OCT 24 2016
UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT
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No. 16-1366

In the
UNITED STATES COURT OF APPEALS
for the District of Columbia Circuit

BENEDICT HILLS ESTATES ASSOCIATION, a California nonprofit corporation and BENEDICT HILLS HOMEOWNERS ASSOCIATION, a California nonprofit corporation,

Petitioners,

v.

FEDERAL AVIATION ADMINISTRATION and MICHAEL HUERTA, Administrator, Federal Aviation Administration,

Respondents

PETITION FOR REVIEW OF AGENCY ORDER
[*Federal Rules of Appellate Procedure*, Rule 15]
[49 U.S.C. § 46110(a)]

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Petitioners, BENEDICT HILLS ESTATES ASSOCIATION and BENEDICT HILLS HOMEOWNERS ASSOCIATION hereby petition this Court, pursuant to 49 U.S.C. § 46110 and Rule 15 of the *Federal Rules of Appellate Procedure*, for review of the U.S. Department of Transportation, Federal Aviation Administration ("FAA") Finding of No Significant Impact/Record of Decision (FONSI/ROD) for the federal actions necessary to implement the Southern California Metroplex Project, issued on August 31, 2016. A copy of the FAA's FONSI/ROD is attached as Exhibit A to this Petition.:

1. In passing the *Vision 100 – Century of Aviation Reauthorization Act of 2003*, (Publ. Law 108-176 (Dec. 12, 2003)) Congress directed the FAA to develop and implement its Next Generation Air Transportation System. As part of the development and implementation of the Next Generation Air Transportation System, the FAA undertook the Southern California Metroplex Project to design airport approaches and departure flight paths in Southern California in compliance with Vision 100.

2. On June 10, 2015, the FAA published its draft Environmental Assessment for the Southern California Metroplex.

3. On September 8, 2015, the Petitioners, Benedict Hill Estates Association and Benedict Hills Homeowners Association filed their comments

regarding the draft Environmental Assessment and on the Southern California Metroplex Project.

4. Contained in the Petitioners' comments was a request that a curved departure be designed and implemented from Bob Hope Airport and Van Nuys Airport that would make use of the freeway system to minimize noise impacts not only on Petitioners, but on other noise sensitive areas in the San Fernando Valley and the Hollywood Hills as well.

5. On August 31, 2016, the FAA issued its Final Environmental Assessment and its Finding of No Significant Impact/Record of Decision for the Southern California Metroplex project. *See* Exhibit A.

6. The Final Environmental Assessment and the Finding of No Significant Impact/Record of Decision did not contain a new curved departure for either Bob Hope Airport or Van Nuys Airport. Thus, the Petitioners continue to be damaged by aviation noise and pollution.

7. On page 16 of the FONSI/ROD, the FAA states:

> RIGHT OF APPEAL
>
> This FONSI/ROD constitutes a final order of the FAA Administrator and is subject to exclusive judicial review under 49 U.S.C. § 46110 by the U.S. Circuit Court of Appeals for the District of Columbia or the U.S. Circuit Court of Appeals for the circuit in which the person contesting the decision resides or has its principal place of business. Any party having substantial

interest in this order may apply for review of the decision by filing a petition for review in the appropriate U.S. Court of Appeals no later than 60 days after the order is issued in accordance with the provisions of 49 U.S.C. § 46110.

8. This Petition for Review seeks review of the FAA's August 31, 2016, FONSI/ROD and is in compliance with 49 U.S.C. § 46110(a) and the Right of Appeal set out in the FONSI/ROD.

Respectfully Submitted,

Dated: October 21, 2016 By: Steven M. Taber

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Exhibit A

Federal Aviation Administration

Finding of No Significant Impact (FONSI)
and
Record of Decision (ROD)

For the Southern California
Metroplex Project (SoCal Metroplex)

August 2016

I. INTRODUCTION

This document serves as the Federal Aviation Administration's (FAA) Finding of No Significant Impact and Record of Decision (FONSI/ROD) for the Environmental Assessment for the Southern California Metroplex Project (SoCal Metroplex), August 2016, attached hereto and incorporated by reference. The FONSI/ROD has been prepared in compliance with the National Environmental Policy Act of 1969 (NEPA) (42 United States Code (U.S.C.) Section 4321 et seq.); implementing regulations issued by the Council on Environmental Quality (CEQ) (40 Code of Federal Regulations (CFR), parts 1500-1508); and FAA Order 1050.1E, Environmental Impacts: Policies and Procedures, effective March 20, 2006 ("FAA Order 1050.1E"). This FONSI/ROD is also used by the FAA to demonstrate and document its compliance with the several procedural and substantive requirements of aeronautical, environmental, programmatic, and other statutes and regulations that apply to FAA decisions on proposed actions. This FONSI/ROD is based on the information and analysis contained in the Final Environmental Assessment (Final EA) dated August 2016, attached hereto.

This FONSI/ROD:

- Documents the FAA's findings that the SoCal Metroplex Project will not have significant environmental impacts and explains the basis for those findings; and,
- Approves certain Federal actions associated with the implementation of the Proposed Action. Implementation of the Proposed Action will result in no airport-related development, land acquisition, construction, or other ground disturbance activities.

In approving the SoCal Metroplex Project, the FAA has considered 49 U.S.C. § 40101(d)(4), which gives the FAA various responsibilities and holds it accountable for controlling the use of navigable airspace and regulating civil and military operations in that airspace in the interest of safety and efficiency. Consideration has been given to 49 U.S.C. § 40103(b)(2), which authorizes the FAA Administrator to prescribe air traffic rules and regulations governing the flight, navigation, protection, and identification of aircraft, as well as those ensuring the efficient utilization of navigable airspace. 49 U.S.C. § 40103(b)(2) directs the FAA Administrator to ensure the protection of persons and property on the ground by prescribing rules for safe altitudes of flight and rules for the prevention of collisions between aircraft, between aircraft and land or water vehicles, and between aircraft and airborne objects.

The FAA has given careful consideration to the aviation safety and operational objectives of the SoCal Metroplex Project and considered various aeronautical factors and judgments presented. The FAA identified the need to enhance efficiency in the national air transportation system and the potential environmental impacts of the Project.

II. BACKGROUND

The FAA is in the process of implementing the Next Generation Air Transportation System (NextGen), the FAA's plan to modernize the National Airspace System (NAS) through 2025. NextGen is a complex program intended to develop and implement new technologies, while integrating existing technologies and adapting the air traffic management system to a new way of operating. NextGen represents an evolution from an air traffic control system that is a primarily ground-based system to a system that is satellite-based and will allow the FAA to guide and track air traffic more precisely and efficiently. To achieve NextGen goals, the FAA is implementing new Area Navigation (RNAV) and Required Navigation Performance (RNP) air traffic routes and instrument procedures, which include RNAV Standard Instrument Departures (SIDs), RNAV Standard Terminal Arrival Routes (STARs), and RNAV Standard Instrument Approach Procedures (SIAPs) that use emerging technologies and aircraft navigation capabilities. The implementation of RNAV and RNP procedures enables the use of other Performance Based Navigation (PBN) technology in the NAS, and facilitates more efficient procedures such as Optimized Profile Descents (OPD) and Optimized Profile Climbs (OPC). The Metroplex Initiative is considered a mid-term implementation step in the overall process of transitioning to the NextGen system. The FAA intends to design and implement RNAV procedures that will take advantage of the technology readily available in the majority of aircraft as part of the Metroplex initiative. The Metroplex initiative specifically addresses airspace congestion, airports in close geographical proximity, and other limiting factors that reduce efficiency in busy Metroplex airspace. Efficiency is improved by expanding the implementation of RNAV-based standard

instrument procedures and connecting the routes defined by the standard instrument procedures to high and low altitude RNAV routes. Efficiency would also be increased by taking advantage of RNAV to maximize the use of the limited airspace in congested Metroplex environments.

The SoCal Metroplex Project is intended to address specific issues related to the efficient flow of traffic into and out of the Southern California Metroplex. A "Metroplex" is a geographic area that includes several commercial and general aviation airports in close proximity serving a large metropolitan area.

III. PROPOSED ACTION

The Proposed Action consists of development of standard air traffic procedures to enhance efficient handling and movement of air traffic, while maintaining safety, into and out of the Southern California Metroplex airspace. The Proposed Action includes:

- 37 new RNAV STARs
- 41 new RNAV SIDs
- 1 revised No Action RNAV STAR
- 8 revised No Action RNAV SIDs
- 3 revised and 21 maintained No Action conventional STARs
- 1 revised and 41 maintained No Action conventional SIDs
- 21 RNP approaches
- 2 Localizer-Performance with Vertical guidance (LPV) approaches

The Proposed Action considered in this study would include the implementation of optimized RNAV SID, STAR, RNP, and LPV procedures that would improve upon existing procedures. The primary components of the Proposed Action are, to the extent possible, redesigned standard instrument arrival and departure procedures that more efficiently serve the Southern California Metroplex Airports and (1) improve the flexibility in transitioning traffic between enroute and terminal airspace and between terminal airspace area and the runways; (2) improve the segregation of arrivals and departures in terminal and enroute airspace; and, (3) improve the predictability in transitioning traffic between enroute and terminal airspace and between terminal airspace and the runway environment. The optimized RNAV procedures would provide vertical navigation, allowing the aircraft to climb to or descend from cruise altitude into the Southern California Metroplex with reduced pilot-controller communications and fewer inefficient level flight segments. Chapter 3 of the EA provides details on the Proposed Action.

Implementation of the Proposed Action would not require any ground disturbance or development of facilities, nor would it require local or state action. The Proposed Action consists only of procedural changes intended to improve operational efficiency, increase flight path predictability, and reduce required controller-pilot voice communication. Therefore, implementation of the Proposed Action would not increase the number of aircraft operations in the Southern California Metroplex airspace when compared to the No Action Alternative.

IV. PURPOSE AND NEED FOR THE PROPOSED ACTION

The SoCal Metroplex Project consisted of a Study Team phase, which analyzed the Southern California Metroplex operational challenges and explored opportunities to optimize air traffic procedures therein. The Study Team concluded that the Southern California Metroplex is inefficient due to the existing aircraft flight procedures. At the time the Study Team concluded their efforts in November 2011, 73 of the 96 SID/STAR procedures in the Southern California Metroplex were "conventional" procedures that use older ground-based navigational aid (NAVAID) technology. The Study Team concluded that efficiency in the Southern California Metroplex can be substantially increased by updating many existing conventional procedures with RNAV procedures. The Study Team materials reflect three key factors as causes of inefficiencies in the Southern California Metroplex:

- Lack of flexibility in the efficient transfer of traffic between enroute and terminal airspace;
- Complex converging route and/or procedure interactions; and,
- Lack of predictability in the efficient transfer of traffic between enroute and terminal airspace.

These three factors demonstrate the need for the Proposed Action.

The purpose of the Proposed Action is to take advantage of the benefits of PBN by optimizing RNAV procedures that will help improve the efficiency of the airspace in the Southern California Metroplex. The Proposed Action would address the three key factors causing the inefficiencies in the airspace and improve the efficiency of air traffic operations through improved flexibility in transitioning traffic between enroute and terminal airspace and between terminal airspace area and the runways, improving the segregation of arrivals and departures in terminal and enroute airspace, and improving the predictability in transitioning traffic between enroute and terminal airspace and between terminal airspace and the runway environment. Optimizing RNAV procedures will also comply with direction issued by Congress in the Modernization and Reform Act of 2012 (P.L. 112-095).

V. ALTERNATIVES

The following provides a summary of the alternatives development process and alternatives considered. Further details are available in Chapter 3 of the EA.

Identification and Evaluation of Potential Alternatives – In August 2011, the SoCal Metroplex Study Team began work to define operational inefficiencies in the Southern California Metroplex and to identify potential solutions. The Study Team included experts from the Air Traffic Control (ATC) system for the Southern California Metroplex. The work completed was intended to provide a guide for later design efforts by the Design and Implementation (D&I) Team. The Study Team held a series of outreach meetings with local facilities (e.g., ATC), airspace users (e.g., pilots), and aviation industry representatives to learn more about the challenges of operating in the Southern California Metroplex. These meetings helped identify operational challenges associated with existing procedures and potential solutions that would increase efficiency in the Southern California Metroplex airspace. The Study Team identified several PBN-based solutions that would result in increased efficiency in the Southern California Metroplex. The modifications proposed were

conceptual in nature and did not include a detailed technical assessment, which was reserved for the D&I Team to conduct. Following completion of the Study Team's Final Report in November 2011, the D&I Team began work on the procedure designs. First, the Study Team proposals were prioritized based on complexity, interdependencies with other procedures, and degree of potential benefit to the Metroplex. Second, the D&I Team divided into workgroups to further develop and refine the Study Team proposals into preliminary designs. Finally, the preliminary designs were brought to the whole D&I Team for review and modification, if necessary. In developing the proposed procedures, the D&I Team was responsible for following regulatory and technical guidance as well as meeting criteria and standards in three general categories: RNAV design criteria and Air Traffic Control regulatory requirements, operational criteria, and safety factors.

To ensure that procedures included in the Proposed Action were viable, the D&I team undertook validation exercises that further refined the procedures. The D&I Team relied upon stakeholder input, design solution tools (e.g., design and testing software), and the criteria described above to meet several final design milestones. The D&I team undertook validation exercises that further refined the procedures to ensure they were viable, taking into account the limitations imposed by mountainous terrain, Class Bravo airspace, and Special Use Airspace. (See Section 1.3.2 of the EA for further discussion of airspace constraints in the Southern California Metroplex). The D&I Team also considered existing noise abatement procedures (required or voluntary) for IFR-filed operations, and made an effort to design procedures that complied with the existing noise abatement procedures. Wherever possible the D&I Team also designed Proposed Action procedures that would remain within existing historical flight tracks. As a result of these considerations, many procedures included in the Proposed Action have undergone several iterations as they were refined to meet safety and efficiency requirements and represent the final version of the procedure considered. In addition, the D&I Team considered public comments on the Draft EA to determine if refinements could be made to address environmental concerns while still meeting the Purpose and Need. The final procedure designs have been brought forward in this EA as the Proposed Action alternative.

Alternatives Analyzed in the EA – In addition to the Proposed Action (described above), the EA also analyzed the No Action Alternative. Under the No Action Alternative, the FAA would maintain 86 existing arrival and departure procedures for the Southern California Metroplex. The 86 published SIDs and STARs serving the SoCal Metroplex Study Airports that comprise the No Action Alternative include:

- 13 RNAV SIDs
- 6 RNAV STARs
- 43 conventional (i.e., non-RNAV) SIDs
- 24 conventional (i.e., non-RNAV) STARs

The existing conventional and RNAV arrival and departure procedures would remain as is, subject to minor periodic reviews and revisions in response to changes in the operational environment (i.e., magnetic variation changes; obstruction surveys, aircraft capabilities, and changes in FAA Air Traffic Control regulations). The No Action Alternative would not implement the specific procedures designed as part of the SoCal Metroplex Project.

The No Action Alternative would not meet the Purpose and Need for the Project. It would not improve the efficiency of the airspace nor address any of the three key causal factors for airspace inefficiency.

VI. AFFECTED ENVIRONMENT

The General Study Area for this Project includes the geographic area in which natural resources and the human environment are potentially affected by the Proposed Action and its reasonable alternative. Paragraph 14.5e of Appendix A to FAA Order 1050.1E requires consideration of impacts of airspace actions from the surface to 10,000 feet AGL, if the study area is larger than the immediate area around an airport or involves more than one airport. Policy guidance issued by the FAA Program Director for Air Traffic Airspace Management states that for air traffic project environmental analyses, noise impacts should be evaluated for proposed changes in arrival procedures between 3,000 and 7,000 feet AGL and departure procedures between 3,000 and 10,000 feet AGL for large civil jet aircraft weighing over 75,000 pounds.

In developing the General Study Area, the FAA collected radar data from flight paths in the Southern California Metroplex. The General Study Area was designed to capture all Instrument Flight Rule (IFR) flight plan-filed (IFR-filed) flight paths identified in the radar data collected for the preparation of the EA, as well as the designed Proposed Action routes out to the point at which 95 percent of aircraft are at or above 10,000 feet AGL for departures and at or above 7,000 feet AGL for arrivals, accounting for the terrain in and around the Southern California Metroplex. The lateral extent of the General Study Area was concisely defined to focus on areas of traffic flow.

The resulting General Study Area is depicted on Exhibit 4-1 in the EA and includes all or portions of nine counties. Detailed information regarding the affected environment with respect to each relevant impact category is presented in Chapter 4 in the EA.

The SoCal Metroplex General Study Area encompasses 21 airports (referred to in the EA as the Study Airports):

- **Study Airports**
  - Bob Hope Airport (Burbank) (BUR)
  - John Wayne-Orange County Airport (SNA)
  - Los Angeles International Airport (LAX)
  - Bermuda Dunes Airport (UDD)
  - Brown Field Municipal Airport (SDM)
  - Camarillo Airport (CMA)
  - Gillespie Field Airport (SEE)
  - Jacqueline Cochran Regional Airport (TRM)
  - McClellan-Palomar Airport (CRQ)
  - Miramar Marine Corps Air Station (NKX)
  - Montgomery Field Airport (MYF)
  - Long Beach Airport (Daugherty Field) (LGB)
  - Ontario International Airport (ONT)
  - San Diego International Airport (SAN)
  - North Island Naval Air Station (Halsey Field) (NZY)
  - Oxnard Airport (OXR)
  - Palm Springs International Airport (PSP)
  - Naval Air Station Point Mugu (NTD)
  - Santa Barbara Municipal Airport (SBA)
  - Santa Monica Municipal Airport (SMO)
  - Van Nuys Airport (VNY)

VII. ENVIRONMENTAL CONSEQUENCES

The FAA analyzed the potential environmental impacts that could result from implementation of the Proposed Action as well as the impacts associated with the No Action Alternative on all relevant environmental impact categories specified in FAA Order 1050.1E. The FAA evaluated both alternatives for conditions in 2016, the first year of implementation of the optimized air traffic procedures under the Proposed Action, and 2021, five years after expected implementation of the Proposed Action.

The Proposed Action would not involve land acquisition, physical disturbance, or construction activities and, therefore, would not affect certain environmental impact categories. The following unaffected environmental resource categories and sub-categories would remain unaffected because either the resource does not exist within the General Study Area or it would not be affected by the activities associated with the Proposed Action:

- Coastal Resources
- Construction Impacts
- Farmlands
- Fish, Wildlife, and Plants (Fish and Plants sub-categories only)
- Floodplains
- Hazardous Materials, Pollution Prevention, and Solid Waste Light Emissions and Visual Impacts
- Natural Resources and Energy Supply (Natural Resources sub-category only)
- Socioeconomic Impacts, Environmental Justice, and Children's Environmental Health and Safety Risks (Socioeconomic Impacts and Children's Environmental Health and Safety Risks sub-categories only)
- Water Quality
- Wetlands
- Wild and Scenic Rivers

The Proposed Action would not cause changes in patterns of population movement or growth, public service demands, or business and economic activity. The Proposed Action does not involve construction or other ground-disturbing activities that would involve the relocation of people or businesses. The Proposed Action does not include the construction of airport facilities that would result in or induce an increase in operational capacity. Thus, the Proposed Action would not result in Secondary or Induced impacts.

Those environmental impact categories that could potentially be affected by the Proposed Action are discussed below:

Noise

As required by FAA Order 1050.1E, the Noise Integrated Routing System (NIRS) was used to model the noise impacts for the SoCal Metroplex Project because the project involves a study area larger than the immediate vicinity of an airport, incorporates more than one airport, and includes actions above 3,000 feet AGL. The FAA applied its criteria of significance – an increase of 1.5 dB

DNL[1] or more on any noise sensitive area within areas exposed to 65 dB DNL or higher – to determine whether the Project would result in a significant noise impact. Noise was analyzed for both the Proposed Action and the No Action Alternative during the year in which implementation of the Proposed Action would be initiated (2016) and a five-year look-ahead (2021).

The NIRS model computed DNL exposure values at three sets of data points throughout the General Study Area:

1. United States Census Bureau population census block centroids (center point of a census block);
2. Unique points representing certain specific cultural resources and areas potentially protected under Section 4(f) of the Department of Transportation Act (DOT Act) [49 U.S.C. § 303(c)] and historic properties protected under Section 106 of the National Historic Preservation Act (NHPA)(16 U.S.C. § 470 *et seq.*) and,
3. A uniform grid covering the General Study Area (using 0.5 nautical mile spacing) to document aircraft DNL exposure levels at potential noise sensitive locations that were not otherwise identified.

The results identified the differences in DNL noise exposure between the two alternatives (Proposed Action compared to No Action Alternative) to determine if implementing the Proposed Action would result in significant noise impacts. The analysis identified any DNL increase of 3 dB or higher in areas exposed to noise between DNL 60 dB and 65 dB and any DNL increase of 5 dB or higher in areas exposed to noise between DNL 45 dB and 60 dB. While the EA refers to such increases as a "reportable noise increase," they are not significant. The results of the NIRS modeling indicated that:

1. The Proposed Action would not result in a DNL 1.5 dB or higher increase in noise-sensitive areas exposed to aircraft noise at or above DNL 65 dB;
2. The Proposed Action would not result in DNL increases of 3 dB or higher in areas exposed to noise between DNL 60 dB and 65 dB; and,
3. The Proposed Action would not result in a DNL increase of 5 dB or higher in areas exposed to noise between DNL 45 dB and 60 dB.

Thus, the Proposed Action would not result in significant noise impacts or reportable noise increases. Accordingly, no mitigation is required per FAA Order 1050.1E, Appendix A, paragraph 14.4c.

Compatible Land Use

Because the Proposed Action is not expected to have significant noise impacts (as measured by changes in noise exposure at populated census block centroids) in 2016 and 2021 and based on the FAA's review, there would be no compatible land use impacts.

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[1] DNL is the Day Night Average Sound Level. It is a single value representing the aircraft sound level over a 24-hour period. To represent the greater annoyance caused by a noise at night, the DNL metric includes a 10-decibel penalty weighting for noise occurring between 10:00 pm and 6:59 am.

Department of Transportation Act, Section 4(f)

The FAA identified 7,422 resources, which includes National Park Service (NPS) properties, within the General Study Area that had the potential to qualify for protection under Section 4(f) of the DOT Act. No land acquisition, construction, or other ground disturbance activities would occur under the Proposed Action; therefore, the Proposed Action would not physically use any potential Section 4(f) resources. The focus of the evaluation of potential Section 4(f) resources was adverse impacts that have the potential to result in a constructive use.

As noted under "Noise" above, the FAA's noise modeling included areas potentially protected under Section 4(f). No potential Section 4(f) resources located in areas exposed to DNL 65 dB or higher would experience a significant increase of DNL 1.5 dB or higher. The Proposed Action would not cause reportable increases of DNL 3 dB or higher in areas exposed to noise between DNL 60 dB and 65 dB or DNL 5 dB or higher in areas exposed to noise between DNL 45 dB and DNL 60 dB.

Under FAA Order 1050.1E, a significant impact would occur when a proposed action either involves more than a minimal physical use of a Section 4(f) resource or would result in a "constructive use" substantially impairing the 4(f) property. Because the Proposed Action would not result in either a physical or constructive use of Section 4(f) resources, there would be no significant impacts on those resources.

Historical and Cultural Resources

Section 106 of the National Historic Preservation Act (NHPA) requires the FAA to consider the effects of its undertakings on properties listed or eligible for listing in the National Register of Historic Places (NRHP). In assessing whether an undertaking such as the Proposed Action affects a property listed or eligible for listing on the NRHP, the FAA must consider both direct and indirect effects. Direct effects include the physical removal or alteration of an historic resource. Indirect effects include changes in the environment of the historic resource that could substantially alter the characteristics that made it eligible for listing on the NRHP. Such changes could include changes in noise exposure and visual impacts.

To assess the potential indirect effects of the Proposed Action on historic resources, an Area of Potential Effects (APE) was defined. Federal regulations define the APE as the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE for the Southern California Metroplex was defined as sharing the same boundaries as the General Study Area. A total of 760 historic resources and 60 tribal properties were identified within the General Study Area. Their locations are shown on Exhibit 4-5 in Chapter 4 of the EA.

No land acquisition, construction, or other ground disturbance activities would occur under the Proposed Action; therefore, the Proposed Action would not directly (i.e., physically) affect any historical, architectural, archaeological, or cultural resources. The assessment focused on the potential for indirect adverse effects to historic and cultural resources that may result from changes in air traffic routes, such as aircraft noise and visual impacts. Based on the modeled results for the unique grids and General Study Area uniform grids, no historically, architecturally, or culturally significant properties located in the area exposed to DNL 65 dB or higher would experience a significant increase of DNL 1.5 dB or higher. Furthermore, the Proposed Action would not cause reportable noise increases of DNL 3 dB or higher in areas exposed to noise between DNL 60 dB and 65 dB, or DNL 5 dB or higher in areas exposed to noise between DNL 45 dB and DNL 60 dB.

According to FAA Order 1050.1E, Appendix A, the visual sight of aircraft, aircraft contrails, or aircraft lights at night, particularly at a distance that is not normally intrusive, should not be assumed to constitute an adverse impact. Changes in aircraft routes associated with the Proposed Action would generally occur at altitudes above 3,000 feet AGL; therefore, the visual sight of aircraft and aircraft lights would not be considered intrusive, and the Proposed Action would not result in significant visual impacts. Therefore, the Proposed Action would not adversely affect the property's historic, architectural, or cultural significance through introduction of a visual feature that would diminish the integrity of the setting.

The FAA determined that under the meaning of 36 C.F.R. § 800.5(a), *Protection of Historic Properties*, the Proposed Action would not have an "adverse effect" on historic resources. In accordance with Section 106 of the NHPA, written concurrence of FAA's determination was obtained from the California State Historic Preservation Officer (SHPO) with both the definition of the APE, the proposed methodology for determining potential effects, and the finding of no adverse effects. Letters concurring with the proposed APE and methodology as well as the FAA's finding of no adverse effect can be found in Appendix A to the EA.

The FAA sent letters defining the APE and seeking concurrence on the proposed methodology for determining potential effects, as well as a copy of the EA and request for concurrence on the FAA's findings to Tribal Historical Preservation Officers (THPOs). Of the 30 tribes consulted, the FAA received four responses related to concurrence request on APE and methodology, and one response concurring with the FAA's finding of no adverse effects. The concurrence letter can be found in Appendix A to the EA. Regarding the remaining THPOs, no further responses were provided to the FAA after the end of the 30 calendar day review period following their receipt of FAA's request for concurrence with its findings of no adverse effect. Accordingly, in compliance with 36 C.F.R. § 800.5(c)(1), the FAA shall be able to carry out the Project as long as the findings are documented.

Wildlife (Avian and Bat Species) and Migratory Birds

The greatest potential for impacts to wildlife species related to air traffic procedure changes would result from wildlife strikes on avian and bat species at altitudes below 3,000 feet AGL. The FAA's Wildlife Strike Database provides strike information that is reportable by airport, including species struck, height of strike, and type and extent of aircraft damage. Table 5-4 in Chapter 5 of the EA provides a summary of wildlife strikes reported by Study Airports between 1990 and September 2014. In total, 2,899 records provide strike altitude for incidents involving birds and bats. Of these, a total of 2,584 reported strikes (89 percent of all strikes) occurred at altitudes below 3,000 feet. Only 11 percent of bird/bat strikes (317 of 2,899 total records) occurred at altitudes above 3,000 feet AGL. The decline in the number of strikes reported above 3,000 feet AGL indicates that there is less likelihood of bird/bat strikes at these altitudes. Under the Proposed Action, the majority of changes to proposed flight paths would occur above 3,000 feet AGL, and no significant changes to arrival and departure corridors below 3,000 feet AGL compared to existing corridors. In addition, under the Proposed Action, the FAA anticipates increased use of the narrower arrival and departure corridors associated with the RNAV procedures. As narrower corridors would reduce the area in which RNAV equipped aircraft operate, the Proposed Action would not be expected to result in increased impacts to avian and bat species when compared to the No Action Alternative. Therefore, there would be no significant impacts to avian and bat species under the Proposed Action compared with the No Action Alternative. The FAA has determined that the Proposed Action is not likely to adversely affect any federally-listed species for 2016 or 2021.

Environmental Justice

Under the Proposed Action, no areas within the General Study Area, including minority and/or low-income communities, would experience a change in noise exposure or other relevant impact category, (such as air quality, hazardous materials, and water quality) that would exceed applicable thresholds of significance. The Proposed Action would not affect low income or minority populations at a disproportionately higher level than other population segments. Therefore, no adverse direct or indirect effects would occur to any environmental justice populations within the General Study Area under the Proposed Action for 2016 and 2021.

Energy Supply

Under the Proposed Action, the optimized air traffic routes would improve the efficiency of air traffic routes and operations, including continuous climb-outs and optimized descents, where possible. However, aircraft fuel consumption would increase slightly compared with the No Action Alternative.

Aircraft fuel burn is considered a proxy for determining whether the Proposed Action would have a measurable effect on local energy supplies, when compared with the No Action Alternative. The FAA's NIRS model calculates aircraft-related fuel burn as an output along with calculating aircraft noise exposure. NIRS modeling indicated that slightly more fuel would be burned under the Proposed Action in comparison with the No Action Alternative (an increase of approximately 11 metric tons (MT) or 0.41 percent in the first year of implementation (2016) and approximately 13 MT or 0.44 percent in the five-year look-ahead year (2021). Given these relatively small increases, when compared with the No Action Alternative, the Proposed Action would not adversely affect local fuel supplies. Therefore, there would be no significant impact to energy supply that would exceed available or future supplies of energy.

Air Quality

The Proposed Action would not change the number of aircraft operations compared with the No Action Alternative. Although the Proposed Action would result in more efficient air traffic routes and operations, there would be a slight increase in emissions when compared with the No Action Alternative. The slight increase in fuel burn (as reported above for "Energy Supply") was used as an indicator that the Proposed Action would result in a slight increase in emissions from aircraft operations compared with the No Action Alternative. However, the Proposed Action is presumed to conform to the State of California's State Implementation Plan (SIP) for ozone (O_3), Carbon Monoxide (CO), Nitrogen Dioxide (NO2), PM_{10}, and $PM_{2.5}$. Implementation would not cause or contribute to a new violation of the National Ambient Air Quality Standards (NAAQS), worsen an existing violation, or delay meeting the NAAQS.

Climate

Although there are no federal standards for aviation-related greenhouse gas emissions, the CEQ has indicated that climate should be considered in NEPA analyses. Greenhouse gas emissions were quantified in terms of carbon dioxide equivalent (CO_2e), which was calculated by multiplying the number of gallons of fuel projected to be burned under both the Proposed Action and the No Action Alternative by the CO_2e associated with each gallon of fuel burned (9.7438 kg of CO_2e). Based on the fuel burn values reported in the EA, CO_2e emissions would increase slightly with implementation of the Proposed Action compared with the No Action Alternative (approximately 35 MT or 0.41 percent more in the first year of implementation [2016] and approximately 42 MT or

0.44 percent more in the five-year look-ahead year [2021]). Although fuel burn would increase slightly under the Proposed Action as compared to the No Action Alternative, no significant impacts to the climate would be anticipated.

Cumulative Impacts

NEPA implementing regulations define cumulative impacts as the incremental impact of the action when added to the impacts of other past, present, and reasonably foreseeable future actions regardless of the agency, federal or nonfederal, undertaking such actions. Cumulative impacts can result from individually minor, but collectively significant, actions taking place over a period of time. A summary of past, present, and reasonably foreseeable future actions that were considered is provided in Table 5-7 in Chapter 5 of the EA.

Due to the nature of the Proposed Action (i.e., the lack of land disturbance or construction activities), only past, present, and reasonably foreseeable future actions with direct or indirect effects on aircraft flight patterns within the General Study Area were considered. Therefore, projects considered under the cumulative impact analysis were primarily limited to airfield projects, specifically projects that directly affect or involve runways and modifications to parallel taxiways. Because there was an increase in emissions under the Proposed Action when compared to the No Action Alternative, the FAA considered potential cumulative impacts for three categories: Energy Supply (Aircraft Fuel), Air Quality, and Climate. Consideration was given to the potential of the Proposed Action, with other identified past, present, and reasonably foreseeable future actions, to contribute cumulatively to impacts within these categories. Detailed discussion of the cumulative impact analysis with respect to energy supply, air quality, and climate is presented in Section 5.10.3 of the EA. Based on that analysis, the FAA does not expect the Proposed Action to result in significant cumulative impacts.

Mitigation

Thresholds of significance for any environmental impact category would not be exceeded due to the Proposed Action; therefore, no mitigation is being proposed as part of this Project.

Other Considerations

The Proposed Action involves air traffic control routing changes for airborne aircraft only. The United States Government has exclusive sovereignty of airspace in the United States [49 U.S.C. Section 40103(a)]. Congress has provided extensive and plenary authority to the FAA concerning the efficient use and management of the navigable airspace, air traffic control, air navigation facilities, and the safety of aircraft and persons and property on the ground [49 U.S.C. Sections 40103(b)(l) and (2)]. To the extent applicable, and as there are no significant impacts under noise or compatible land use, the Proposed Action is consistent with the plans, goals, and policies for the area and with the applicable regulations and policies of federal, state, and local agencies.

VIII. AGENCY AND PUBLIC INVOLVEMENT

Public involvement and early consultation process began with the initiation of the preparation of the EA. The FAA distributed an early notification letter to 252 federal, state, and local agencies, Study Airport representatives, and elected officials, as well as to 30 Native American tribes on January 14, 2014. A legal notice was placed in five major newspapers covering the General Study Area on January 21, 2014, and a website was developed:

www.http://metroplexenvironmental.com/socal_metroplex/socal_introduction.html

The FAA provided the web address in the public notices as well as the letters to agencies and elected representatives. Copies of the notification letter, legal notice, and comments responding to these are provided in Appendix A of the EA.

The FAA distributed government-to-government consultation notification letters on September 24, 2014 inviting Indian tribal governments to an informational meeting related to the SoCal Metroplex Project and the EA. This meeting was intended to initiate government-to-government consultation and provide tribal governments with an overview of the Project and project timelines. The meetings were held in Escondido, El Cajon, and Cathedral City, California, October 28-30, 2014. The FAA continued consultation with tribal governments who requested additional information and meetings.

On October 24, 2014, the FAA mailed invitations to elected officials and representatives from public agencies to attend an informational briefing to discuss the EA being prepared for the SoCal Metroplex Project. The briefing was intended for key governmental officials/agencies to learn about the Project and advise the FAA of any issues, concerns, policies, or regulations that they may have regarding the environmental analysis. Briefings were held November 18-20, 2014 in Ventura, Burbank, and Los Angeles, California and December 9-11, 2014 in San Diego, Palm Desert, and Costa Mesa, California.

On February 24, 2015, the FAA mailed an initial consultation letter to both the SHPO for the State of California, and the THPOs presiding over tribal lands and sites located within the General Study Area. The purpose of this letter was to initiate consultation under Section 106 of the NHPA for the SoCal Metroplex Project. The letter defined the proposed APE and presented the proposed methodology for assessing the potential effects of the Proposed Action to historic and cultural resources within the proposed APE that are listed or eligible to be listed on the National Register of Historic Places (NRHP). In addition, the FAA requested, pursuant to 36 C.F.R. § 800.4, SHPO and THPO concurrence with the proposed APE and potential adverse effects criteria, along with any additional information they had pertaining to properties eligible for listing on the NRHP. The State of California SHPO responded March 6, 2015 indicating concurrence with the proposed APE and methodology. The FAA received four THPO responses. One indicated concurrence, and three involved follow-up consultation, which led to one THPO issuing written concurrence and one THPO issuing verbal concurrence with the FAA's findings of no adverse effects. The FAA did not receive any further responses from other THPOs.

The Draft EA was released on June 10, 2015. The FAA updated the Project website to reflect the release of the EA, which included the entire EA available electronically, and email/postal addresses to send comments during the public comment review period. The FAA published notice of availability of the EA in five major newspapers. Hard copies of the EA were made available to eight libraries and digital copies were made available to 40 libraries throughout the General Study Area.

The FAA sent a letter and email to 386 federal, state, and local agency and Study Airport representatives to update them on the status of the Project, advise them of the release of the draft EA (including the Project's web address), and to solicit comments. The FAA also sent government-to-government notification to 30 Native American tribes. The names and addresses of parties who received notification of availability are listed in Appendix A to the EA.

The FAA sent Section 106 consultation letters to the State of California SHPO and tribe-designated THPOs requesting review of the EA Section 106 findings and reply with concurrence with the FAA's finding of no adverse effects or otherwise to present their potential concerns. The FAA invited elected officials, tribal representatives, and Study Airport management to an informational

briefing on the EA, which was held on June 10, 2015, the same day the EA was released. Information shared with those who attended was posted on the Project website on June 19, 2015.

Eleven public workshops were held between June 16th and July 1st, 2015 in Santa Ana, Santa Monica, Los Angeles, San Diego, Palm Springs, Torrance, Long Beach, Ontario, Ventura, Santa Barbara, and Burbank, California. As the public workshops were completed, the FAA posted all information boards presented at the workshops.

Based on numerous requests to extend the comment period by members of the public and elected representatives, the FAA extended the EA document comment period an additional 60 days (to September 8, 2015) on July 9, 2015. Notice was distributed electronically via an email "E-Blast" to elected representatives, agencies, Study Airport representatives, and Native American tribes, and a legal notice was published in six English-language and five Spanish-language.

With the extended public comment period set to end September 8, 2015, the FAA offered another opportunity for government officials to learn about the SoCal Metroplex Project. The FAA invited state, county, and local elected representatives and governments to an informational briefing on September 1, 2015 and presented an overview of the SoCal Metroplex Project. Individuals were sent an email invitation on August 26, 2015. A list of representatives and officials invited is in Appendix A to the EA. The briefing took place on September 1, 2015 at the FAA's Western-Pacific Region Offices located in Hawthorne, California. Attendees were also provided a web conference connection if they could not attend in person.

Following multiple requests, the FAA posted supplemental information intended to assist the public, elected representatives, and agencies to arrive at a better understanding of the Proposed Action procedures and noise analysis results at locations throughout the General Study Area. The supplemental information included both the future year No Action and Proposed Action procedure design routes, NIRS noise model flight tracks, flight corridors based on those flight tracks used in Exhibits 3-7 and 3-8 in Chapter 3 of the EA, and No Action/Proposed Action DNL grid point results depicted in Google Earth. In addition, the FAA made available on the Project website the Terminal Area Route Generation, Evaluation, and Traffic Simulation (TARGETS) procedure design packages, which provide all the design detail (e.g., route, altitude restrictions, waypoint latitude/longitude, and speed restrictions) for each Proposed Action procedure.

On September 8, 2015 the FAA extended the public comment period an additional 30 days to October 8, 2015. Notice of the extension was provided in the same manner as the first comment period extension. The public comment period ran for a total of 120 days, from June 10, 2015 until October 8, 2015.

During the EA public comment period, several local, state, and federal elected representatives and Study Airport leadership requested additional briefings by the FAA. The FAA conducted 33 informational briefings with local, state, and federal elected representatives, Study Airport staff, Study Airport noise advisory committees, and planning groups, as requested, between June 10, 2015 and May 13, 2016. The FAA provided more details related to the Proposed Action procedures over areas of concern as well as information related to existing flight patterns as they compare to the Proposed Action procedures. A list of the briefings can be found in Section A.11.1 in Appendix A of the EA.

IX. THE AGENCY'S FINDINGS

A. The SoCal Metroplex Project will ensure the safety of aircraft and the efficient use of airspace [49 U.S.C. § 40103(b)].

The Federal Aviation Act of 1958 gives the Administrator the authority and responsibility to assign by order or regulation the use of the navigable airspace in order to ensure the safety of aircraft and the efficient use of the airspace. In its continuous effort to ensure safety of aircraft and improve the efficiency of transit through the navigable airspace, the FAA will create or modify Standard Instrument Departure Procedures (SIDs), Standard Terminal Arrival Routes (STARs), Required Navigation Performance (RNP) approaches, and Global Positioning Satellite (GPS) approach procedures in the Southern California Metroplex. The Project will enhance the efficiency of the airspace in the Southern California Metroplex by creating more efficient air traffic routes and more predictable ground and vertical paths through the limited airspace in the Southern California Metroplex. This Project will allow the FAA to begin to achieve its NextGen goals.

In deciding to implement the Proposed Action, the FAA carefully evaluated both the Proposed Action and the No Action Alternatives. The No Action Alternative would do nothing to improve the efficiency of the airspace nor would it address any of the three key causal factors for airspace efficiency. The No Action Alternative would not further the Agency's goal in transitioning to NextGen.

B. This Project does not involve the use of any historic sites or other properties protected under Department of Transportation Act Section 303(c), also known as Section 4(f) or under the National Historic Preservation Act.

The Project does not involve any physical development or modification of facilities and therefore no actual, physical use of resources protected under Section 4(f) of the Department of Transportation Act or Section 106 of the National Historic Preservation Act would result. The Project would also not result in a constructive use of any protected property because it would not cause increases in noise sufficient to impair the value of those resources.

The Project would not cause an adverse effect on historic resources listed on or eligible for listing on the National Register of Historic Places. This determination is based on consultation under Section 106 of the National Historic Preservation Act with the State Historic Preservation Officer for the State of California and designated Tribal Historic Preservation Officers for tribal lands located within the General Study Area.

C. Clean Air Act, Section 176 (c)(1) Conformity Determination (42 U.S.C. § 7506(c)).

The Project is an air traffic control activity that adopts approach and departure procedures for air operations. It is presumed to conform under 72 Fed. Reg. 41565 (July 30, 2007). The Project would not result in the development of physical facilities nor would it result in or induce an increase in operational capacity in the study area. Detailed analysis was not necessary to conclude that the Project conforms to the purposes of the SIP for the State of California. The Project will not cause a new violation of the NAAQS, worsen an existing violation, or delay meeting the standards of the NAAQS in the study area.

D. Findings Pursuant to the Purpose and Need

Upon implementing the Proposed Action, the airspace that serves the Study Airports would include optimized air traffic routings to improve the efficiency of the air traffic routes. Based on the EA prepared for the Proposed Action, this FONSI/ROD is issued. Both the EA and the FONSI/ROD are hereby incorporated into this decision.

X. DECISIONS AND ORDERS

After careful and thorough consideration of the EA and the facts contained herein, I find that the Proposed Action is consistent with existing national environmental policies and objectives as set forth in Section 101 of National Environmental Policy Act and other applicable environmental requirements and will not significantly affect the quality of human environment or otherwise include any condition requiring consultation pursuant to Section 102(2)(C) of National Environmental Policy Act. Therefore, an Environmental Impact Statement will not be prepared.

I, the undersigned, have reviewed the referenced EA including the evaluation of the purpose and need that this Project would serve, the alternative means of achieving the purpose and need, and the environmental impacts associated with these alternatives. I find the Project described in the EA is reasonably supported and issuance of a finding of no significance is appropriate. Therefore, an Environmental Impact Statement will not be prepared.

I have carefully considered the FAA's statutory mandate under 49 U.S.C. § 40103 to ensure the safe and efficient use of the national airspace system as well as the other aeronautical goals and objectives discussed in the EA.

Accordingly, under the authority delegated to me by the Administrator of the FAA, I approve the operational changes as described in the proposed action alternative and direct that actions be taken that will enable implementation of the Southern California Metroplex Project.

Approved: Elizabeth L. Ray

Digitally signed by Elizabeth L. Ray
DN: cn=Elizabeth L. Ray, o=Mission Support Services, AJV-0, ou=Air Traffic Organization, email=valentina.smith@faa.gov, c=US
Date: 2016.08.31 17:03:54 -04'00'

Elizabeth L. Ray
Vice President, Mission Support Services
Air Traffic Organization
Federal Aviation Administration

Date

RIGHT OF APPEAL

This FONSI/ROD constitutes a final order of the FAA Administrator and is subject to exclusive judicial review under 49 U.S.C. § 46110 by the U.S. Circuit Court of Appeals for the District of Columbia or the U.S. Circuit Court of Appeals for the circuit in which the person contesting the decision resides or has its principal place of business. Any party having substantial interest in this order may apply for review of the decision by filing a petition for review in the appropriate U.S. Court of Appeals no later than 60 days after the order is issued in accordance with the provisions of 49 U.S.C. § 46110.