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September 1, 2015

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

Dear Sir or Madam:

This comment letter is submitted by the County of Orange (County) acting in its capacity as the owner and operator of John Wayne Airport (JWA or Airport) and reflects the County's comments on the Federal Aviation Administration (FAA) Draft Environmental Assessment (Draft EA) for the Southern California Metroplex Project.

Our comments on the Draft EA are premised upon the following primary concepts and concerns:

- The 1985 John Wayne Airport Settlement Agreement, as amended, reflects consensus between the County of Orange, the City of Newport Beach, the Airport Working Group (AWG) and Stop Polluting Our Newport (SPON) on the nature and extent of facility and operational improvements that may be implemented at JWA. For 30 years, this Agreement has balanced the development of facilities and the growth of operational capacity with the legitimate environmental concerns of the surrounding communities. The County believes that it is imperative that nothing proposed or implemented through the Metroplex Project jeopardize the continued successful implementation of the Settlement Agreement.
- The County understands and respects FAA's responsibility for and control over use of the nation's navigable airspace. It is important, however, that FAA understand and respect the views of those who are impacted by its decisions in managing that airspace. Unfortunately, neither airport owners nor communities affected by aircraft operations have been included, in any meaningful way, in the development of the Next Generation Air Transportation System (NextGen) or in the Southern California Metroplex Project. We believe the exclusion of these important stakeholders was inappropriate and their inclusion in future discussions is critical to the long-term success of NextGen and the Metroplex Project.
- In "Vision 100 – Century of Aviation Reauthorization Act of 2003," Congress identified a series of goals for NextGen. Not surprisingly, the first goal referenced the need to

“improve the level of safety, security, efficiency, quality and affordability of the National Airspace System and aviation services.”¹

It is important to note, however, that Congress also directed that NextGen, “take into consideration, to the greatest extent practicable, design of airport approach and departure flight paths to reduce exposure of noise and emissions pollution on affected residents.”² The Draft EA, however, ignores this direction and instead limits its focus on improving “the efficiency of the procedures and airspace utilization in the Southern California Metroplex.”³ There is no discussion in the “Purpose of the Proposed Action” section of any effort to reduce noise, emissions or other environmental impacts. The County believes that the FAA has not given appropriate consideration to the reduction of environmental impacts, particularly noise, in developing the airspace proposals presented in the Draft EA and that, as a result, the proposals do not meet the goals Congress defined for NextGen.

The County’s specific comments are as follows:

1. The County appreciates the magnitude of the task undertaken by the FAA and, specifically, the SoCal Metroplex team. We appreciate the team’s willingness to meet with local representatives on two occasions after the Draft EA had been issued to discuss the Metroplex project. In both of those meetings (July 15, 2015 and August 12, 2015), representatives of the County of Orange emphasized the need to provide additional information regarding the proposals and the environmental analysis presented in the Draft EA. FAA ultimately posted a portion of the information requested, some as late as August 18, 2015 – more than two months after the Draft EA had been published and just three weeks prior to the close of the comment period. The County believes this information should have been published concurrently with the Draft EA and that the public was not provided with adequate time to review and comment on all the information relating to the proposals and environmental analysis.
2. The County has established noise limits at seven noise monitors along the departure corridor. To comply with these limits, some air carriers and general aviation operators utilize noise abatement departure procedures. The ability to utilize these procedures, and to ensure continued compliance with the County’s noise limits, is of the utmost importance to the County and those who live and work in the vicinity of the Airport. The County requests that the Draft EA be revised to clarify that the Metroplex Project will neither propose nor require changes in noise abatement departure procedures that could jeopardize or preclude the ability of the air carriers and the general aviation community from utilizing those procedures and complying with the County’s noise limits, as reflected in, among other documents, the 1985 Settlement Agreement, as amended.

¹ 49 U.S.C. § 40101 note, Vision 100 – Century of Aviation Reauthorization Act of 2003, Pub.L. No. 108-176, § 709 (c)(1)

² 49 U.S.C. § 40101 note, Vision 100 – Century of Aviation Reauthorization Act of 2003, Pub.L. No. 108-176, § 709 (c)(7)

³ SoCal Metroplex Draft Environmental Assessment, Section 2.2

3. The FAA utilized the Noise Integrated Routing System (NIRS), Version 7.0b to analyze noise associated with the Proposed Action and No Action Alternative. The County is concerned that the vertical profiles provided in NIRS are often different from actual vertical profiles, thus the noise analysis provided in the Draft EA will not accurately depict the noise levels, and changes in noise levels, that will result from implementation of the Proposed Action. Please clarify and or provide additional information and analysis regarding the difference between the vertical profiles defined in NIRS and the actual vertical profiles anticipated to be used at and around the Airport as well as any impact this difference has on measured noise levels. In addition, please indicate whether this difference was taken into account in the context of the analysis provided in the Draft EA. If not, please revise the analysis accordingly.
4. The County understands that one of the goals for the SoCal Metroplex is the enhancement of safety through the establishment of repeatable and predictable flight paths and that such flight paths will tend to be less dispersed than they have been historically. Based on the data provided in the Draft EA, however, it is impossible to ascertain what level of dispersion will continue to exist and, relatedly, what degree of concentration of flight tracks will occur. Further, it is not possible to ascertain the distribution of traffic amongst the flight tracks that were used for noise modeling purposes, and subsequently provided to the public. We request that FAA make public the NIRS files, as well as the methodology used to create the NIRS tracks, to allow the County and interested parties to fully understand the level of dispersion, and associated noise impacts, that were assumed in the Draft EA.
5. The County understood that the proposed FINZZ, HAYLO and PIGGN Standard Instrument Departures (SIDs) were to be designed to follow the current ground track along the STREL3 SID from Runway 20R, down the middle of the Upper Newport Bay, to the STREL waypoint off the coast. It appears, based on the information provided by FAA, that the proposed FINZZ, HAYLO and PIGGN SIDs will result in a change from the historical track and that this is the result of a change in the location of the initial turn and the removal of the TOING waypoint. While the proposed difference in the point at which aircraft make their initial turn from the runway heading may seem insignificant, such a change would result in a noticeable increase in noise for residential areas located along the Upper Newport Bay.

The County requests that FAA modify the FINZZ, HAYLO and PIGGN SIDs to match the STREL3 SID and explain why the TOING waypoint has been removed from the proposed SIDs. The County further requests that FAA monitor the FINZZ, HAYLO and PIGGN SIDs, once implemented, for a reasonable period of time (three to six months) to ensure that the ground tracks do, in fact, follow the middle of the Upper Newport Bay. It is important that the FAA provide information regarding this monitoring effort and that the County and affected communities have the opportunity to participate with FAA in this evaluation process.

6. The flight tracks that form the basis for environmental analysis (NIRS) must be consistent with those associated with the proposed procedures (TARGETS) to ensure that the public is provided with an accurate representation of anticipated impacts, especially in the case of noise. This does not appear to be the case in some instances. For example, the TARGETS data for the HAYLO, FINZZ and PIGGN SIDs are identical, but the NIRS flight tracks for the HAYLO and FINZZ SIDs are not the same as those reflected for the PIGGN SID. The County requests an explanation and correction of this inconsistency.

7. The Draft EA finds that no significant noise impacts are created by the Metroplex Project. This finding is based on the National Environmental Policy Act (NEPA) which defines as “significant” an increase of: (i) Day Night Average Noise Level (DNL) 1.5 dB or greater at DNL 65 and higher; (ii) DNL 3.0 dB or greater at DNL 60 to 65; or (iii) DNL 5.0 dB or greater at DNL 45 to 60. It is important to note that FAA Order 1050.1E specifically references CNEL (community noise equivalent level) as “an alternative metric for California.” The County recognizes that DNL is the FAA’s primary metric, but believes it would have been entirely appropriate to include a full noise analysis using the CNEL metric in the Draft EA.

While the Draft EA relies solely on DNL analysis, FAA Order 1050.1E allows the FAA to use supplemental noise metrics to provide a clearer explanation of anticipated noise impacts. Supplemental metrics, such as the number of events above a threshold or the increase in the number of flights over a neighborhood, may show that the Proposed Action does not reach the 1.5 dB threshold change within the 65 DNL contour, but could result in a widespread, adverse community response. The County believes there are, at least, two specific cases where the use of supplemental metrics is warranted:

- a) Aircraft inbound to JWA via the DSNEE Standard Terminal Arrival (STAR) will nominally make a right turn at JWARD to provide course divergence from aircraft inbound to Long Beach Airport. As a result, it appears that both Required Navigation Performance (RNP) and non-RNP operations will occur further north than they do today. Additionally, the earlier turn at JWARD is likely to result in aircraft joining the localizer earlier, which means that there will be additional concentration of traffic further north of the runway threshold than is currently the case. The County believes that these factors taken together will result in an increase in the number of aircraft events observed by communities north of the existing inbound flight paths. Please confirm that this assumption is correct and revise and provide additional information in the EA regarding this increase in observable aircraft events. If the additional analysis, which should include the use of supplemental noise metrics, shows a significant impact, an Environmental Impact Statement (EIS) may be required.

- b) The County believes that a similar shift of traffic, and resulting shift of noise, will also occur with northerly departures from Runway 02L. Specifically, the common radius of curvature of the HOBOW, MIKAA and PIGGN SIDs is wider than the radius of curvature of the current path. As a result, aircraft noise associated with

these operations would be expected to shift to the south and east from its current location. These SIDs are used only when there are northerly departures from

JWA, which occur less than 5% of the year, but the County believes that the DNL metric does not provide a complete assessment of, and may be underrepresenting, the impacts associated with implementation of these SIDs. Again, please confirm that this assumption is correct and revise and provide additional information in the EA regarding the impacts associated with implementation of these SIDs. If the additional analysis, which should include the use of supplemental noise metrics, shows a significant impact, an EIS may be required.

8. Finally, the County is particularly concerned about the Orange County-specific graphics included in Exhibit 3-8 of the Draft EA. These diagrams reflect exceptionally broad swaths within which aircraft approaches to and departures from JWA could occur and, if the Draft EA is approved, would be permitted. For example, departures referenced on one diagram suggest that aircraft could turn left shortly after departing Runway 20R and fly east over portions of Newport Beach that do not currently experience overflights (Big Canyon, Corona del Mar and Newport Coast). At its widest point, this same diagram suggests that aircraft departing from Runway 20R could operate as far north as Laguna Woods and as far south as Dana Point. Another diagram shows approaches within a wide band that covers communities from Yorba Linda to the north through Irvine (Northwood, North Park and Portola Hills) to the south. While the nominal tracks for approaches and departures proposed in the Draft EA are anticipated to fall near or in the middle of these swaths, it would be completely unacceptable for aircraft to operate on a regular basis in the outer reaches of the areas shown on the diagrams.

Please confirm whether the Metroplex Project assumes that aircraft will, in fact, operate within the entire area highlighted on all Orange County-area diagrams included in Exhibit 3-8 and, if so, please identify where the Draft EA presents FAA's analysis of all such operations that may occur anywhere in these areas. If aircraft operations are not proposed for the large areas depicted in these diagrams, the County requests that the diagrams be removed from the Draft EA to avoid confusion as to the proposed location of flight paths and operations. If the diagrams are not removed as requested, a detailed analysis of all noise, air quality, overflight and related environmental impacts related to aircraft operations for the entire area highlighted on all Orange County-area diagrams included in Exhibit 3-8 *must* be provided in the EA. To the extent significant environmental impacts are identified, an EIS must be prepared for the project which includes an analysis of alternatives and mitigation measures for any significant impacts identified. Failure to comply with this request may result in an inadequate NEPA analysis and subject the project to significant litigation risks.

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Thank you for the opportunity to submit comments on FAA's Draft Environmental Assessment for the SoCal Metroplex Project. We look forward to detailed responses to the comments and questions identified in this letter.

Sincerely,



TODD SPITZER
Chairman, Orange County Board of Supervisors
Supervisor, Third District

cc: Members, Orange County Board of Supervisors
Members, Orange County Congressional Delegation
Frank Kim, County Executive Officer
Lawrence G. Serafini, Acting Airport Director