability to timely and successfully protect the 500,000 new passengers county seeks to attract to Palomar on the larger, faster, more fuel-laden aircraft that are more likely to burst into flames in a Palomar crash due to their weight, speed, and fuel volatility. When discussing these issues, discuss the facts and opinions set forth by county’s own consultant SCS Engineers in its October 2013 report entitled <i>“Evaluation of Possible Environmental Impacts of a Potential -Aircraft Crash into the Landfill Cover at Palomar-Airport Landfill, Carlsbad, California.”</i> When answering, please recall that the FAA says that responsibility for safety on the ground at an airport remains with the airport.</p> <p>BPR 155. See our comments above asking how county can continuously refer to a regulatory program including Carlsbad General Plan elements when county says it need not comply with Carlsbad requirements. County again refers, when discussing traffic circulation and congestion management, to applying provisions from the Carlsbad General Plan. In the final PMP and PEIR, the Board of Supervisors needs to either affirm voluntary compliance with Carlsbad requirements or process its 2018-2038 PMP and PEIR in accordance with state law procedural and substantive requirements so that county has adopted County General Plan policies meeting all state obligations so that Palomar does not remain an unregulated airport in “No Man’s Land” – no subject to Carlsbad planning and zoning and not subject to county</p> | <p>175-253 cont.</p> <p>175-254</p> <p>175-255</p> |
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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

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| <p>2-109</p> | <p>Existing + Project Conditions Analysis</p> | <p>planning and zoning covering only unincorporated areas. Alternatively, county needs to acknowledge that pursuant to the State Government Code, including GC § 65402(b), the Carlsbad General Plan and its policies bind county to comply at Palomar Airport and obligate Carlsbad to update its 2015 Carlsbad General Plan to the extent that county’s 2018-2038 PMP results in inconsistencies with the Carlsbad GP. Unless and until the foregoing occurs, county’s circulation and congestion management analysis has no merit. State in the final PMP and PEIR exactly which option county will pursue when processing its PMP and PEIR.</p> <p>BPR 156. In its “Existing + Project Conditions”, county discusses Intersections and says: “... [S]everal intersections are calculated to continue operating at LOS E or F [i.e. near gridlock] undr both PAL 1 and PAL 2 enplanement scenarios. However based on the City of Carlsbad thresholds, no intersection impacts would occur since the Proposed Project contribution does not exceed an increase of 0.02 ICU.” In the Final PMP and PEIR (i) rewrite the above traffic language to make it understandable to a lay reader, (ii) revise the data as discussed above to include traffic trips for all Palomar users including users of corporate, personal, and chartered aircraft, (iii) address the “county compliance” with the Carlsbad GP issue, and (iv) explain how Palomar Airport generated traffic does not further increase traffic delay times on a gridlocked street.</p> |
| <p>2-111</p> | <p>§ 2.5.4.5</p> | <p>BPR 157. County says: “<i>The Proposed Project does not include expansion of the Airport boundaries, and all planned improvement would occur within the existing County-owned parcels. The Proposed Project does not include or propose activities that would obstruct or degrade emergency access to the existing facilities.</i>” This statement is factually incorrect for the following reasons:</p> <ul style="list-style-type: none"> ○ Distinguish between airport boundaries within the Carlsbad CUP 172 premises (which we understand include only the County airport parcel on the northwest corner of ECR and PAR) and county airport premises on both the northwest and northeast corner of ECR and PAR. The present description is incomplete and confusing. ○ All planned improvements may occur within the county northwest and northeast |

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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

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| | 2-112 | § 2.5.4 Cumulative Analysis | <p>parcels but the improvements on the northwest corner (including but not limited to FAA navigational aids) will be outside the CUP 172 premises.</p> <ul style="list-style-type: none"> ○ As noted in BPRs 5, 38, 77, 87, and 133, placing heavier ARFF equipment in the middle of the Palomar runway east end 19 acre Unit 3 methane-emitting landfill will quite possibly degrade emergency access. Moreover extending the runway 800-feet to within 200 feet of a major arterial, the northwest El Camino Real, increases the likelihood of an aircraft crash on the northeast corner of ECR and PAR. <p>BPR 157 (con'd). Correct the county statements noted above. County is entitled to argue that its improvements may or may not be bound by Carlsbad MC § 21.53.015 and CUP 172 but county is not entitled to its own version of the facts. In the final PMP and PEIR, explain why (i) the foregoing facts do not show a degradation of emergency access on the northwest corner and (ii) how ARFF vehicles stationed on the northwest corner of ECR and PAR will respond to a greatly increased chance of crash on the northeast corner of ECR and PAR and (iii) whether ARFF fire services on the northeast corner will require any improvements on the north east parcel including but not limited to (aa) access roadways for the ARFF vehicles to use and (bb) fire-hydrants allowing the ARFF vehicles to take on more water, once empty. As an observation, during the San Marcos canyon fires of a few years ago, it was common for the fire-fighting aircraft to take on more water out of Lake San Marcos within view of our backyard. We are also aware that the fire department frequently requires fire hydrant installation and or upgrade (more pressure) when fire risks are introduced to other areas. Accordingly, when answering this BRP, identify the FAA individuals and Carlsbad individuals at building and safety and the fire department that county relies on to answer the questions.</p> <p>BPR 158. We have seen the comments of Carlsbad on the PEIR. Carlsbad notes that county omitted several major projects from the list that Carlsbad gave county. Omissions include several hotels. And as we noted above, the Robertson Ranch project description omits the large commercial development there, just off ECR about 3 miles from Palomar. In the final PMP and PEIR, (i) verify that county has included and analyzed all the projects Carlsbad provided county including the ViaSat almost 1 million square foot building about ½ mile from</p> |
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| | | | Palomar, (ii) explain (as Carlsbad asks) why county limited its cumulative analysis to within two miles, and (iii) provide the newly calculated information. |
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2018 Bender Comments on 2018-2038 PMP EIR Jan 19 Table

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| 53 | 3-9 to 3- 26 | “No Signifi- cant Impacts” Air Quality Incl. Appendix F | BPR 159. County says in PEIR § 3.1.2 and its PEIR Appendix F Technical Air Quality Report that county conversion of Palomar from a B-II airport to a D-III airport and construction of 16 PMP projects does not raise significant air quality issues. Let’s begin with a county mystery, presented by Appendix F, Table 12, which says:⁴⁴ | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--------------|-------------------------------|---|---|------------------------------------|--------------|--------------|--------------|-------------|------------------|------------------------------------|----|-----|----|----|------------------|-------------------|--|---|------|------|-------|------|------|------|--|---|-------|------|-------|------|------|------|--|---|-------|------|------|------|------|------|---------------|---|-------|------|-------|------|-------|------|---|-------|------|-------|------|-------|------|---|------|------|------|------|------|------|-----------------------|--------------|-------------|--------------|-------------|-------------|-------------|--|---|------|------|------|------|------|------|-----------------|---|--------|-------|--------|------|-------|-------|----|-----|-----|-----|-----|-----|-----|----|------|------|------|------|------|------|--------------|-------------------------------|--------------|-------------|--------------|-------------|--------------|-------------|
| | | | McClellan-Palomar Airport Master Plan Draft Air Quality Impact Technical Report Table 12 - Maximum Daily Construction Emissions (lbs. per day) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | <table border="1"> <thead> <tr> <th>Phase</th> <th>Master Plan Project #^a</th> <th>CO</th> <th>VOC</th> <th>NO</th> <th>SO</th> <th>PM₁₀</th> <th>PM_{2.5}</th> </tr> </thead> <tbody> <tr> <td></td> <td>1</td> <td>8.72</td> <td>1.97</td> <td>10.96</td> <td>0.01</td> <td>1.45</td> <td>1.02</td> </tr> <tr> <td></td> <td>2</td> <td>12.31</td> <td>1.38</td> <td>12.84</td> <td>0.02</td> <td>4.28</td> <td>1.22</td> </tr> <tr> <td></td> <td>3</td> <td>10.42</td> <td>4.62</td> <td>9.93</td> <td>0.02</td> <td>1.19</td> <td>0.69</td> </tr> <tr> <td rowspan="4">Short Term</td> <td>4</td> <td>98.13</td> <td>8.48</td> <td>84.74</td> <td>0.29</td> <td>14.23</td> <td>6.66</td> </tr> <tr> <td>5</td> <td>27.43</td> <td>2.60</td> <td>24.20</td> <td>0.06</td> <td>10.99</td> <td>3.69</td> </tr> <tr> <td>6</td> <td>8.18</td> <td>0.74</td> <td>6.98</td> <td>0.01</td> <td>1.17</td> <td>0.76</td> </tr> <tr> <td>7 200-ft runway xtion</td> <td>14.01</td> <td>1.28</td> <td>10.87</td> <td>0.04</td> <td>1.09</td> <td>0.68</td> </tr> <tr> <td></td> <td>8</td> <td>7.92</td> <td>0.61</td> <td>5.06</td> <td>0.01</td> <td>1.04</td> <td>0.63</td> </tr> <tr> <td rowspan="3">Interim Term</td> <td>9</td> <td>207.21</td> <td>17.50</td> <td>141.14</td> <td>0.47</td> <td>77.34</td> <td>16.97</td> </tr> <tr> <td>10</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> </tr> <tr> <td>11</td> <td>7.89</td> <td>3.70</td> <td>5.05</td> <td>0.01</td> <td>1.04</td> <td>0.63</td> </tr> <tr> <td>Long Term</td> <td>12 Move/extend 4900-ft runway</td> <td>35.79</td> <td>1.40</td> <td>24.20</td> <td>0.08</td> <td>14.96</td> <td>3.18</td> </tr> </tbody> </table> | | | | | | Phase | Master Plan Project # ^a | CO | VOC | NO | SO | PM ₁₀ | PM _{2.5} | | 1 | 8.72 | 1.97 | 10.96 | 0.01 | 1.45 | 1.02 | | 2 | 12.31 | 1.38 | 12.84 | 0.02 | 4.28 | 1.22 | | 3 | 10.42 | 4.62 | 9.93 | 0.02 | 1.19 | 0.69 | Short Term | 4 | 98.13 | 8.48 | 84.74 | 0.29 | 14.23 | 6.66 | 5 | 27.43 | 2.60 | 24.20 | 0.06 | 10.99 | 3.69 | 6 | 8.18 | 0.74 | 6.98 | 0.01 | 1.17 | 0.76 | 7 200-ft runway xtion | 14.01 | 1.28 | 10.87 | 0.04 | 1.09 | 0.68 | | 8 | 7.92 | 0.61 | 5.06 | 0.01 | 1.04 | 0.63 | Interim Term | 9 | 207.21 | 17.50 | 141.14 | 0.47 | 77.34 | 16.97 | 10 | N/A | N/A | N/A | N/A | N/A | N/A | 11 | 7.89 | 3.70 | 5.05 | 0.01 | 1.04 | 0.63 | Long Term | 12 Move/extend 4900-ft runway | 35.79 | 1.40 | 24.20 | 0.08 | 14.96 | 3.18 |
| | | | Phase | Master Plan Project # ^a | CO | VOC | NO | SO | PM ₁₀ | PM _{2.5} | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | 1 | 8.72 | 1.97 | 10.96 | 0.01 | 1.45 | 1.02 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | 2 | 12.31 | 1.38 | 12.84 | 0.02 | 4.28 | 1.22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | 3 | 10.42 | 4.62 | 9.93 | 0.02 | 1.19 | 0.69 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | Short Term | 4 | 98.13 | 8.48 | 84.74 | 0.29 | 14.23 | 6.66 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | 5 | 27.43 | 2.60 | 24.20 | 0.06 | 10.99 | 3.69 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | 6 | 8.18 | 0.74 | 6.98 | 0.01 | 1.17 | 0.76 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | 7 200-ft runway xtion | 14.01 | 1.28 | 10.87 | 0.04 | 1.09 | 0.68 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | 8 | 7.92 | 0.61 | 5.06 | 0.01 | 1.04 | 0.63 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | Interim Term | 9 | 207.21 | 17.50 | 141.14 | 0.47 | 77.34 | 16.97 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 10 | N/A | N/A | | N/A | N/A | N/A | N/A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11 | 7.89 | 3.70 | | 5.05 | 0.01 | 1.04 | 0.63 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Long Term | 12 Move/extend 4900-ft runway | 35.79 | 1.40 | 24.20 | 0.08 | 14.96 | 3.18 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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⁴⁴ Unfortunately, county’s Table 12 lists project numbers from 1 to 16, but no project names. See county PMP p. S-7 for the project names. In the reproduced table in the text, we have inserted names for Project 7 = 200-foot extension of existing runway and taxiway and Project 12 = Relocation/Extension of Runway.

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| | 13 | 18.46 | 3.57 | 10.77 | 0.05 | 13.62 | 2.49 |
| | 14 | 35.76 | 1.14 | 24.18 | 0.08 | 19.24 | 10.92 |
| | 15 EMAS 06 | 11.36 | 1.74 | 10.15 | 0.02 | 6.35 | 3.42 |
| | 16 EMAS 24 | 18.09 | 51.32 | 8.78 | 0.04 | 6.03 | 3.14 |
| | Total | 521.67 | 102.05 | 389.83 | 1.23 | 174.02 | 56.09 |

Constructing big projects creates more pollution than constructing small projects. Roughly speaking, the air quality emissions to move an existing 4900-foot runway and extend it another 800 feet (“big project”) should be at least 27 times greater than just adding 200 feet to an existing runway (“small project”) (5700 feet divided by 200 feet.). Actually, the big project emissions should be more than 27 times greater because adding 200 feet to a runway requires minimal demolition of the old runway. But moving a runway requires substantial demolition of the old runway. So moving creates both demolition air quality emissions and emissions to construct the new runway. And, the runway 800-foot runway extension into the runway east end 19 acre Unit 3 landfill area should skyrocket the air pollutant emissions as county (i) removes the existing Unit 3 extensive network of methane collection piping and (ii) punches hundreds of very deep holes through the methane-emitting trash. Working in the Unit 3 landfill with massive construction equipment repeatedly moving around the 19 acres releases landfill gas emissions as county drills holes through the landfill. Recall that when county tried to remediate its 6-month plus underground landfill fire in the 2000s, county had to get an air quality variance due to methane venting into the air.

Now compare Items 7 and 12 in Table 12 above. Compare each pollutant emitted for the Item 7 small project against those for the Item 12 big project.

Note the Table 12 internal inconsistencies. County says small project construction emits 14.01 pounds per day of carbon monoxide but big project construction emits 35.79 pounds per day, an increase of 150%. Yet VOCs increase from 1.28 to 1.40, an increase of 9%. And sulphur oxides increase from 0.04 to 0.08 an increase of 100%.

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| | | | <p>No one should expect that pollutants emitted on the big project construction to increase by the same percentages as for the small project. But the size of the Table 12 discrepancies suggest that something is drastically wrong with (1) the data county inputted into the model, (2) the assumptions county made, and/or (3) the model used to generate Table 12.</p> <p>BPR 159 (con'd). In the final PMP and PEIR:</p> <ul style="list-style-type: none"> ○ Given the discrepancies above, explain why Table 12 provides reliable information. ○ Provide the Table 12 model input data. Neither the PEIR nor the Appendix F technical table includes the detailed information that county presumably modeled to generate Table 12. If county disagrees, cite the Appendix F page numbers where the county assumptions and data are listed. The data is important for two reasons. <p>First, the public cannot challenge the accuracy of the “input data/assumptions” unless they are disclosed. Second, recall county is producing a programmatic EIR. County in 10 or 15 years must supplement the PEIR for the 5700-foot runway relocation and extension. The public is entitled to compare the future county assumptions and data against those in 2016. That cannot be done unless county lists the 2016 data in the 2018 PEIR. Accordingly, add to the Appendix Table 12 discussion a new table summarizing the data county inputted into the Table 12 model.</p> <p>For instance, (i) include the size, number, and type of construction equipment forecasted; (ii) include the size of the Unit 3 area that will be disturbed (10 acres? 15 acres? 19 acres), which is relevant to landfill emissions into the air; (iii) assure that emissions data is included for both the demolition of the old runway and the new runway build; (iv) state the number of construction days that is assumed for each build-element and the times of day (relevant to construction noise); and (v)</p> |
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| | | | <p>explain the methodology for calculating methane gas escaping 19 acres of landfill over an extended period.</p> <p>Note that county says at page 3-6 of Appendix F: “All CalEEMod results and assumptions are detailed in Appendix A to this document.” We read Appendix A (including the Initial Study). We also computer-searched Appendix A for “CalEEMod.” County did not provide the info requested in this paragraph OR other CalEEMod assumptions that we can find. In the final PMP and PEIR, cite the specific Appendix A pages that you refer to when saying all CalEEMod assumptions are set forth there. If they are not set forth, add them.</p> <ul style="list-style-type: none"> ○ One way to calculate the big project “escaping landfill gas” when the existing methane gas piping is removed and several hundred holes are drilled is to disclose how much gas the existing extensive network of methane-gas collection piping collects and burns daily. Currently, the methane collection pipes lead to a tall “flare” that burns the gas and releases residuals (if any) into the air. In the final PMP and PEIR, provide the following information: <ul style="list-style-type: none"> ▪ How many hours a day does the existing Palomar methane gas burning “flare tower” burn? How much gas does it daily burn? How is this amount calculated?⁴⁵ What, if any, residual contaminants does it release into the air? ▪ Each time construction begins, what alterations to the methane gas collection system will county need to make, and for how long will the “flare tower” be shut down. ▪ What percent of the Unit 3 daily methane gas landfill emissions does the existing methane gas collection system capture? The capture rate is likely substantially less than 100% given the landfill size. Presumably the |
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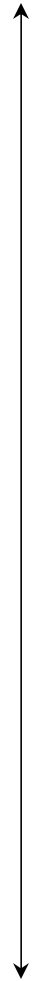
⁴⁵ We understand that sometimes landfill methane gas collection systems are used to generate energy rather than just wasting the energy by burning the gas. Accordingly, we assume there is an established methodology to calculate how much gas is collected and either burned or used to generate energy.

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| | 3-17 | § 3.1.2.3.2 Operation | <p>original methane gas collection system design info captures the rate.</p> <ul style="list-style-type: none"> ▪ When county begins drilling 15 foot-deep to 40-foot deep pilings through the landfill, how much methane gas will be released into the air? ▪ How do the existing methane gas venting numbers compare to the numbers during construction and why the discrepancy. ▪ If county claims that methane gas will be captured as each hole is drilled, describe the hold-drilling equipment used and the “gas reading” monitoring devices it will use so we may verify them with the manufacturer. <p>BPR 160. County says it has provided baseline data from year 2016. Yet county in Appendix F, p. 3-6, says it used CalEEMod Version 2013.2 for calculating its construction emissions. Was CalEEMod Version 2013.2 the latest CalEEMod version available in 2016? If not, why was the latest CalEEMod version not used in 2016?</p> <p>BPR 161. County states mid page “As a public-use airport, ongoing aircraft operations are under the jurisdiction and regulatory authority of the FAA. The County cannot discriminate or restrict users of the airfield. The Proposed Project involves capital improvements to improve safety of the facility for current and future users through the planning period. It also evaluates the continuation of commercial air service and a range of forecasts associated with increased commercial use. As the most applicable approach to assessing aviation sources of air quality emissions this analysis incorporates the FAA approach as discussed in FAA Order 1050.1F and the Environmental Desk Reference for Airport Actions. Additionally, a comparison between existing conditions and the full range of commercial air service operations is assessed.” This statement is riddled with omissions and half-truths as follows:</p> <ul style="list-style-type: none"> ○ <i>FAA v. Local Control</i>: County claims in essence: <i>We can’t restrict aircraft and must live with environmental problems they create.</i> Forty years ago county asked for an FAA rated “B-II” airport status. Those airports have 75-foot wide runways. Instead, county built or later made a 150-foot wide runway. The result: Palomar attracted more than 10,000 C and D aircraft, which have wider wingspans and which | <p>175-257 cont.</p> <p>175-258</p> <p>175-259</p> |
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| | | | <p>would have great difficulty using an airport with a 75-foot runway. County did this after promising the City of Carlsbad in CUP 172, Condition 11, that county would operate Palomar as a “general aviation basic transport” airport for smaller aircraft.</p> <ul style="list-style-type: none"> ○ It appears that county may have done something similar in 2009 when rehabilitating the runway. County records suggest that county by change order after the runway rehabilitation contract was awarded increased the runway pavement strength beyond what an FAA B rated airport requires. So county’s PEIR half-truth is simply this: County may not be able to restrict aircraft but county improvements determine whether larger, faster, more fuel-laden aircraft will use Palomar. County cannot start a massive ball rolling down hill and then claim county is powerless to stop it. ○ <i>Capital Improvements for Safety.</i> The county PEIR misdescribes the project and purpose. The county PMP describes the project as both (i) converting Palomar from an FAA-rated B-II airport to a D-III airport and (ii) installing EMAS safety systems and relocating and extending the Palomar runway. A good start. But County does not simply convert Palomar to an airport handling larger aircraft by capital improvements. County also attracts larger aircraft by awarding leases on favorable terms and by its pricing policies – as recognized by the 2011 SDRAA Regional Airport Strategic Plan. More importantly, county spent at least \$700,000 on its 2012 Kimley-Horn Runway Feasibility Study to convince the public that a longer Palomar runway was needed, not for safety purposes, but so aircraft could fly at 90% rather than 60% loads and fly internationally. That’s a business not safety reason. <p>Moreover, the facts show that Palomar does not need an east end EMAS costing \$25 million for safety. For forty years, Palomar has used its runway east end 1000-foot plus unpaved area (over the Unit 3 landfill) as a de facto runway safety area. Rather, transparently, county wants a 350-foot runway east end EMAS so it can increase runway capacity by extending the runway 800 feet, which would not be possible in the absence of the EMAS.</p> |
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| | | | <p>County also claims in its PEIR that PMP projects only require county capital improvements that remain within the existing Palomar Airport footprint on the northwest corner of El Camino Real and Palomar Airport Road. Yet it appears that county will not be able to relocate and extend its runway unless navigational improvements are installed on the northeast corner of ECR and PAR.</p> <ul style="list-style-type: none"> ○ <i>Commercial v. General Aviation Aircraft.</i> Especially egregious, county fesses up that it calculates the Palomar air quality (and presumably noise and traffic) impacts based on commercial aircraft only. Commercial aircraft (air carrier) comprise perhaps 3% of Palomar’s current 155,000 operations. Even the corporate C and D jets plus air carrier operations comprise perhaps 15% of current and future operations. The PMP and PEIR need to account for all Palomar operations. ○ <i>Use of FAA Order 1050.1F.</i> County confuses NEPA and CEQA requirements. County may well have to abide by FAA Order 1050.1F to receive an FAA-approved Airport Layout Plan (ALP) as part of its PMP and to receive FAA grants. But FAA requirements supplement but do not trump state CEQA requirements, as county’s statement noted above seems to imply. When preparing its 2018-2038 PMP, county had the option of preparing a joint EIR/EIS, which could have reflected both federal and state requirements as necessary. County chose not to. County may not ignore the CEQA requirements because it wants an approved ALP and/or FAA grant funding. <p>BPR 161 (con’d). In the final PMP and PEIR include the facts discussed above for accuracy and explain how and why the PEIR air quality finding of no significant impact is accurate when county (i) based the conclusion on materially incomplete data and (ii) apparently substituted federal standards for state and local standards.⁴⁶ Also, as to aircraft info, county did list in</p> |
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⁴⁶ In its various PEIR sections, county routinely lists pro forma various federal, state, and local requirements. However, when county gets to its “analysis” sections, county then seems to avoid some of the regulatory provisions earlier listed and allegedly applying. For instance, county both says that certain

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| 3-18 | §3.1.2.3.3 No Cumulative Significant Impacts | <p>Table 16 on Appendix p. 4-8 the aircraft using Palomar. In the final PMP and PEIR, (i) state how many of these aircraft provide “Touch & Go” Palomar operations so pilots can obtain or maintain their licenses and (ii) how such very frequent touch and goes (usually by small aircraft using leaded fuel), impact Palomar air quality.</p> | 175-259 cont. |
| 3-20 to 3-23 to 3-26 | § 3.1.2.3.4 Sensitive Receptors | <p>BPR 162. The city of Carlsbad PEIR comments (dated on or about March 13 to 19) noted that (i) Carlsbad gave county a list of recently permitted Carlsbad projects and/or projects underway and (ii) county had ignored several of these projects in county’s cumulative analysis (including but not limited to several hotels and possibly the approximately 1,000,000 square foot ViaSat building a half mile from Palomar). In the final PMP and PEIR, include a table showing (I) the projects that Carlsbad listed for county; (ii) the projects that county included in its 2018 draft PEIR for air quality, traffic, and noise analysis; (iii) the individual air quality impacts for each of these projects; (iv) the county’s recalculated air quality impacts for Palomar including for commercial and general aviation; (v) the total cumulative air quality emissions; (vi) the relevant air quality threshold of significance and its source, especially for pollutants falling in the existing non-attainment categories; and (vii) an explanation why county omitted some of the projects listed by Carlsbad in the county cumulative analysis.</p> | 175-260 |
| 3-20 to 3-23 to 3-26 | § 3.1.2.3.4 Sensitive Receptors | <p>BPR 163. During the PEIR scoping period, San Marcos Mayor Jim Desmond commented that there were about 1100 mobile homes east of the Palomar runway that would be affected by a change in aircraft glide slope as the runway was extended 800 feet east. In other words, aircraft would come in lower and faster over mobile homes to touch down sooner on the runway. At the November 2017 Palomar Airport Advisory Committee meeting, a SM mobile park resident spoke. She noted that the Palomar-landing aircraft created both noise and pollution problems, as evidenced by soot that the mobile home residents found on their homes and cars. In the final PMP and PEIR, discuss the following issues:</p> <ul style="list-style-type: none"> ○ Did anyone from county contact Mayor Desmond to discuss the mobile home | 175-261 |

Carlsbad requirements apply but then says it is not bound to follow them because Carlsbad and county have reciprocal immunity from each other’s requirements.

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| | <p>Table 3.1.2-1 and Table 3.1.2-6</p> <p>Existing & Future AQ Emissions</p> | <p>concerns? If so, who made the contact and what were the discussions and what, if any, remedial action did county offer to take?</p> <ul style="list-style-type: none"> ○ Did any PAAC committee member or staff contact the county to relay the concern of the San Marcos mobile home resident noted above? What if any mechanism does the PAAC have in place to relay to the county the many complaints the PAAC receives at the monthly meetings? ○ Does county consider Mobile home owners on the Palomar Airport approach within 1 to 4 miles to be sensitive receptors? Why or why not? What if any Palomar PMP and PEIR mitigation programs do such residents qualify for to reduce Palomar noise and/or pollution? <p>BPR 164. As Carlsbad’s PEIR comments (dated between March 13 and 19, 2018) note, county’s Table 3.1.2-1 reports existing CO aircraft levels of 1,108.84 tons per year or 6,090 pounds per day, far in excess of the air quality 550 pounds per day significance threshold. Presumably, this number is based on the 2016 operations of about 155,000 per year and almost no Palomar commercial air carrier operations because Palomar had few such operations in 2016.</p> <p>Yet county Table 3.1.2.6 forecasts Palomar 2036 CO PMP project-related operational emissions of between 76 to 121 pounds per day. Table 3.1.2-6 is patently wrong for these reasons:</p> <ul style="list-style-type: none"> ○ County’s PMP forecasts 12,410 air carrier operations by 2036 (PMP § 3.9.1). County also forecasts a total of 208,004 operations by 2036 (PMP § 3.10.5). ○ Do the math. If county’s 2016 annual operations of about 155,000 create 6,090 pounds of CO per day, then an added 12,410 air carrier operations by themselves in 2036 would create a minimum of 8% more CO emissions (12, 410 divided by 155,000) or 488 pounds of CO per day. ○ But the 488 added pounds of CO per day emissions in 2036 is low. Emissions from 30,000 to 90,000 pound FAA-rated C and D aircraft will each create much |
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| | | | <p>more pollution than each of the FAA-rated “A” aircraft weighing about 12,500 pounds. Hence, an “average” calculation distorts the true numbers, though the calculation immediately show that county’s numbers cannot be correct.</p> <ul style="list-style-type: none"> ○ In addition, the difference between the existing aircraft and 2036 forecasted aircraft is 53,000 (208,000 – 155,000). In other words – if all aircraft are considered (not just the 12,460 air carrier increase), the Palomar 2036 CO level should increase by about 34% from 2016 (53,000 divided by 155,000). Hence, the 2036 CO emissions per day in pounds should be about 2,070 (34% of 6,090). <p>BPR 164 (con’d) In the final PMP and PEIR, discuss the foregoing issues and explain why the PEIR Table 3.1.2-6 entitled “<i>Future (2036) Project Emissions from Operational Activities</i>” has any credibility. If county’s recalculated numbers in this table are substantially different, explain how county made such a drastic error. Also explain whether county then examined all of its other air quality tables to (i) confirm that they were error free and (ii) fully disclose the facts and assumptions on which they are based.</p> <p>BPR 165. Notice that the foregoing county air quality recalculations will also require county to rewrite its “cumulative impact” section, to find significant air quality impacts, and to discuss what feasible mitigation measures that county needs to adopt to compensate for Palomar-induced air quality deterioration. We again note that not only does county have a separate, independent aesthetic and water quality duty to mitigate the ugly landfill slopes it has created at Palomar but that landscaping is a traditional way to mitigate adverse air quality impacts. In the final PMP and PEIR, discuss what mitigation measures county will add for the significant air quality impacts of its PMP projects. Recall that significance assessment starts with the recognition that the SDAB is an existing non-attainment area for ozone.</p> <p>BPR 165. For the reasons above, we note that both county’s PMP project construction air quality analysis and its air quality aircraft-related operational analysis are so deficient that county’s Draft PEIR did not satisfy CEQA circulation requirements and county must recirculate its PEIR. Explain in the final PMP and PEIR (i) what the legal requirements are</p> |
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| | | | <p>that require recirculation of a draft EIR and (ii) how and why the information that county provided the public in its initial draft PEIR fairly disclosed (aa) the applicable air quality principles, (bb) the relevant facts, and (cc) the use of a proper analytic model properly used.</p> |
| 54 | 3-33 to 3-52 | <p>§ 3.1.4 Geology and Soils</p> <p>§ 3.1.4.2.3 Liquefaction</p> | <p>BPR 166. County says in its § 3.1.4.2.3 Analysis: <i>“The Airport is not located in a known liquefaction area ... Liquefaction typically occurs in areas where groundwater is encountered at a depth of less than 50 feet. Previous subsurface borings for a landside project and an airfield project encountered groundwater at depths of eight feet and zero feet respectively. The dense nature of the Airport soils reduces the occurrence of liquefaction, however, soil over the three landfill areas of the Airport could potentially present liquefaction conditions due to [their] relatively saturated nature.”</i> Recall that county has adopted 8 criteria including project cost and eligibility for state and FAA grant funds so that the Board of Supervisors may assess all alternative impacts.</p> <p>One of two things is true. Either county has with care calculated the cost and safety of extending the Palomar runway (and likely Taxiway A) 800 feet over Palomar landfill Units 1, 2, and 3. Or county is deferring this analysis to a future runway relocation and extension analysis. In the final PMP and PEIR, county needs to disclose to the public and to the Board of Supervisors and to the FAA which path county is taking. Both paths have immediate consequences for the following reasons:</p> <ul style="list-style-type: none"> ○ To quote one research article (Earthquake safety evaluation of sanitary landfills)⁴⁷: <p style="padding-left: 40px;"><i>“Article Abstract Earthquake ground motions at municipal solid waste landfills must be specified according to the level of hazard or criticality of the site along with the type of</i></p> |

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⁴⁷ By Ellis L. Krinitsky, Mary E. Hynes, and Arley G Franklin in Vol. 46, Issue 2, 23 May 1997, Pages 143-156, Engineering Geology available at <https://www.sciencedirect.com/science/article/pii/S0013795296001081> . See also U.S. Department of Energy, Office of Scientific and Technical Information, “A case study of determining liquefaction potential of a new landfill site in Virginia by using computer modeling,” available at <https://www.osti.gov/biblio/405690-case-study-determining-liquefaction-potential-new-landfill-site-virginia-using-computer-modelling> .

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| | | | <p><i>engineering analysis that is to be performed. Today's landfills, when built to regulatory standards, are unlikely to be critical, but older landfills can be seriously hazardous. Consequently, the hazards are graded as: (1) none to negligible; (2) low; (3) moderate; and (4) great. . . . Motions must be specified appropriately for the type of analysis, whether it is for foundation liquefaction, stability of slopes, integrity of barriers, earth pressures, or the design of appurtenant structures.” (Emphasis added.)</i></p> <ul style="list-style-type: none"> ○ County built and operated the Unit 1, 2, and 3 landfills in the period 1965 to 1975, long before landfill engineering was a precise science – as evidenced by the fact that county did not even install the today standard three foot clay bottom liner to prevent landfill garbage juice from migrating to clean soils. In other words – absent evidence from county to the contrary – it is quite likely that the Palomar landfills fall into the “seriously hazardous” category (that is subject to liquefaction) noted in the article above. ○ County plan to drill hundreds of holes, each 15 feet to 40 feet deep, through the landfills to support grade beams which will in turn support an extended runway (and presumably also Taxiway A). ○ Based on my experience ⁴⁸ while working at the Port of Los Angeles for 27 years, during which the Port undertook several projects requiring both sheet piling and regular piling, I am aware that the bearing capacity of pilings (that is, how much weight they can bear) depends on two factors. First, how much capacity results from the firmness of the soil on which the bottom of the pile sits. Second, how long the pile is and how much friction exists along the piling length and diameter to prevent it from slowly slipping deeper into the ground. |
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⁴⁸ The experience was derived from two work tasks. First, reviewing engineering specifications for pile work before the specifications were put out to bid. Second, monitoring construction lawsuits resulting against the city from projects involving pilings.

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| | | | <p><i>engineering analysis that is to be performed. Today's landfills, when built to regulatory standards, are unlikely to be critical, but older landfills can be seriously hazardous. Consequently, the hazards are graded as: (1) none to negligible; (2) low; (3) moderate; and (4) great. . . . Motions must be specified appropriately for the type of analysis, whether it is for foundation liquefaction, stability of slopes, integrity of barriers, earth pressures, or the design of appurtenant structures.” (Emphasis added.)</i></p> <ul style="list-style-type: none"> ○ County built and operated the Unit 1, 2, and 3 landfills in the period 1965 to 1975, long before landfill engineering was a precise science – as evidenced by the fact that county did not even install the today standard three foot clay bottom liner to prevent landfill garbage juice from migrating to clean soils. In other words – absent evidence from county to the contrary – it is quite likely that the Palomar landfills fall into the “seriously hazardous” category (that is subject to liquefaction) noted in the article above. ○ County plan to drill hundreds of holes, each 15 feet to 40 feet deep, through the landfills to support grade beams which will in turn support an extended runway (and presumably also Taxiway A). ○ Based on my experience ⁴⁸ while working at the Port of Los Angeles for 27 years, during which the Port undertook several projects requiring both sheet piling and regular piling, I am aware that the bearing capacity of pilings (that is, how much weight they can bear) depends on two factors. First, how much capacity results from the firmness of the soil on which the bottom of the pile sits. Second, how long the pile is and how much friction exists along the piling length and diameter to prevent it from slowly slipping deeper into the ground. |
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⁴⁸ The experience was derived from two work tasks. First, reviewing engineering specifications for pile work before the specifications were put out to bid. Second, monitoring construction lawsuits resulting against the city from projects involving pilings.

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| | | | <ul style="list-style-type: none"> ○ The county PMP has said that county wants to attract C and D aircraft to Palomar. Those aircraft can weigh up to 90,000 pounds. ○ If an earthquake “liquified” the Palomar landfills (turned the trash into jellolike consistency), the several hundred piles drilled into the ground would lose their vertical bearing capacity. As a result, the extended runway capacity would likely be compromised. ○ Engineers are great and can solve many problems (forgetting for the moment Pisa’s leaning tower). It may be that Palomar engineers can overcome Palomar landfill liquefaction issues by sinking the pilings deeper into the ground, making them larger, increasing the number of pilings supporting the runway extension grade beams, and in other ways BUT at an enormous cost penalty in labor and material. <p>BPR 166 (con’d). In the final PMP and PEIR, discuss the foregoing issues. Specifically, state: When county prepared its cost estimate to extend the Palomar runway 800-feet that county staff is asking the Board of Supervisors and the FAA to rely on:</p> <ul style="list-style-type: none"> ○ What magnitude earthquake did county plan for? ○ What was the cost estimate for the 800-foot extension? ○ Did the cost estimate assume that the bearing capacity of the pilings place came exclusively from the bearing capacity of the soil at the piling bottoms or also from the frictional resistance of the length of the pilings? ○ How would the county know what the bearing capacity of the soils under the landfills in the area of the runway and taxiway A extensions are unless county had first taken very deep borings in those areas? Did county take such borings before coming up with its piling bearing capacity estimates? If so identify the specific boring report and state the number of borings taken, at what depth, at what spacing, and the bearing capacity they showed. ○ Using an appropriate landfill modeling technique, as suggested by the article referenced above, what effort did county make prior to calculating its landfill |
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| | | | <p>extension cost to determine whether the Palomar Unit 1, 2, and 3 landfills are subject to a serious liquefaction risk?</p> <ul style="list-style-type: none"> ○ What degree of confidence does county staff have in the 800-foot extension cost provided above? 90%? 50%? How was this degree of confidence arrived at if the data noted above is missing? ○ Why should the Board of Supervisors commit the county to a \$100 million plus Palomar expansion, given the piling cost and safety uncertainties? | 175-264 cont. |
| 55 | 3-53 to 3-66 | § 3.1.5 Green house Gas Emissions | <p>BPR 167. In 2014 and 2015, we spent substantial time reviewing the city of Carlsbad 2015 General Plan and CEQA analysis including its discussion of Greenhouse Gases. From that review, we know that Carlsbad developed substantial expertise in this topic. Therefore, we incorporate by reference here the Carlsbad comments on county’s PMP and PEIR in the Carlsbad comment letter to county dated sometime between March 13 and March 19. We adopt the Carlsbad GHG comments and look forward to the county’s response to them.</p> | 175-265 |
| 56 | 3-67 to 3-80 | § 3.1.6 Hydrology & Water Resources | <p>BPR 168. County notes in several sentences on different pages of its Hydrology analysis: “A significant impact to hydrology and water quality would result if ... the project will contribute pollution in excess of that allowed by applicable state or local water quality objectives or will cause or contribute to the degradation of beneficial uses.”⁴⁹</p> <p>Regional Water Quality Board records show that county today has not met the RWQCB Order 96-13 water quality objectives for more than 20 years. County in its semiannual monitoring report acknowledges it does not comply with the water quality objectives.⁵⁰ Moreover, county’s exceedances of Order 96-13 water quality objectives are not minor or technical. Its exceedance</p> | 175-266 |

⁴⁹ See p. 3-71, 2nd bullet point above § 3.1.6.2.1 and page 3-75, 3rd bullet point under § 3.1.6.2.4.

⁵⁰ See for instance county’s March 19, 2015 report to RWQCB Executive Officer Mr. David Gibson, pp. 1-2 “The attached report includes results from testing completed during the October 2014 – March 2015 monitoring period. Based on the groundwater monitoring performed during the current semi-annual monitoring period, the County continues to be in compliance with the Waste Discharge Requirements of Order 96-13, Addendum No. 1 and Technical Change Order T-1 WITH THE FOLLOWING EXCEPTIONS: EXCEEDANCES OF WATER QUALITY OBJECTIVES FOR THE FOLLOWING CONSTITUENTS IN ONE OR MORE MONITOR WELLS AND THE SUMP: CHLORIDE, PH, IRON, MANGANESE, SULFATE, TOTAL DISSOLVE SOLIDS.”

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| | | | <p>levels are quite high. Consider also the following facts:</p> <ul style="list-style-type: none"> ○ In a July 12, 2016 letter to the County Department of Public Works, the Water Board said: <ul style="list-style-type: none"> ▪ The Palomar Airport landfills should be classified as category “2B” for water quality purposes. The Water Board (aka Regional Water Quality Control Board) defines Category “2” discharges as “Those discharges of waste that could impair the designated beneficial uses of the receiving water, cause short-term violations of water quality objectives, cause secondary drinking water standards to be violated, or cause a nuisance.”⁵¹ ▪ When referring to the Palomar Airport Landfills, the July 12, 2016 letter said in its enclosure (Table 2 entitled “San Diego County Closed and Inactive Landfill”): <p style="margin-left: 40px;"><i>“A review of the recent monitoring reports for Palomar Airport Landfill indicate that there were exceedances of WQPS for chloride, pH, iron, manganese, sulfate and total dissolved solids during the 3rd Quarter 2014 monitoring event. Additionally, exceedances of the same constituents above the WQPS occurred during the October 20145 to March 2016 Semiannual groundwater monitoring event indicates a recent discharge. The landfill has also had detections of landfill related pollutants in the subdrain sump system. These exceedances indicate a discharge of waste from Palomar Airport Landfill to waters of the State.”</i></p> ○ In a September 13, 2016 report to the county Department of Public Works, the WB said: <ul style="list-style-type: none"> ▪ Exceedances of Water Quality Objectives. The same exceedances are in every report (chloride, pH, iron, manganese, sulfates, total dissolved solids, some |
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⁵¹ See Water Board interoffice memo dated June 20, 2016 from Kelly Dorsey and Susan Pease to John Odermatt Re: Palomar Airport Landfill Classification.

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| | | | <p><i>metals, some general chemistry and some volatile organic chemicals). Please discuss how the County of San Diego will address these exceedances in future reports.</i></p> <ul style="list-style-type: none"> ○ <i>Landfill Gas Reports by SCS Environmental Consultants. A finding in the October 2012 – March 2013 Semi-Annual and April – September 2013 Semi Annual Reports stated that the monitoring probes had methane results above 5%. The problem appears to be fixed, however, there is an anomaly that shows up in every report: “During the monthly probe monitoring event, an anomaly occurred while monitoring IMP-8, the methane reading went to 100%, causing the reading to turn to “Chevrons” and thus, the reading appears as blank. SCS believes something other than landfill gas is affecting the GEM=5000 at this location. Please explain why this anomaly is occurring and what steps will be taken to prevent future monitoring issues at IMP-8.</i> ○ <i>Landfill Gas Reports by SCS Environmental Consultants. – Each landfill Gas Report has the following statement: “The compressed air line which provides air to operate these pumps (condensate pumps) has been observed to have a notable decrease and/or loss of available air pressure to service the sump pumps in Area 2 and Area 3. As such, the line is only periodically pressurized to allow the sumps to operate. ... It is believed that there may be a possible break of the compressed air line somewhere underground in Unit 2. ... No remedy has been presented for this problem over the course of three years of monitoring reports. Please discuss the remedy and provide a schedule for the needed repairs.</i> ○ <i>In a July 28, 2017 Water Boards letter to the county Department of Public Works, the WB said when commenting on the county Geosyntec Consultant landfill report:</i> <ul style="list-style-type: none"> ○ <i>“Several chlorinated VOCs (Volatile Organic Compounds), including cis-1,2-dichloroethene, dichlorodilourmethane, methylene chloride, tetrachloroethene, trichoroethene, and vinyl chloride showed elevated concentrations in the groundwater samples. Although groundwater at the site has no MUN</i> |
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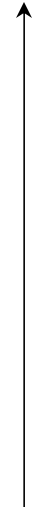
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| | | | <p><i>designation in the San Diego Water Board’s Basin Plan, potential health risk to on-site works and off-site residents from VO C vapor emission from contaminated groundwater needs to be evaluated. The San Diego Water Board requests that the County of San Diego submit a work plan by October 31, 2017 to assess potential human health risks due to vapor intrusion from contaminated groundwater.”</i></p> <ul style="list-style-type: none"> ○ <i>Elevated concentrations of petroleum constituents, including benzene and toluene were reported in the groundwater samples from MW-28 [Monitoring Well] and MVV-30. The reports attributed these detected high levels to on-site leaking underground storage tanks (USTs). Staff searched the GeoTracker database, only two closed UST cases were found at the facility. Jet Sources ... and Air Resorts Airlines Groundwater samples from Jet Sources had low concentrations of benzene and toluene, and groundwater samples for Air Resorts Airlines had elevated concentrations of petroleum constituents only limited in the source area. Both cases are downgradient from wells MW-28 and MW-30. Therefore, the reported elevated concentrations of petroleum constituents from wells mW-28 and MW-30 are unlikely associated with the two closed UST cases. If the County believes that the elevate benzene and toluene concentrations from MW-28 and MW-30 are associated with different UST sources, please identify these leaking USTs and report the findings to the appropriate authorities such as the San Diego County Department of Environmental Health, or the San Diego Water Board, for further investigation and assessment.”</i> <p>BPR 168 (con’d). In the final PMP and PEIR:</p> <ul style="list-style-type: none"> (i) Explain why county concealed the foregoing information from the public, especially in light of the very recent WB requests that county present a plan for county’s repeated exceedances of Order NO. 96-13 landfill water quality objectives; (ii) Present a table for the period 2011 to 2017 showing (aa) what the WB landfill Order |
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| | | | <p>96-13 objectives were for the specified contaminants, (bb) the levels that county reported to the WB, and (cc) the percent by which the field measurements exceeded the objectives. (Our review suggests that the exceedance levels ranged from 100% above the objective to 1400% objective depending on the contaminant.)</p> <p><i>(iii) Provide the plan that county prepared and submitted to county for review in response to the WB’s 2016 and 2017 letters to county.</i></p> <p><i>(iv) Explain how these contaminants will migrate if county drills several hundred piling holes, each 15 feet to 40 feet deep.</i></p> <p><i>(v) Also recall that we raised most of the issues noted above in our March 2016 52-page table commenting on the county EIR scoping. See those Table Items 3 (pp. 20 et seq.), Item 8 (pp. 25 et seq.), and Item 9 (pp. 38 et seq.) in the PEIR Appendix A. Explain why county intentionally refused to address them in the PEIR. Intentional refusal is relevant to the issue of whether county must recirculate its revised PEIR based on an intent to withhold information from the public.⁵²</i></p> |
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⁵² We noted in our March 2016 letter transmitting the PMP EIR Scoping Comments that county’s initial reaction to our comments – submitted in anticipation of county’s February 2016 Palomar Workshop – was that the county need not consider even the scoping comments if they arrived before the official review period started. If ever there was a pattern of a public entity trying to avoid complying with its CEQA obligations in good faith, the county PEIR process is it.

Due to a trip cancellation, I attended the February 29 Workshop 3. I spoke to Ms. Cynthia Curtis (the designated county Environmental Planning Manager) at the meeting and asked her if she had received the environmental comments noted above. She said “no.” She also asked why county would consider the comments since they were sent before the county’s official 30-day Initial Study comment period, which was to run from February 29, 2016 to March 29, 2016.⁴

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| 57 | p. 3-81 to p. 3-95 | § 3.1.7 Land Use and Planning | <p>BPR 169. We begin with several observations:</p> <ul style="list-style-type: none"> • As the city of Carlsbad noted in its March 2018 comments on the county PMP: <p style="margin-left: 40px;"><i>“Additionally, Sections 2.1-1 states that “because the Airport is located within the City of Carlsbad’s municipal limits, the County’s Zoning Ordinance does not apply to the Proposed project.” (p. 2-3). When read together with the statement in Section 1.3, this language implies that there are no land use regulations applicable to the airport. Please clarify this statement.”</i></p> • County in the last several months both in the PEIR and in statements to Carlsbad staff and community members (in a joint meeting) has said that it is not bound by Carlsbad Conditional Use Permit 172. [We understand county’s position to be that (i) Carlsbad zoning and planning applies to Palomar tenants but not to the county infrastructure Palomar Airport improvement and hence NOT to the runway or taxiways.] • The California Government Code requires cities and counties to adopt general plans and general plan policies covering all the territory within their jurisdiction. State law requires entities to address 7 mandatory topics. It appears that historically, county (i) adopted a General Plan only for unincorporated areas of the county but (2) recognized that county land within cities was governed by the GP policies of those cities. For instance, the county General Plan (which includes many airport-related policies) applies to 6 county airports in unincorporated areas but not to the county airports at Palomar in the city of Carlsbad or at Gillespie in the city of El Cajon. • In the case of Carlsbad, the records reflect: <ul style="list-style-type: none"> ○ From the 1950s to the 1970s, county operated Palomar Airport in an unincorporated area of the county. |
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| | | | <ul style="list-style-type: none"> ○ In the 1970s, county wanted Carlsbad services for Palomar Airport, especially utility and fire services. ○ As a result, to provide such services, Carlsbad – in reliance on various county promises – agreed to annex the county Palomar Airport area within the city. ○ By 1980, the annexation was complete and county asked Carlsbad to change the zoning at the airport and asked Carlsbad to adopt Carlsbad Conditional Use (CUP) Permit 172 to govern the future development of Palomar Airport. Key CUP 172 provisions included: <ul style="list-style-type: none"> • Table 1, which listed airport improvements that did not require future Carlsbad consent with the understanding that those omitted required county to apply for a CUP 172 amendment. • CUP 172, Condition 8, stated county could not expand the airport without seeking a CUP 172 amendment. • CUP 172, Condition 11, stated that county continued to operate Palomar as a “general aviation basic transport” airport unless CUP 172 was amended. ○ In 1979/1980, the county Director of Transportation submitted to Carlsbad a draft of Table I, which expressly included the runway as an item that county could change in the future without Carlsbad consent.⁵³ However, when Carlsbad adopted CUP 172 by its Resolution 1699, Carlsbad deleted the term “runway” from the list of preapproved future projects approved. |
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⁵³ See County Director of Transportation R.J. Massman, December 3, 1979 letter to Carlsbad Director of Planning, including attachments totaling 9 pages. Note especially p. 8 listing allowed Land Uses – Palomar Airport including a. Structures and Facilities (1) “Runways, taxiways and parking aprons, including lighting.” Note in the upper right hand corner the Carlsbad staff handwritten notation “Uses Airports would like to see allowed by CUP.” Yet the Carlsbad September 1980 adopted CUP 172 deleted the runway reference. Similarly, in 1998 – when county was initially processing its 1997-2017 Palomar Master Plan to the Carlsbad city council – county again tried to revise CUP 172 Table 1 to include runways. See county’s August 28, 1998 Table 1 transmittal to Carlsbad. The Carlsbad 1980 adopted CUP 172 Table 1 was never changed.

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| | | | <ul style="list-style-type: none"> ○ Various California code sections [GC §65402(b), PUC § 21661.6 and PUC § 21676] require the Carlsbad council to act to (i) ensure the county PMP is consistent with the Carlsbad General Plan and to (ii) update the Carlsbad GP if the PMP is not. Carlsbad records already reflect that the Carlsbad has acted to update its GP to be consistent with airport operations. There is no dispute that an update will be needed. Carlsbad prepared its 2015 GP in in 2014 and 2015 when none of the information that county now presents in its PMP was available. For instance, Carlsbad had no way of estimating greenhouse gas emissions related to possibly 500,000 new Palomar Passengers, first carried by plane, then by vehicles to and from the airport⁵⁴ ○ The PEIR says project alternatives will be evaluated by 8 criteria including eligibility for FAA funding. As discussed in more detail in our Part B PMP and PEIR comments filed on March 19, 2019, the FAA Airport Improvement Program (AIP) Handbook evaluates a local airport sponsor’s “intergovernmental cooperation” when deciding to award AIP grants. ○ Failure of the county to discuss the applicable regulatory structure and land use authority over the Palomar runway expansion in its PMP and PEIR would violate the FAA 2016 Community Involvement policy.⁵⁵ County can hardly say that the land use is a peripheral issue. Carlsbad residents formed the non-profit group Citizens for a Friendly Airport (C4fa) [see website C4fa.org] because they want to vote on an airport expansion. A Carlsbad resident has also established the separate website of savecarlsbad.com with the main goal of Carlsbad scheduling an election to see whether Carlsbad residents support the county PMP and PEIR plan. That plan promotes (i) converting Palomar from a B-II to a D-III airport and to (ii) relocate the runway and extend it 800 feet. |
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⁵⁴ We endorse, support, and adopt by reference 98% of the Carlsbad PMP and PEIR comments

⁵⁵ See https://www.faa.gov/about/office_org/headquarters_offices/apl/environ_policy_guidance/guidance/media/faa_cim.pdf . If, for any reason that site is not available, simply search “Community Involvement” on the faa.gov website.

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| | | | <ul style="list-style-type: none"> ○ The State Aeronautics Act and the PUC SDRAA Airport Land Use Committee (ALUC) require Carlsbad – as the city in which Palomar is located – to assure that county’s proposed Palomar conversion and projects do not interfere with the Carlsbad zoning and planning around the airport. ○ The PEIR cannot consistently (i) throughout the several hundred page PEIR say that the “Regulatory Structure” for the 2018-2038 projects includes various Carlsbad restrictions but then say (ii) county has no obligation to abide them and county may or may not as it chooses. ○ County’s PMP adoption will trigger a city of Carlsbad update of its 2015, a legislative action within the meaning of Carlsbad § 21/53/015 (Carlsbad voter approval of Palomar expansions). <i>d necessarily changes the noise and safety concerns for the land around the airport that Carlsbad controls</i>) triggers an action of the Carlsbad council to update its GP and/or compliance with the SDRAA McClellan-Palomar Land Use Plan. A “technical court” might well agree with KKR. A court looking at the purpose of the laws and MC§ 21.53.015 might well conclude that county proceeds at its peril when it proceeds with Palomar development without first confirming that such development is consistent with the Carlsbad General Plan. <p>BPR 169 (con’d). In the final PMP and PEIR (i) discuss the issues above and (ii) explain why state law does not require county to present its PMP and PEIR to the Carlsbad city council for a finding that the (i) conversion of Palomar from a B-II airport to a D-III airport and (ii) proposed construction of PMP projects including runway relocation and 800-foot extension so that Carlsbad may find whether such projects are consistent with the Carlsbad 2015 General Plan. Also identify the action the Board of Supervisors has or will be taking to say that county does not intend to comply with Carlsbad zoning and planning requirements as related to Palomar Airport including but not limited to CUP 172. Also – since county says its General Plan applies only to unincorporated areas and Palomar is not in such an area – explain whether county will be processing its 2018 – 2038 as an element of the county general plan. If not, state</p> |
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| | | | <p>whether it is the county position that county may operate a regional airport impacting 400,000 residents surrounding the airport without complying with any Carlsbad zoning and planning and zoning restrictions or county planning and zoning restrictions. Explain whether county will be deleting all references in its PMP and PEIR to Carlsbad Regulatory Standards as applicable to county’s Palomar infrastructure improvements. Also, state which parcels of county-owned airport land are within the Carlsbad CUP 172 jurisdiction and provide the supporting document to confirm county’s answer. [We have looked. In the absence of county evidence to the contrary, we understand the CUP 172 jurisdictional area to be only the county airport parcel on the northwest corner of El Camino Real and Palomar Airport Road.]⁵⁶</p> |
| 57 A | p. 3- 81 | Land Use Planning (con’d) | <p>BPR 170. County says in part: “The County also owns a vacant 203-acre parcel located east of El Camino Real; however, this parcel is not included in the proposed Project since no improvements are identified by the Airport Master Plan Update. Therefore this PEIR only addresses land use and planning analysis associated with the 231-acre Airport Master Plan Update area.”</p> <ul style="list-style-type: none"> ○ From discussions with two different airport staff, we understand that county’s |

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⁵⁶ CEQA compliance raises two issues: substantive and procedural. Substantively, CEQA requires county to properly describe the project, the environmental setting, the alternatives, the environmental impacts, and the mitigation. Throughout the PEIR, county refers to applicable Carlsbad GP provisions (without saying that those provisions apply only to Palomar tenant development). It makes no sense to write an EIR involving \$100 million of county infrastructure projects that says (i) here is the regulatory framework including all of Carlsbad laws but to then say (ii) oh by the way, those laws do not apply to county infrastructure like runways and taxiways. Also, procedurally, the issue is whether county is properly processing the EIR under CEQA and state land use law (GC § 65402 and PUC). If EIRs must properly describe the regulatory framework (which I believe they do), then county must explain in the PEIR the “no man’s land” position it takes in the PEIR. The county “no man’s land” position is (i) Carlsbad law does not apply because we county have sovereign immunity and (ii) county General Plan law and policies do apply even though the county General Plan says it applies only to unincorporated areas. Lastly, it is the county PEIR that says: We have 8 evaluation criteria including complying with FAA requirements. The FAA AIP Handbook includes a criteria for intergovernmental cooperation. Carlsbad – as the city “held prisoner by county’s Palomar airport, which is entirely within Carlsbad – is entitled to know whether county zoning and planning applies to Palomar Airport, especially after county has said it reserves the right to ignore Carlsbad law at any time. County can hardly say it has met FAA “intergovernmental cooperation” requirements when county’s position, bluntly stated is: “Carlsbad, you’re a mushroom. We the county will tell you what we want, when we want, if we want.”

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| | | | <p>relocation and/or 800-foot runway extension will require the installation of navigational aids on the airport northeast corner of ECR and PAR.</p> <ul style="list-style-type: none"> ○ We have heard that some county personnel ignore these improvements because they believe they will be installed and/or paid for by the FAA. Nevertheless, county’s project description needs to be accurate. <p>State in the final PMP and PEIR whether the county runway relocation and/or 800-foot extension will require navigational aids on the northwest corner of ECR and PAR. Identify the FAA personnel who can verify county’s statement. If such improvements are needed on the county airport northeast corner, explain where these improvements are in relationship to wildlife preserve areas on that parcel. Also, explain whether the FAA (i) pulls any permits from county when installing navigational aids at Palomar Airport and/or (ii) provides county “As-built” drawings of FAA-improvements installed so that county knows what areas of its land have been impacted. Recall the underground landfill fire on the airport northwest parcel may have been caused or contributed to by oxygen feeding the fire from a damaged county storm drain, apparently not properly marked on county engineering drawings.</p> |
| 57 B | 3- 82 | Land Use Issues (con’d) Under Table 3.1.7-1 | <p>BPR 171. Beneath the noted table, county says: <i>“An inactive solid waste landfill was historically located at the Airport. The landfill was operated by the County as a municipal solid waste disposal facility beginning in 1962 until 1975.”</i> We understand that from 1960 to the present, county has accepted FAA grants that provide county shall not use airport property for non-airport purposes without first obtaining the written consent of the Secretary of Transportation. In the final PMP and PEIR, explain whether county obtained the required-Secretary of Transportation consent and provide the supporting records. When answering, recall that county’s PMP and PEIR state that one criteria county will apply in selecting the final PMP project alternative is the county’s eligibility for FAA grants. If the county violated FAA grant conditions – especially over a 14 year period – and created unstable soils in the Palomar 800-foot runway extension area and drove up the runway extension costs more than 10-fold as a result of having to extend a runway on hundreds of pilings through the landfill trash, it would seem that a county FAA grant request for PMP projects is in jeopardy.</p> |

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| 57 C | 3-84 to 3-90 | Land Use Issues (con'd) County and City Standards | <p>BPR 172. We are confused. County again at the noted pages refers to applicable land use county and/or Carlsbad standards that apply to county’s PMP infrastructure projects (runway and taxiway relocations and extensions). Yet, as noted several time in our comments, (i) the County General Plan says it applies to unincorporated areas of the county (and hence to 6 of the 8 county airports but not to Palomar or Gillespie) and (ii) county says it has sovereign immunity from the application of Carlsbad zoning and planning provisions and (iii) county apparently wishes to pick and choose when, if ever, it will comply with Carlsbad requirements. It is misleading for either the county PMP or PEIR to list many pages of allegedly applicable county and Carlsbad policies that apply to county PMP infrastructure projects and then say county may or may not apply them (assuming if, in the case of the County General Plan, they even apply to begin with).</p> <p>BPR 172 (con’d). In the final PMP and PEIR, explain the Board of Supervisor position on the land use planning issues raised in our comments. Recall that it is the Board, not staff, which determines whether it will or will not abide by Carlsbad and county allegedly applicable zoning and general plan provisions. If the Board does not want to comply with Carlsbad provisions, it should so state at an agendized meeting – after inviting Carlsbad city council members to attend - and the PMP and PEIR need to be amended to delete references to the Carlsbad provisions as to Palomar PMP runway and taxiway projects. Similarly, if the Board wishes to extend the County General Plan policies that currently seem to apply only to 6 of the 8 county airports, then the Board needs to process the 2018-2038 County Palomar Master Plan in accordance with all substantive and procedural requirements in the Government Code, including proper property notices to persons near Palomar. If the county chooses the latter course, explain when county will also be extending the County General Plan policies to Gillespie related projects.</p> |
| 57 D | 3-89 | Land Use (con'd) Carlsbad CUP 172 | <p>BPR 173. County says several things in its CUP 172 discussion, each provably wrong.</p> <ul style="list-style-type: none"> <i>GA Basic Transport Airport:</i> County concedes that CUP 172 (see Condition 11) required county to operate Palomar as a “general aviation basic transport” airport. But, says county, when CUP 172 was adopted, the FAA used an aircraft “weight- |

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| | | | <p>based” rather than its later “aircraft size and speed” basis for classifying general aviation basic transport. Hence, says county, the CUP 172 “<i>general aviation basic transport</i>” category became functionally obsolete and no longer binds county. Here are the reasons county is wrong.</p> <ul style="list-style-type: none"> • County seems to imply that an FAA shift to a “size/speed” approach eliminated the concept of general aviation basic transport airports. Yet the FAA 2017-2021 National Plan of Integrated Airport System (NPIAS) Report Appendix C specifies airport criteria.⁵⁷ It defines, general aviation and basic airports as follows: <ul style="list-style-type: none"> ○ A “general aviation” airport is “<i>a public airport that does not have scheduled service or has scheduled service with less than 2,500 passenger boardings each year.</i>” ○ “Basic” means “<i>Provides a means for general aviation flying and links the community to the national airport system. These airports support general aviation activities, such as emergency response, air ambulance service, flight training, and personal flying. Most of the flying at basic airports is self-piloted for business and personal reasons using propeller-driven aircraft. They often fulfill their role with a single runway or helipad and minimal infrastructure.</i>” ○ Note that – contrary to county’s contention – the FAA GA and Basic description above is not “size/speed” based or “weight” based. • County provides no evidence to support its weight-based v. size/speed based claim. If and when county can find such evidence, county draws an irrational conclusion, namely that the “<i>general aviation basic transport</i>” category became “functionally obsolete.” Here is what should have happened if county could find such evidence: <ul style="list-style-type: none"> ○ County contacts Carlsbad and says: We have a CUP 172, Condition 11 issue. It has come to our attention that the FAA made the following changes in its |
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⁵⁷ See faa.gov website and search for NPIAS or go to https://www.faa.gov/airports/planning_capacity/npias/reports/.

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| | | | <p>definition of “general aviation” and “basic” airports. Let’s talk about it.</p> <ul style="list-style-type: none"> ○ Carlsbad says: Send us the evidence. What type of “conversion” chart do we need to look at? If the original limitation was: No more than x pounds, what does x pounds equate to in the new FAA classification system? ○ Carlsbad: Follow CUP 172: Ask Carlsbad for an interpretation. <ul style="list-style-type: none"> • In short, contrary to county’s claim that it has always voluntarily submitted itself to the Carlsbad CUP 172 process, county chose instead to simply ignore the process and in the 1990s asked for FAA Part 139 certification to operate Palomar for regularly scheduled commercial service, an FAA classification far removed from that of a general aviation basic transport airport. • County also says in its CUP 172 discussion that it sought and obtained from Carlsbad a CUP 172B amendment to add parking parcels to the Palomar Airport property.⁵⁸ What county fails to add is that in 1997/1198 – when county was processing its last PMP (1997-2017 PMP) – county (at Carlsbad’s direction) began processing the old PMP to the Carlsbad but then withdrew the request and thereafter adopted the old PMP without Carlsbad action. • County’s CUP 172 discussion also failed to note, as discussed above, that when Carlsbad approved CUP 172 Table 1, Carlsbad deleted from the Table 1 that county had initially prepared, the reference to “runways.” In other words, Carlsbad expressly refused to put “runways” in the list of projects that county could undertake at Palomar without further Carlsbad action. • Moreover, county ends its CUP 172 discussion with the statement “the County has |
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⁵⁸ As to the CUP 172B amendment, county also omits a few special details. Carlsbad told the county in the 1990s that the 3 parcels county want to acquire for parking would require Carlsbad zoning and/or general plan actions. Magically, by the 2000s, when county actually applied for CUP 172 B, the zoning/planning issue had disappeared. So county applied for CUP 172 B knowing that Carlsbad and county – without notice to the public – had somehow solved the zoning/planning issue before the parking lots were added to the Palomar premises.

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| | | | <p><i>voluntarily remained in compliance with the use permit, but reserves the rights to assert immunities should it become necessary to operate the Airport in a manner consistent with federal obligations of County objectives.”⁵⁹</i></p> <p>BPR 173 (con’d). In the final PMP and PEIR, correct the record to accurately state the facts. Omitting key facts inconsistent with county contentions dishonors the CEQA process. Also, explain why the county’s contention that the “<i>general aviation basic transport</i>” category became “functionally obsolete” given the facts above. Also, if the Board of Supervisor adopts county staff’s contention that it reserves the right to abandon CUP 172 requires at any time, (i) state in the final PMP and PEIR when the Board of Supervisors took this action and (ii) delete all references in the PMP and PEIR to county complying with any Carlsbad zoning and planning requirements as related to Palomar Airport public infrastructure development, including but not limited to the Palomar runway and taxiways.</p> |
| 57 E | p. 3- 89 to 3- 90 | Carlsbad MC § 21.53.01 5 | <p>BPR 174. County says, referring to the Carlsbad initiative circulated by voters in 1979/1980 but adopted as Carlsbad MC § 21.53.015 per the state Election Code requirements:</p> <p><i>“Section 21.53.015 would only be applicable if the County were to expand the Airport beyond its current boundaries and a City legislative enactment or City expenditure in support of such an expansion were required. In developing the Master Plan Update, the County has voluntarily avoided any property acquisition to support the expansion of airport facilities beyond current property boundaries. ... All facilities needed to support existing and forecasted aviation activities (e.g. runway, taxiways ...) are proposed to remain on existing airport property. Moreover, no legislative enactment or funding is needed from the City to develop the Airport in accordance with the Airport Master Plan Update. Accordingly, Section 21.53.015 does not prevent the County from meeting the objectives of the Airport Master Plan.”</i> This statement is replete with omissions and errors as follows:</p> |

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⁵⁹ County’s reference to needing to be consistent with “federal obligations” is somewhat of a misnomer. The FAA has long conceded that airport siting and expansion decisions are local zoning decisions to be made by the local airport sponsor, not the FAA. Moreover, the Airline Deregulation Act of 1978 expressly creates an exemption from federal preemption for local airports operating in a proprietary capacity.

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| | | | <ul style="list-style-type: none"> • MC § 21.53.015 Expansion. <i>County says a Palomar Airport expansion only occurs if county expands the airport beyond the current boundaries.</i> <ul style="list-style-type: none"> ○ For starters, county is in fact promoting PMP projects which extend beyond the CUP 172 boundaries. <i>The Palomar Airport runway and operating airfield facilities are on the Northwest corner of El Camino Real and Palomar Airport Road. As the county has conceded in its CUP 172 discussion above, the county “voluntarily” submitted itself to Carlsbad jurisdiction within the CUP 172 premises. But the CUP 172 premises drawing shows airport property only on the Northwest corner of ECR and PAR, not the airport property on the Northeast corner of ECR and PAR. As noted below, it appears that the county 2018-2038 PMP runway relocation and 800-foot runway extension will require navigational aids on the county Northeast parcel. Accordingly, despite county denials, improvements are required outside the CUP 172 boundaries.</i> ○ Equally important, we understand that Carlsbad in 1979/1980 was a general law city subject to state Aeronautics Code provisions in the Public Utilities Code. We understand that PUC § 21664.5 then and now defined airport runway extensions as “expansions.”⁶⁰ |
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⁶⁰ § 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. * * *

(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). *

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| | | | <ul style="list-style-type: none"> ○ Moreover, in the Public Utility Code, California has mandated that Airport Land Use Commissions (in San Diego, the San Diego Regional Airport Authority acting as the ALUC) adopt a “Land Use Compatibility Plan” (LUCP) for each airport. The LUCP purpose is simple. Airport Master Plans focus only on development at the airport. The LUCP recognizes that such “on-airport” development may interfere with development on the land adjacent to and/or near the airport. For instance, tall buildings on the aircraft approach to an airport may interfere with airport operations. Also, airport on approach to an airport impact community noise and safety as aircraft arrive and leave the airport. LUCPs address all these issues. The 2010/2011 ALUC-adopted McClellan-Palomar LUCP expressly says in § 2.12 entitled Review of airport master plans and development plans on p. 2-29: <p style="text-align: center;"><i>§ 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.”</i></p> ○ Moreover, Carlsbad Carlsbad MC § 21.04.140.1 provides as follows: <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p style="text-align: center; margin: 0;">Carlsbad Municipal Code</p> <p style="margin: 0;">Up Previous Next Main Search No Frames</p> <p style="margin: 0;">Title 21 ZONING</p> <p style="margin: 0;">Chapter 21.04 DEFINITIONS</p> </div> <p>21.04.140.1 Expansion.</p> <p>“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)</p> • MC § 21.53.015 Legislative Act <ul style="list-style-type: none"> ○ Palomar Airport lies within the city of Carlsbad. Accordingly, Carlsbad |
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| | | | <p>must under state law adopt a Government Code-compliant General Plan to assure that Carlsbad land around the airport is developed consistently with airport development. Similarly, a county new 2018-2038 Palomar airport master plan triggers an ALUC LUCP Update. Once the ALUC updates the ALUC, state law requires Carlsbad (the city in which Palomar is located and the city controlling the zoning and planning around the airport).</p> <ul style="list-style-type: none"> ○ In short, county’s adoption of its 2018-2038 PMP will require Carlsbad (i) to spend tens of thousands of dollars in Carlsbad staff and consultant time to assess the consistency of the new county PMP with (aa) the Carlsbad 2015 General Plan and (bb) the ALUC Updated McClellan-Palomar Land Use Compatibility Plan. ○ Moreover, Government Code § 65402(b) requires the county to present its 2018-2038 to the Carlsbad council to determine if the PMP is consistent with the Carlsbad 2015 General Plan. If the PMP is not consistent, state law requires Carlsbad to update its 2015 General Plan. Updating will be required. When Carlsbad prepared its 2015 GP, it had no idea that county (i) planned to convert Palomar from a B-II airport to a D-III airport, (2) relocate the runway and extend it 800-feet east, which will result in the runway protection zones changing, (3) planned to extend the runway by placing several hundred pilings, each 15 feet to 40 feet deep through a methane emitting 19 acre landfill with no bottom liner, which the RWQCB board said in 2016 and 2017 letters to county already fails to meet the RWQCB Order 96-13 landfill water quality remediation objectives, (4) wanted to increase annual passenger flights from about 50,000 a year to 500,000 a year that will create air quality, noise, pollution, and traffic impacts – among many other PMP impacts. <p>BPR 174 (con’d). In the final PMP and PEIR add the facts including code sections noted above. County is entitled to its legal arguments but not to a selective record. Given the information</p> |
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| | | | above, explain why the PMP proposed runway and taxiway relocation and 800-foot extensions are not MC § 21.53.015 expansions requiring Carlsbad legislative acts. |
| 58 | pp. 4-3 to 4-32 | § 4.2 Project Alt Analysis | <p>BPR 175. General Comment & Questions. Curiously, (i) county trumpets 8 project alternative (Alt) evaluation criteria, (ii) provides Table 4-1 (pages 4-17 to 4-19) summarily checking boxes (showing each Alt does or does not meet the criteria), but (iii) fails to discuss or support each Alt-qualifying (table check mark) and Alt-disqualifying “black marks” (BOLD “Xs” in Table 4-1) in its Alt “analysis” (pages 4-3 to 4-16). Moreover, it makes no sense to say any project does or does not meet each of the 8 criteria. Every Alt has pros and cons. For instance, “safety” is not an absolute. As we have shown in our comments above, a raft of reasons show the county’s Preferred Modified D-III Standards Compliance Alt creates safety problems. In the final PMP and PEIR (i) respond to each concern listed below, (ii) explain why a Table 4.1 “pass/fail” system (positive checkmark or negative X) rather than letter-rating system makes any sense, and (iii) identify the county person or consultant assigning the rating given in Table 4-1.</p> <p>➤ County’s Table 4.1 says the No Project Alt fails because (i) it does not accommodate future and existing demand and (ii) is not eligible for FAA funding.</p> <ul style="list-style-type: none"> ○ Let’s discuss FAA eligibility first. Is county really saying that (aa) if county doesn’t need to spend \$100 million in FAA, state, and county funds that (bb) although the county neither gets nor needs FAA monies, a project negative results? Since when does saving the county \$100 million, avoiding closing the airport for extended construction periods and losing operating revenues, and minimizing county future liability resulting from eviscerating the landfill with several hundred pilings count as a negative? Explain the county reasoning. [The existing negative rating shows the county bias in wishing to discount the No Project Alt.] ○ Unfortunately for county, the facts showing that the No Project Alt does in fact easily accommodate future and existing Palomar demand are overwhelming. |
| | pp. 4-3 to 4-4 | § 4.2 No Project Alt (Stays B-11 airport) | |

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| | | | <ul style="list-style-type: none"> ▪ County concedes it served 286,000 Palomar operations on its B-II runway in 1996 (without even then reaching full Palomar capacity) and expects to serve 30% fewer operations within 20 years. ▪ The FAA Palomar PMP forecasts for future Palomar operations and passengers are far more conservative than the county’s. ▪ Over the last 4 years, several new Palomar Airport air carrier operations (both charter-based and regularly scheduled) have started and abandoned service. ▪ Even if Palomar reached a 500,000 passenger level by 2038, those passengers can be handled with 5% of the forecasted operations. (5% of 208,000 flights = roughly 10,000 flights. And 10,000 flights carrying 50 passengers each = 500,000). ▪ The county Airport Director for the last 12 years (Peter Drinkwater) admitted at a Palomar PMP workshop that to the best of his knowledge, there is currently only one flight per week that needs to make a second fuel stop at Lindbergh.⁶¹ In other words, less than one percent of Palomar flights will fall into the D-III category that county wants to serve (out of the forecasted 208,000 operations by 2038). ▪ Moreover, a review of various D-III aircraft specifications including those for the Gulfstream 550 disclose that even an extended Palomar runway length of 5700 feet would not allow such aircraft to take off from Palomar with full fuel loads. In other words, such aircraft would have to refuel at Lindbergh in any event. ▪ County concedes that even if the FAA were willing to approve county’s Preferred Modified D-III Standards Compliance Alt, a condition of FAA approval would be that Palomar would not use its taxiway and runway concurrently when D-III aircraft with larger wingspans were using Palomar. County can easily implement this same requirement in the No Project alternative on the rare occasions when Palomar handles D-III |
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⁶¹ Also confirmed in city of Carlsbad Palomar Master Plan comments between March 13 and 19, 2018. See discussion of PMP § 5.4.2.2 air quality comments.

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| | | <p>pp. 4-3 to 4-6</p> <p>§ 4.3 Enhanced to B-II Alt</p> | <p style="text-align: center;">aircraft.</p> <ul style="list-style-type: none"> ▪ County concedes that since at least the year 2000, Palomar has routinely handled FAA-rated C and D aircraft with annual operations ranging between 5,000 and 12,000. <p>BPR 175 (con'd). In short, the facts overwhelmingly support the No Project Alt. In the final PMP and PEIR include the foregoing facts. If the county disputes them, add the county facts and support for those facts. Explain why county ignores and/ or disputes the foregoing facts. Explain why county needs to spend \$50 million to \$100,000,000 by 2038 to handle flight and passenger levels easily now accommodated at Palomar.</p> <p>BPR 176. In PEIR § 4.3.1, county describes the “B-II Enhanced Alternative” as follows: “county proposes to maintain the safety and design standards for the current B-II classification at the Airport. Improvements include installation of EMAS on Runway End 24. A retaining wall wrapping around both the north and south edges of the existing runway would provide support for the fill required to install the EMAS and would allow for the relocation of the vehicle service road while remaining out of the RSA These modifications allow for a future 900-foot runway extension to the east.” The county’s project description problems are as follows:</p> <ul style="list-style-type: none"> ○ County fails to say whether it is adding only a runway west end EMAS or an EMAS at both ends. County uses the term “EMAS,” not EMASs and not two EMASs. So county seems to be talking about only one EMAS, especially by its reference to the Runway End 24. But when county gets to the analysis section in 4.3.2.3 (Hazards and Hazardous Materials) county talks about excavation in the inactive landfill and encountering VOCs (Volatile Organic Compounds, a derivative of hydrocarbons). Our understanding is that the Unit 1, 2 and 3 landfills are far removed from the Palomar runway west end. So county’s discussion of landfill excavation makes no sense – unless county is talking about an EMAS at each end. ○ Adding to the confusion is county’s reference to a retaining wall wrapping around the north and south edges of the runway. The PEIR generally talks about a massive |
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| | | | <p>retaining wall at the runway west end and a retaining wall at the southeast end after the runway is extended 800-feet. So the reference to “north and south” above is unhelpful.</p> <p>BPR 176 (con’d). In the final PMP and PEIR, rewrite the B-II enhanced section to explain whether county is talking about one or two EMAS. If one, state whether there are any landfills on the runway west end (We assume not). If one, explain why county talked about landfill impacts. If the landfill impact discussion was inappropriate, explain (i) how county became so confused by its own project description and (ii) how the county description made any sense to the average member of the public. In addition, explain why county in Table 4-1 failed the B-II Enhanced Alt as incapable of accommodating existing and future demand. We incorporate by reference here all our comments in the No Project Alt above, which show that either the No Project Alt or the B-II Enhanced Safety Alt easily handle existing and forecasted Palomar aircraft flights. Also, explain why county in §4.3.2.3 (Hazards and Hazardous Materials) says <i>“The B-II Alternative would include excavation in the inactive landfill that would have the potential to result in a significant impact to an open, abandoned, or closed landfill as defined by County Guidelines. Similarly construction of the B-II Enhanced Alternative would have the potential to encounter VOCs and metals detected in groundwater. Impacts from hazards and hazardous materials resulting from the B-II Enhanced Alternative ... would be similar to those listed above for the Proposed Project.”</i></p> <p>BPR 177. In the “B-II Enhanced Alt discussed above, the county added the special language: <i>These modifications allow for a future 900-foot runway extension to the east.</i>” At the December 2016 (2015?) Board of Supervisor Meeting with an Agenda Item discussing Palomar Airport, Supervisor Bill Horn on the record several times asked the Kimley-Horn (KH) representative (Vince Hourigan) why the runway extension could not be 900-feet long instead of the 800-feet that KH recommended. The KH representative said that there was simply not enough room for a 900-foot extension. Supervisor Horn than said he didn’t see why 900-feet wasn’t possible and he wanted KH to reexamine the issue. Based on the foregoing facts, it appears:</p> <ul style="list-style-type: none"> ○ To appease Supervisor Horn, KH added the proposed \$9 million Palomar runway |
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| | | <p>west end massive retaining wall under the guise of saying the wall was needed to provide room to relocate the service road around the runway.</p> <ul style="list-style-type: none"> ○ As we noted above, it appears that the service road could run under the Palomar west end runway through a tunnel built at substantially less than the \$ 9 million west end retaining wall. ○ From the foregoing facts (as well as Mr. Horn’s statements at the above noted BOS meeting that (i) he thought the Palomar runway should extend across El Camino Real and (ii) general aviation aircraft should find another home, it appears that Mr. Horn has prejudged the PMP project alternatives without ever considering their environmental impacts and should be disqualified from acting on the PMP and PEIR. The evidence very strongly suggests that because Supervisor has a “900-foot whim” [or constituent who wants a 900-foot extension], he wants to spend an extra \$9 million of FAA, state, and or local money to add 50 to 80 feet of Palomar runway extension. <p>BPR 177 (con’d). Address each of the issues above in the final PMP and PEIR and provide the following information: (i) for the period January 1, 2008 to March 18, 2018 list the campaign contributions that Supervisor Horn has received from (aa) any tenants on the county’s 8 airports and (bb) all county consultants and contractors who have provided consulting and/or construction work at the county airports during that time. Also identify the number of times that Supervisor Horn accepted air transportation at no fare or a reduced fare from air carriers serving any of the 8 county airports during that time. Explain why the county should spend an extra \$9 million to build a massive west end retaining wall just so county could add another 50 or 80 feet to its Palomar runway length.</p> |
| 4-6 to 4-8 | § 4.4 D-III Full Compliance Alt | <p>BPR 178. Because county recognizes that this Alt is not financially feasible, we do not comment further on this Alt. If county changed its position on financial feasibility, we reserve the right to comment further.</p> |
| 4-8 to | § 4.5 D-III | <p>BPR 179. <i>Safety Criteria.</i> As the city of Carlsbad has noted in its comments on the county PMP, county in its Table 4-1 confusingly uses the two terms “D-III Modified Standards Alt”</p> |

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| 4-10 | Modified Standards Alt | <p>(NOT the recommended Project Alt) and “D-III Modified Compliance Standards Alt (the county-recommended Project Alt).” Although county discusses the former term at pp. 4-1 to 4-16, we did not see the latter term, the PREFERRED PROJECT, discussed at pp. 4-1 to 4-16. This omission in and of itself is a fatal omission requiring recirculation of the PEIR. Our comments here focus on the “D-III Modified Standards Alt.” We first look at safety.</p> <ul style="list-style-type: none"> ○ Safety: Runway Width and EMAS. County says it reduces the Palomar runway width from 150 feet to 100 feet so that county could achieve a 367.5 separation between the runway and taxiway center lines. Translation: County does not want the wingtips of large D-III aircraft on the runway touching the wingtips of another aircraft on the taxiway as they both move. By doing so, county reduces Palomar safety. <ul style="list-style-type: none"> ○ First, county still does not meet the FAA D-III standards requirements and would have to restrict simultaneous operation of the runway and taxiway when large aircraft needed concurrent use. ○ Second, county forgets that an FAA Runways Safety Area (RSA) comprises the entire border around the runway. Commonly, we refer to the 300-foot RSA for B airports and the 1000-foot RSAs (or substituted-EMAS) at the end of the runway for C/D airports. But the FAA is as concerned about aircraft veering off the runway as it is about aircraft over or under shooting the runway. So county’s plan to reduce the existing runway width from 150 feet to 100 reduces the pilot safety margin for the entire runway length (now 4900 feet). ○ Third, county needs an EMAS at each runway end in order to extend the runway the proposed 800-feet. But as we noted in our extensive EMAS comments, an EMAS increases the safety risk for aircraft landing though the EMAS “partially” improves safety for aircraft taking off. Why the increased safety risks? |
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| | | | <ul style="list-style-type: none"> ▪ An EMAS is designed to stop aircraft taking off at about 70 knots. D-III landing aircraft may well approach the runway at more than 140 knots. So an aircraft landing in an EMAS can easily flip over. That is why the EMAS design requirements say that an airport must create a “buffer zone” between an EMAS and the landing threshold of the aircraft. This buffer area is created by artificially shortening the runway. For that reason, aircraft may not touch down at the runway threshold but instead at a so-called “displaced threshold” – a distance further down the runway, as marked with wide painted lines. ▪ And why does an EMAS only “partially” improve safety for aircraft taking off? Same reason, the 70-knot design requirement. An EMAS may not help an aircraft substantially exceeding this limit, as for example the “touch and go” aircraft that land and then take off very quickly. The “T&G” aircraft perform this maneuver to maintain their license requirements. Palomar has many T&Gs, partly from flight school pilot learning to pilot. Now contrast the EMAS safety with a 1000-foot RSA safety. A pilot overshooting the runway with a 1000-foot RSA has that distance to stop. Instead of the 350-foot EMAS with its 70 know design speed. Today, Palomar has 1000 feet of empty sandy area at the runway east end. After an 800-foot runway lengthening, there is only room for an EMAS. <p>BPR 179 (con’d). In the final PMP and PEIR, include the foregoing facts. If county disagrees with those facts, add the county facts and support them. Given the above facts, explain why (i) reducing the runway width, (ii) substituting a short EMAS for a long RSA, and (iii) installing non-FAA-compliant runway separation geometry would increase safety for ANY Modified Standards Alt (whether compliant or non-compliant).</p> |
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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

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| | | | <p>BPR 180. <i>More Safety Criteria Issues: Attracting Large, Fast, Fuel-Laden Aircraft to the Palomar Runway East End 19-Acre Methane Emitting Landfill.</i> No where does the county “D-III Modified Standards” Alt discuss the safety and environmental risks posed by more and more, larger, faster, more fuel laden aircraft crashing into the Palomar runway east end 19 acre Unit 3 closed landfill, which has an extensive system of underground plastic methane gas collection piping just 3 to 7 feet below the surface. Here are the relevant facts that county needs to discuss.</p> <ul style="list-style-type: none"> ○ Today, 90% of Palomar aircraft are smaller and slower and may carry only a few hundred gallons of fuel. Of the Palomar current 155,000 annual operations, perhaps 10,000 to 15,000 involve the large, fast corporate or air carrier aircraft that may carry 2,000 to 4,000 gallons (pounds?) of highly volatile aviation fuel. ○ The county PMP says that the county goal – in addition to extending and relocating the runway – is to convert Palomar from a B-II small aircraft airport to a D-III airport serving the larger, faster aircraft. ○ County’s own consultant, SCS Engineers, in its October 2013 report entitled “<i>Evaluation of Possible Environmental Impacts of a Potential Aircraft Crash into the Landfill Cover at Palomar Airport Landfill, Carlsbad, California</i>” lays out in great detail in 11 pages the safety and environmental risks that will occur if large, fast, fuel-laden aircraft crash into the landfill. This risk is minimal today since less than 10% of the aircraft fall into this category. ○ On at least 4 different occasions, we have requested the county to discuss the noted SCS Engineers report in its environmental documents. County steadfastly refuses. This refusal alone requires county to recirculate the PMP and PEIR for failure to comply with CEQA in good faith. <p>BPR 180 (con’d). In the final PMP and PEIR, discuss the foregoing issues. Explain why converting Palomar to a D-III airport and attracting larger, faster, more fuel laden aircraft (aka</p> |
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| | | <p>“bombs”) to a methane emitting 19 acre landfill improves Palomar safety, especially when county says it wishes to attract up to 500,000 passengers to Palomar instead of the current 5,000 to 20,000, does not lesson Palomar aircraft operating safety.</p> <p>BPR 181. <i>Financial Feasibility Criteria.</i> In Table 4-1, county says that both of its “Modified D-III” Alts are financially feasible. Yet:</p> <ul style="list-style-type: none"> ○ We have shown in Part B of our PMP and PEIR comments, which extensively discuss the FAA Airport Improvement Program Handbook grant requirements and the FAA Benefit Cost Analysis Manual requirements, that county fails multiple basic FAA grant eligibility tests. ○ County’s PMP and PEIR present no credible evidence suggesting how county could finance up to \$100 million of Palomar D-III improvements, especially since Palomar has either lost money or made little in each of the last four fiscal years. Presumably county would have to issue revenue bonds or convince its tenants to finance improvements. Each scenario faces substantial problems. <ul style="list-style-type: none"> ▪ Having worked as the City of LA Harbor Department bond counsel for several years, I am very familiar with (i) bond document disclosure requirements and (ii) various public revenue bond-financed projects that courted bankruptcy in the last two decades, often as a result of overly rosy financial projections in the bond documents. It is likely that if county objectively and fairly disclosed all the Palomar Airport issues commented on in our documents, potential bond buyers would flee. Also, if the county disclosed to the bond rating agencies all the true facts, it is unlikely that county airport revenue bonds would be rated well. ▪ As to financing from Palomar Airport tenants, county would encounter the same “fiduciary financial disclosure problems.” Moreover, even if county could convince tenants to finance some developments “on the front end,” it is |
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| | | | <p>likely the tenants would demand offsetting rent reductions and other accommodations in their leases. That would in turn raise FAA grant compliance issues since the county must grant leases to tenants on a non-discrimination basis.</p> <ul style="list-style-type: none"> ▪ Interestingly, in the county PMP and PEIR, we saw no serious attempt by county to financially justify its proposed PMP projects. We also noted that county seems to have abandoned its Palomar Benefit Cost Analysis (BCA) that county included in its Palomar Runway Feasibility Study of a few years ago. After that study, we pointed out many reasons why county had failed to comply with the FAA BCA Manual requirements. We noted especially that county, as to forecasted revenues, relied on revenues from allegedly increased fuel fees that in reality (if they would exist at all) would merely be transferred from South County (Lindbergh) to North County. In other words, not new money but transferred money. ▪ We also noted that in the county-prepared Palomar Airport Master Plan video presented at the city of Carlsbad February 20, 2018 council meeting (with no county staff in attendance to answer any questions), the county touted Palomar economic expansion benefits. ▪ We also have shown that county has failed to reliably forecast its runway relocation and 800-foot extension cost over the Unit 3 landfill because county failed to account for the Unit 3 liquefaction risk, which would endanger the structural stability of a runway extension on pilings. <p>BPR 181 (con'd). In the final PMP and PEIR, discuss all the issues above. Outline county's plan for financing PMP improvements. Identify the pages in the PMP and PEIR which already discuss county's ability to finance the proposed improvement. Identify in the PMP and PEIR the source of the financial data that county presented in the video noted above and provide the contact information for the person who can make available that data for review. Recall that</p> |
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| | | <p>the City of Santa Monica has convinced the FAA to allow Santa Monica to close its airport in the future. Santa Monica is evaluating alternate uses of airport property. To provide a fair and balanced view of the value of the Palomar Airport property, include in the final PMP and PEIR an economic analysis showing (i) how many acres of county infrastructure property could be returned to the tax base (since county improvement are exempt from property tax) and (ii) how much money county could make from leasing out the property to private developers if county were to close Palomar Airport. When answering this request, recall that the county may not just enter “checkmarks” in Table 4-1 and make unsubstantiated claims.</p> <p>BPR 182. <i>Impacts to Airport Businesses Criteria.</i> In the final PMP and PEIR, identify all the Palomar Airport tenant buildings that will have to be relocated or modified if county moves the runway for its Preferred Alt.</p> <p>BPR 183. <i>Existing & Future Palomar Demand Criteria.</i> We incorporate by reference here our comments above which show that either the No Project Alt or The Enhanced B-II Alt will easily accommodate existing and future Palomar demand. Both Cal Jet, which recently started Palomar operations, and California Pacific Airlines, which hopes to start before July 1, 2018 have said at monthly Palomar Airport Advisory Committee meetings that they do not need Palomar runway changes to operate. In addition, Carlsbad resident Graham Thorley has on multiple occasions in the year 2017 presented evidence to former county airport director Peter Drinkwater that several aircraft manufacturers are delivering before 2020 several aircraft models capable of using the Palomar 4900 foot runway with increased passenger levels. In other words, new more operationally efficient and fuel efficient aircraft are replacing the older “buggy whip” aircraft of the past. As noted above, Mr. Drinkwater also stated that Palomar now handles few annual D-III flights. In the final PMP and PEIR, explain (i) how much overcapacity Palomar now has to serve existing and future flights, (ii) what hard data (not guestimates and speculation) county has to support the claim that more than a tiny fraction of Palomar’s projected 208,000 annual operations by 2038 will involve D-III aircraft.</p> <p>BPR 184. <i>Ability of County to Remain on the Existing Northwest Corner of ECR and PAR for a D-III expansion Criteria.</i> Since county says its runway relocation and/or 800-foot runway</p> | <p>↑</p> <p>175-275 cont.</p> <p>175-276</p> <p>175-277</p> <p>↓</p> |
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| | | | <p>extension will not require the use of any property outside its Northwest parcel at ECR and PAR, confirm in the final PMP and PEIR:</p> <ul style="list-style-type: none"> ▪ The relocation/extension will not require the installation of any navigational aids on the northeast corner of ECR and PAR and, without such northeast corner installation county will be able to operate the relocated/extended runway in conformance with all FAA requirements. ▪ The shift of the runway 800-feet east will (i) not extend the area of the FAA-required Runway Protection Zone eastward, (ii) not require the county to purchase or lease or take an interest in any added RPZ property, and (iii) will not result in the county being in breach of any FAA RPZ requirements. ▪ The construction of a west end massive retaining wall or southeast massive retaining wall along Palomar Airport road will not require the county to obtain any property from Carlsbad or any third party. ▪ The county-forecasted-future passenger level of 500,000 will not require county to purchase or lease any property for parking outside the existing Palomar parking areas. In case the county’s answers turn out to be incorrect, identify the individuals who provide the answers to this request. <p>BPR 185. <i>Minimizing Impacts to the Environment Criteria.</i> Explain in the final PMP and PEIR why county “checked” as acceptable the Table 4-1 boxes for environmental compliance for both the “D-III Standard Compliance Alt” and the “D-III Modified Standards Alt” when either D-III project (assuming they are distinct, which county fails to discuss in a meaningful manner) has the following environmental impacts:</p> <ul style="list-style-type: none"> ▪ <i>Aesthetics.</i> County wants to build two massive retaining walls, one in the middle of the Carlsbad scenic corridor, when county has a demonstrated 30-year history of maintaining ugly Palomar slopes for at least 2/3 of every year without making any serious attempt at creating and maintaining attractive landscaping. The No Project and Enhanced B-II Alts do not present this risk (if the runway service road is provided via a tunnel instead of a “<i>Let’s please Supervisor Horn east runway retaining wall.</i>” |
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| | | | <ul style="list-style-type: none"> ▪ Air Pollution. As shown above, county in its air quality analysis has likely substantially undercounted the vehicles used by Palomar airport users. The undercount results from county counting only forecasted commercial passengers but omitting (i) general aviation pilots and their guests, (ii) corporate pilots and their guess, (iii) helicopter pilots and their guests, and (iv) chartered pilots and their guests. The GA pilots (without guests) alone comprise more than 100,000 people annually. If half of the GA flights had a guest, another 50,000 are omitted. If 10,000 annual corporate flights carry 5 guests each, another 50,000 are omitted. County has provided no data for the number of Palomar employees and consultants daily working at the airport. Collectively, it appears that county undercounts Palomar users by 200,000 to 350,000 people annually. As county did note, county assigns 2.6 vehicle trips to each Palomar user. So if county omits 200,000 people in its air quality calculations, county omits 520,000 vehicle trips. If county omits 250,000 people, it omits 650,000 vehicle trips. Because the San Diego Air Basin is a non attainment area for ozone, any addition to ozone pollution from the airport creates a significant impact. ▪ Biological. As county admits, the D-III (and C-III) Alts will interfere with several threatened species. Although county proposes mitigation, history shows that there is no certainty that such mitigation will work. The result is unintended but real species destruction. The No Project Alt and possibly the Enhanced B-II Alt do not present this risk. ▪ Hazards & Hazardous Material. The D-III and C-III Alts, which propose the 800-foot runway extension over the methane emitting 19 acre Unit 3 landfill will likely significantly harm the environment in two separate ways. <ul style="list-style-type: none"> ○ Construction. As noted in our comments above, the county PMP and PEIR failed to note that county for 20 years has failed to meet the Regional Water Quality Control Board Palomar Order No. 96-13 water quality improvement objectives. County’s plan to drill several hundred holes, each 15 to 40 feet deep, through the |
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| | | | <p>linerless landfill will simply create thousands of feet of migration pathways for the continually accumulating “garbage juice” to drain to clean soil under the landfill and possibly migrate to ground waters. The No Project Alt does not have this risk. The B-II Enhanced Alt does not have this risk so long as an EMAS is installed only on the runway west end and the 1000 feet of open space is preserved as an RSA on the runway east end. Construction will also create many months (which county thus far has failed to estimate) of added noise, air pollution, and traffic.</p> <ul style="list-style-type: none"> ○ Aircraft Operation. County has failed to discuss the many environmental risks to the environment presented by county attracting large, fast, fuel-laden aircraft to the Unit 3 landfill area as described in detail by county’s own consultant, SCS Engineers, in its October 2013 report. Also, county has failed to explain how it could cleanup aviation fuel draining into the Unit 3 landfill from a downed aircraft after county has placed hundreds of obstacles to such clean up, namely the pilings supporting the extended runway deck. ▪ <i>Noise.</i> County has failed to provide any analysis of the noise caused by single noise events as required by the California court in <i>Berkeley Keep Jets Over the Bay</i>, especially as impacting the approximately 1100 mobile homes east of the Palomar runway, which will have aircraft fly over them on a lower glide slope as aircraft land sooner on the 800-foot east shifted runway. San Marcos Mayor Jim Desmond noted this concern in his EIR scoping comments. ▪ <i>Traffic.</i> As noted in the air pollution discussion above, county has substantially undercounted the number of vehicles associated with Palomar operations. As county recognizes, the city of Carlsbad 2015 General Plan identifies several major El Camino Real and Palomar Airport Road intersections at near gridlock conditions [Level of Service D or E] at peak periods even without Palomar airport related traffic increases. County’s airport-related vehicle undercount means that county has also underestimated the airport traffic impact. County concedes that even without this undercount, the |
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| | | | <p>airport will significantly impact the gridlocked intersections. Compounding county’s traffic undercount estimate was its failure to include in its cumulative traffic analysis the impact of several hotels and the ViaSat nearly 1 million square foot office building now being built within a mile of Palomar.</p> <ul style="list-style-type: none"> ▪ <i>Water Quality.</i> As discussed above, the county PMP and PEIR fail to report county noncompliance with the RWQCB Order 96-13 landfill water quality improvement objectives and fail to explain several airport hydrocarbon releases that may or may not be associated with past leaking underground fuel tanks. <p>BPR 185 (con’d). In the final PMP and PEIR, explain why the analysis just provided is mistaken. Support county’s assertions with verifiable evidence. Explain why the aviation acts allow county to even consider its Preferred alternatives given the evident superiority of the No Project Alt and B-II Enhanced Project Alt.</p> <p>BRP 186. We incorporate all our comments above as to county’s D-III On Property Alt and ask for county’s responses. For the reasons above, county’s Table 4-1 showing alleged county compliance with several of the 8 evaluation criteria are unsupported by the evidence. In the final PMP and PEIR, respond to all the points raised regarding the D-III alts but in the context of county’s D-III On Property Alt.</p> <p>BPR 187. As county notes: <i>“runway design standards for C-III and D-III aircraft are identical.”</i> Accordingly, we incorporate by reference all of our comments in BPR #s 178 to 185 above as to county’s C-III Modified Standards Compliance Alt. All of our 8 evaluation criteria criticisms applicable to D-III Alts apply equally well to county’s C-III Alt. For that reason, county’s Table 4-1 showing alleged county compliance of the C-III Alt most of the 8 evaluation criteria are unsupported by the evidence. In the Final PMP and PEIR, respond to all the points raised in BRp #s 178 to 185 but in the context of county’s C-III Alt.</p> |
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| <p>4-14 to 4-16</p> | <p>§ 4.8.2 Public Comment Alt v. Proposed Project</p> | <p>BPR 188. County’s § 4.8.2 entitled “<i>Comparison of the Effect of the Public Comment Alt to the Proposed Project</i>” does no such thing. County does talk about a Public Comment Alt. But county’s reference to “Proposed Project” is confusing. Is county referring to its Preferred Project Alt? If so, where is the discussion of 8 Criteria for the county’s Preferred Project?</p> | <p>175-280</p> |
| <p>4-15 to 4-16</p> | <p>§ 4.9 No Project Alt is the Superior Environmental Alt</p> | <p>BPR 189. As county acknowledges in § 4.9, the No Project Alt is the superior environmental impact-avoidance project under Evaluation Criteria 6. As we have shown above, the No Project Alt is also the superior Alt when Evaluation Criteria 1 (Safety), Evaluation Criteria 2 (Financial Feasibility), Evaluation Criteria 3 (Avoidance of on-airport business impacts), Evaluation Criteria 5 (Remaining on airport northwest corner), Evaluation Criteria 7 (Impacts on Surrounding Environs), and Criteria 8 (FAA grants, because no grants would be required). County says it picks its “D-III Modified Standards Compliance” Alt because only it meets existing and future demand. That contention has been thoroughly refuted above because even county concedes that (i) the anticipated Palomar demand by 2038 will still be 30% below Palomar’s historical service level and (ii) Palomar has routinely handled 5,000 to 15,000 C and D aircraft annually since at least the Year 2000. Moreover, county forgets the prime Congressional directive: Safety has priority. As shown repeatedly above, by proposing a Palomar B-II to D-III conversion, Palomar increases the safety risks of the larger aircraft using Palomar.</p> <p>BPR 189 (con’d). In the final PMP and PEIR, respond to the foregoing points,.</p> | <p>175-281</p> |
| <p>4-17 to 4-19</p> | <p>Tables 4-1 to 4-2 Alt Tables</p> | <p>BPR 190. All of county’s Chapter 4 PMP project Alts suffer from a major omission as to county’s discussion of achieving its Criteria 4 “<i>Accommodating Existing and Long Term Goals</i>”. County’s discussion ignores Years 1-13 of the 20-year planning horizon. Recall several important facts: (i) as shown by county’s PMP, the FAA has little faith in county’s operational and passenger projections; (ii) for the reasons set forth both in county’s PMP and PEIR and in the Bender extensive Part B comments related to county’s ability to meet the FAA AIP</p> | <p>175-282</p> |

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| | 4-15 to 4-16 | <p>Handbook grant criteria, it is unlikely that county can qualify for FAA grants to extend the runway and taxiway 800-feet over the Palomar landfill; and (iii) county’s failure to provide any meaningful economic analysis suggests county will not receive substantial monies from other sources. This is important because county claims that only its Preferred Project Alt [which is uncertain since county confuses the terms “D-III Modified Standards Compliance Alt” and “D-III Modified Standards Alt”] meets Palomar’s existing and future needs. Facts county consistently fails to explain throughout its PMP and PEIR include:</p> <ul style="list-style-type: none"> ○ How does adding 200-feet to the runway changes in any material way the “destination distances” that aircraft using Palomar can meet? In other words, county’s Criteria 4 analysis automatically fails in years 1-13. Related issues include those below. ○ Why does adding runway length allegedly increase safety for all Palomar aircraft when the result of increasing length is to attract larger aircraft (not formerly using the runway) to the runway. County’s PMP and PEIR suggest that a longer runway will not induce more, larger, faster aircraft to use Palomar. <p>But Palomar’s own history contradicts county’s unsupported speculation. County allegedly built Palomar as a B-II airport. A “B” airport would have a 75-foot runway width.⁶² Instead, county installed a 150-foot runway. What was the result? Since at least the Year 2000, Palomar has been handling the wider wingspan C and D (a few) aircraft at Palomar in the range of 5,000 to 12,000 per year. Hence, county’s Safety Criteria analysis fails.</p> <ul style="list-style-type: none"> ○ Moreover, county’s Environmental Compliance Criteria analysis fails. Throughout the PMP and PEIR, county ignores the fact that the RWQCB monitoring reports show that the Palomar runway east end blast pad (which is the area in which county wants to build its 200-foot runway extension) is bisected by the landfill. In other words, even a 200-foot runway extension risks environmental problems and substantial increased build costs due |
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⁶² Or, if certain visibility restrictions applied, a 100-foot width.

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| | | | <p>to the installation of pilings issues. Note that on PEIR page 4-15, county was so anxious to refute a public project Alt (shifting the runway to the east to avoid the \$25 million cost of a west end EMAS installation) that county said in § 4.8.2.3 (Hazards and Hazardous Materials): <i>“Although the Public Comment Alt would not include a potential extension of the runway, it would include linear excavation near the inactive landfill that would have the potential to result in a significant impact to an open, abandoned, or closed landfill as defined by County Guidelines. Similarly, construction of the Public Comment Alt would have the potential to encounter VOCs and metals detected in groundwater”.</i></p> <p>BPR 190 (con’d). Discuss the foregoing issues in the PMP and PEIR.</p> | <p>↑</p> <p>175-282 cont.</p> |
| 59 | 7-1 to 7-7 | Mitigation | <p>BPR 170. We have already commented extensively on county’s Mitigation issues in BPR 16 to 70 in the county’s Executive Summary chapter. We incorporate by reference all those comments here and request county’s responses to all the issues stated there.</p> | <p>175-283</p> |

2018 RB PEIR Table II March 16.docx
2018 RB PMP and PEIR Part C Comments Table II to be added at Table I end

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