

October 12, 2015

Mr. Christopher Calfee
Senior Counsel
Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

Re: CEQA Guidelines Update; Preliminary Discussion Draft (August 11, 2015)

The California Department of Transportation, Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport and aviation-related noise and safety issues pursuant to the California Environmental Quality Act Guidelines (Guidelines). The Division has technical expertise in the area of airport operation safety, noise and airport land use compatibility. We are a funding agency for airport projects and have permit authority for public-use and special-use airport and heliports. According to Appendix B in the Guidelines the Division itself has state department statutory authorities to review and comment on environmental documents.

The Division appreciates the effort the Office of Planning and Research (OPR) has undertaken to update and improve the Guidelines. We are interested in this update process because final changes to the Guidelines could affect our day-to-day responsibilities and workload. We focused on the proposed updates to Appendix G because it is the foundation of environmental analysis and document structure. The following comments are offered for your consideration.

Appendix G; Moving Aviation Noise to Hazards

We believe that OPR should not transfer *Section XI(e)-Noise* over to *Section VIII(e)-Hazards and Hazardous Materials* because noise, as an environmental factor itself, is not defined as a potentially hazardous situation or material, or a hazard to the environment. Primarily, it would not be technically accurate to consider noise as a hazardous environmental factor and then analyze it as such in any environmental document. There is no logical fit for noise to be situated amongst the other true hazards in *Section VIII* such as flooding, unstable soils, and harmful materials. Practitioners of CEQA might also mistakenly conclude that noise as a hazardous environmental factor would not be worth studying unless the potential exists for it to reach hazardous levels.

When the Division is a Responsible Agency for the approval of state airport and heliport permits, and airport improvement grants and loans, it becomes even more critical to have airport noise and hazards completely analyzed by lead agencies as we are dependent on their environmental analysis to carry out our approval of the project. We would like to continue to see aviation noise in the noise *Section XI* instead of burying it in hazards *Section VIII* so there is no doubt about the importance of analyzing each of these distinct environmental factors separately.

The aviation noise question that currently resides in *Section XI(e)-Noise* lost much of its meaning and focus in the proposed move over to *Section VIII-Hazards*. The question as currently written is succinct and accurate as it is informed by statutory references in the Public Utilities Code section 21002(g), 21670, 21674.7 and 21669; Public Resources Code 21096, and the California Airport Land Use Planning Handbook which is published by the Division. Striking section *XI(e)* also leaves out a significant part of a project's cumulative noise environmental analysis.

We urge OPR to keep the text of *Section XI(e)* intact and in its current location.

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Appendix G; Change in Air Traffic Pattern

Rather than strike *Section XV(c)-Transportation/Traffic* from the Guidelines we would prefer that OPR clarify and add text to this important question. While the Division agrees that it would be a rare project proposal that would cause an airport to change its traffic pattern, the environmental impacts would likely be significant and unavoidable. We believe that decision makers and the public would be well served to know when such a project could affect their environment. Changing an airport's traffic pattern would place aircraft flying at lower altitudes over areas near airports where they have not flown before which, literally overnight, would substantially increase aircraft noise and safety concerns in those areas. Projects which could lead to these impacts include very tall structures built close to airports such as wind energy turbines, communications towers, new and taller power-line support structures, and residential/office buildings. Closing, shifting or realigning an airport runway could also alter the prescribed flight pattern of aircraft.

Thank you for the opportunity to review and comment on these proposed Guidelines updates and please keep us up-to-date on future proposed changes.
Sincerely,

PHILIP CRIMMINS
Aviation Environmental Specialist