

THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

**THE STATE OF CALIFORNIA, by and
through XAVIER BECERRA, in his official
capacity as Attorney General,**

Petitioner,

v.

**FEDERAL AVIATION
ADMINISTRATION, STEPHEN
DICKSON, in his official capacity as
Administrator of the Federal Aviation
Administration, SAN BERNARDINO
INTERNATIONAL AIRPORT
AUTHORITY, and HILLWOOD
ENTERPRISES, L.P.,**

Respondents.

PETITION FOR REVIEW

The State of California, by and through Attorney General Xavier Becerra, hereby petitions this Court to review the Federal Aviation Administration (FAA) Order entered on December 23, 2019, approving the National Environmental Policy Act (NEPA) review of the proposed Eastgate Air Cargo Facility (Project) at the San Bernardino International Airport in San Bernardino, California. This Court has jurisdiction directly to review the FAA Order pursuant to 49 U.S.C. § 46110(a), Section 4370m-6 of NEPA, and the Administrative Procedure Act, 5

U.S.C. §§ 701-706. California submits this petition in accordance with Federal Rule of Appellate Procedure 15(a) and Circuit Rule 15-1.

In October 2018, after reviewing the Project under the California Environmental Quality Act, the San Bernardino International Airport Authority published a Final Environmental Impact Report, finding that the Project would have significant and unavoidable impacts on the environment. The airport authority then reviewed the Project under NEPA, but failed to produce an Environmental Impact Statement required under NEPA for actions that may cause significant impacts on the environment. 42 U.S.C. § 4332(2)(C). California submitted comments to the FAA and the airport authority on November 26, 2019, urging the agencies to conduct further environmental analysis under NEPA and prepare an Environmental Impact Statement, but the agencies declined to do so. On December 20, 2019, the FAA approved the airport authority's Final Environmental Assessment. And on December 23, 2019, the FAA memorialized this approval in a Finding of No Significant Impact and Record of Decision, which together constitute the Order that is the subject of this petition (Exhibit A, attached). One week later, on December 30, 2019, the airport authority held a "Special Meeting" to approve the Project's ground lease agreement with developer Hillwood Enterprises, L.P., who immediately began construction.

California seeks relief from the FAA's unlawful approval of the Project. Attorney General Xavier Becerra is the chief law enforcement officer of the State and is authorized to file actions to protect public rights and interests, including to protect the natural resources of the State from pollution, impairment, or destruction. Cal. Gov. Code §§ 12600-12612. This challenge is brought pursuant to the Attorney General's independent constitutional, common law, and statutory authority to represent the public interest. *See* Cal. Const., art. V, § 13; Cal. Gov. Code §§ 12511, 12600-12. The FAA's approval of the Project without adequate environmental review deprives California of its right to an adequate public review process essential to NEPA. The Project is located in a part of California already burdened with significant air pollution, and its development will directly harm the State's air quality and the health of California's communities. California's interests will thus be adversely and irreparably impacted by the FAA's failure to comply with NEPA, unless the relief requested is granted.

Therefore, California respectfully requests this Court to set aside the FAA's December 23, 2019 Order as arbitrary and capricious, an abuse of discretion, and contrary to law. In addition, California requests this Court to set aside the Final Environmental Assessment approved by the FAA on December 20, 2019—which is the basis for the FAA's unlawful Order—as arbitrary and capricious, an abuse of discretion, and contrary to law. California further requests this Court to vacate the

December 30, 2019 ground lease agreement between San Bernardino International Airport Authority and Hillwood Enterprises, L.P., which is based on the FAA's unlawful Order. Finally, California requests this Court to require the FAA to prepare an Environmental Impact Statement for the Project in accordance with the law.

Respectfully submitted this 20th day of February 2020.

XAVIER BECERRA
Attorney General of California
HARRISON POLLAK
Acting Senior Assistant Attorney General
CHRISTIE VOSBURG
Supervising Deputy Attorney General

s/ Yuting Chi
YUTING YVONNE CHI,
Deputy Attorney General
CA State Bar No. 310177
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 94612-0550
Telephone: (510) 879-3298
Fax: (510) 622-2270
Email: Yuting.Chi@doj.ca.gov

Attorneys for Petitioner State of California

CERTIFICATE OF SERVICE FOR ELECTRONIC FILING

I hereby certify that on February 20, 2020, pursuant to Federal Appellate Rules 15(c) and 25(c)(1), and Circuit Rule 25-5(f)(2), I electronically filed the **PETITION FOR REVIEW** and **EXHIBIT A** with the Clerk of the Court for the U.S. Court of Appeals for the Ninth Circuit using the Appellate Electronic Filing system, and I caused to be served the foregoing documents by mail or third party commercial carrier for delivery within 3 calendar days to these case participants:

William Barr
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Arjun Garg
Chief Counsel
Federal Aviation Administration
Office of the Chief Counsel
800 Independence Avenue S.W.
Washington, D.C. 20591

Nicola T. Hanna
U.S. Attorney for the Central District
of California
c/o Civil Process Clerk
312 North Spring Street
Los Angeles, CA 90012

San Bernardino International Airport
Authority
c/o Michael Burrows
1601 E. Third Street
San Bernardino, CA 92408

Stephen Dickson
Administrator
Federal Aviation Administration
Office of the Administrator
800 Independence Avenue S.W.
Washington, D.C. 20591

Hillwood Enterprises, L.P.
c/o John Magness
901 Via Piemonte, Suite 175
Ontario, CA 91765

Executed on February 20, 2020, in Oakland, California.

s/ Yuting Chi
YUTING YVONNE CHI
Attorney for Petitioner

EXHIBIT A

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WESTERN-PACIFIC REGION

***FINDING OF NO SIGNIFICANT IMPACT
AND
RECORD OF DECISION***

Proposed Eastgate Air Cargo Facility

San Bernardino International Airport
San Bernardino, San Bernardino County, California



For further information

David B. Kessler
U.S. Department of Transportation
Federal Aviation Administration
Western-Pacific Region
Office of Airports
777 South Aviation Boulevard, Suite 150
El Segundo, California 90245
424-405-7315

December 23, 2019

GENERAL INFORMATION ABOUT THIS DOCUMENT

WHAT'S IN THIS DOCUMENT? This document is the Federal Aviation Administration's (FAA) Finding of No Significant Impact (FONSI) and Record of Decision (ROD) for the proposed Eastgate Air Cargo Facility at San Bernardino International Airport located in San Bernardino, San Bernardino County, California. This document includes the agency determinations and approvals for those proposed Federal actions described in the Final Environmental Assessment dated December 2019. This document discusses all alternatives considered by FAA in reaching its decision, summarizes the analysis used to evaluate the alternatives, and briefly summarizes the potential environmental consequences of the Proposed Project and the No Action Alternative, which are evaluated in detail in this FONSI and ROD. This document also identifies the environmentally preferable alternative and the agency-preferred alternative. This document identifies applicable and required mitigation.

BACKGROUND. In July 2019, the San Bernardino International Airport Authority (SBIAA) prepared a Draft Environmental Assessment (Draft EA). The Draft EA addressed the potential environmental effects of the proposed Eastgate Air Cargo including various reasonable alternatives to that proposal. The Draft EA was prepared in accordance with the requirements of the National Environmental Policy Act (NEPA) [Public Law 91-190, 42 USC 4321-4347], the implementing regulations of the Council on Environmental Quality (CEQ) [40 CFR Parts 1500-1508], and FAA Orders 1050.1F, *Environmental Impacts: Policies and Procedures* and 5050.4B, *National Environmental Policy Act (NEPA), Implementing Instructions for Airport Actions*. SBIAA published the Notice of Availability for the Draft EA and Draft General Conformity Determination on July 3, 2019. SBIAA received 751 written and 96 verbal comments for a total of 847 comments on the draft EA during and after the public comment period held between July 3, 2019 and August 19, 2019. SBIAA and FAA did not receive any comments on the Draft General Conformity Determination. In November and December 2019, SBIAA and FAA received late-filed comments. The Final EA became a Federal document when the Responsible FAA signed the document on December 20, 2019.

WHAT SHOULD YOU DO? Read the FONSI and ROD to understand the actions that FAA intends to take relative to the proposed Eastgate Air Cargo Facility at San Bernardino International Airport.

WHAT HAPPENS AFTER THIS? The SBIAA may begin to implement the Proposed Project.

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
FINDING OF NO SIGNIFICANT IMPACT
AND
RECORD OF DECISION**

PROPOSED EASTGATE AIR CARGO FACILITY

**SAN BERNARDINO INTERNATIONAL AIRPORT
SAN BERNARDINO, SAN BERNARDINO COUNTY, CALIFORNIA**

- 1. Introduction.** This document is a Finding of No Significant Impact (FONSI) on the environment and Record of Decision (ROD) (FONSI/ROD) of the proposed Eastgate Air Cargo Facility at San Bernardino International Airport (SBD), San Bernardino, San Bernardino County, California. The San Bernardino International Airport Authority (SBIAA) is the sponsor for SBD. The Federal Aviation Administration (FAA) must comply with the National Environmental Policy Act of 1969 (NEPA) before being able to take the federal action of approval of those portions of the Airport Layout Plan (ALP) that depict the proposed projects. FAA approval of the ALP is authorized by the Airport and Airway Improvement Act of 1982, as amended (Public Laws 97-248 and 100-223).
- 2. Purpose and Need of the Proposed Project.** Section 1.3 of the Final EA states in 2018, Hillwood Enterprises, L.P., a private company and Project Proponent, entered into an agreement with the SBIAA to develop facilities at the airport to accommodate the unmet demand for air cargo facilities in San Bernardino. This includes the development of the proposed project and supporting infrastructure at SBD. The proposed air cargo facility would be operated by a third party air carrier.

Section 1.5 of the Final EA describes the *purpose* of the Proposed Project is to develop and provide facilities that would support large-scale air cargo operations with on-airport package sorting capabilities. SBD is the former Norton Air Force Base that was closed by the United States Air Force in 1994. Following the closure, the former base has been reused as a commercial service airport that accommodates both air carrier aircraft as well as general aviation activity. Table 1-1 in the Final EA discloses the historical and forecast composition of the annual aircraft operations at SBD. The majority of aircraft operations at SBD are General Aviation with about 11 percent air taxi and commercial aircraft operations.

The Final EA states the *need* for the Proposed Project stems from the Airport not having existing facilities that meets the Project Proponent's requirements. Section 1.5 of the Final EA also identifies the following minimum operational requirements for an air cargo facility at SBD:

- A minimum of 100 contiguous acres of land, configurable for direct landside and airside access for an over 650,000 square foot air cargo sorting building and 14 wide body aircraft parking positions;
- Direct airfield access for both day time and night time flight operations;
- Access to major surface transportation corridors (i.e. Interstate 10/215 and State Route 210);
- The facility should have initial operational capability within a year of the beginning of construction.

This FONSI/ROD addresses SBIAA's proposed improvements as described below.

3. Proposed Project and Federal Action. The Proposed Project includes site preparation, grading, as needed, installation of drainage structures, paving, marking and lighting of various airfield pavement, and construction of a 658,500 square foot sort, distribution, and office building along with two 25,000 square foot maintenance buildings (See Figure 1-3, and the project component listing in Section 1.4.1 on page 1-7 of the Final EA. The Proposed Project evaluated in this FONSI/ROD includes the following major project components:

- Construction of a 658,500-square-foot (sf) sort, distribution, and office building (the Air Cargo Sort Building) ranging between 50 and 63 feet in height. The Air Cargo Sort Building would include approximately 77 dock doors on the northern side, approximately 24 dock doors on the western side, and 20 doors to accommodate air cargo containers on the southern side of the Air Cargo Sort Building.
- Construction of taxiways and aircraft parking apron to support 14 aircraft concurrently ranging from Boeing-737 to Boeing-767 aircraft meeting FAA Airplane Design Group IV standards.
- Construction of approximately 12 acres of ground support equipment (GSE) parking and operational support areas.
- Construction of two separate 25,000-sf maintenance buildings.
- Construction of about 2000 employee auto-parking stalls and 380 trailer parking stalls. Employee parking would be located on the eastern portion of the Proposed Project site. Trailer parking would be located on the northern and western portions of the Proposed Project site.
- Construction of two new driveways into the Proposed Project site, including two clear-span bridges crossing the City Creek Bypass Channel.
- Construction of 3rd Street modifications to tie-in road gradients and turning lanes with bridge entrances.
- Installation of new security fencing, vehicle and pedestrian gates, and a guard shack.

- Installation of pole-mounted and/or building-mounted exterior lights for vehicle and truck parking lots, the Air Cargo Sort Building, and aircraft parking apron.
- Installation of appropriate airfield lights and signage for the aircraft parking apron and taxiways.
- Land clearing, demolition of concrete, excavation, embankment, and grading.
- Extension of utilities to the Proposed Project site including electrical, natural gas, water, sanitary sewer, communications, and other related infrastructure.
- Installation of stormwater management systems and infrastructure.
- Landscaping.
- Project Commitment 1: Require Use of Electric Ground Support Equipment. With the exception of the fuel trucks and lavatory service trucks, which are assumed to operate on diesel fuel, the SBIAA will require the use of ground support equipment that can operate on electric battery power.
- Project Commitment 2: Construct a Second Eastbound Left Turn Lane and a Second Westbound Left Turn Lane at Victoria Avenue and Third Street. SBIAA shall be responsible for constructing a second eastbound left turn lane and a second westbound left turn lane at Victoria Avenue and Third Street

The federal action necessary to carry out the proposed project:

- Unconditional approval of the portion of the Airport Layout Plan for the Airport depicting the proposed improvements pursuant to 49 U.S.C. § 40103(b) and § 44718 and § 47107(a)(16). 14 Code of Federal Regulations (C.F.R.) Part 77, *Safe, Efficient Use and Preservation of Navigable Airspace*; and 14 CFR Part 157, *Notice of Construction, Alteration, Activation, and Deactivation of Airports*.

4. Reasonable Alternatives Considered. Chapter 2 of the Final EA, used a detailed three-step alternatives analysis screening process including:

Step 1 – Meet the Purpose and Need. Would the alternative meet the unmet demand for large-scale air cargo facilities at the Airport? Does the alternative meet the purpose and need by providing enough land for development to accommodate a large air cargo operation including support facilities?

Step 2 – Constructability and Operational Considerations. Could the alternative accommodate the proposed facilities including: 100 contiguous acres of land; direct airfield access, Access to major surface transportation corridors (i.e. Interstate 10/215 and State Route 210)?

Step 3 – Further detailed analysis of environmental impacts in the EA.

The Draft EA evaluated two on-airport build alternatives and two off-airport build alternatives and the No Action Alternative to the Proposed Project. Analysis of the No Action Alternative is required pursuant to 40 CFR § 1502.14(d).

Sections 2.3.3 and 2.3.4 of the Final EA, evaluated the two off-airport build alternatives of “Reuse/Repurpose Other Sites on Airport” and “Use of Other Area Airports.” Paragraph 6-2.1 of FAA Order 1050.1F states in part: “There is no requirement for a specific number of alternatives or a specific range of alternatives to be included in an EA. An EA may limit the range of alternatives to the proposed action and no action when there are no unresolved conflicts concerning alternative uses of available resources. Alternatives are to be considered to the degree commensurate with the nature of the proposed action and agency experience with the environmental issues involved.”

The No Action Alternative has fewer environmental effects than the Proposed Project. However, the No Action Alternative does not meet the Purpose and Need for the proposed project.

Section 2.3.1 of the Final EA describes and evaluates the proposed Eastgate Air Cargo Facility at SBD. Table 2-1 in the Final EA summarizes the results of the alternatives screening process. The Reuse/Repurpose of other Sites on Airport, Use of Other Area Airports did not pass Step 1. The Proposed Project and No Action alternative passed Step 2 and were retained for Step 3 analysis in the Environmental Consequences chapter of the final EA for detailed impact analysis.

- 5. Environmental Consequences.** The potential environmental impacts were identified and evaluated in a Final EA prepared in December 2019. The FAA has reviewed the Final EA and the FAA determined that the Final EA for the proposed project adequately describes the potential impacts of the Proposed Project.

The Final EA examined the following environmental impact categories: Air Quality; Biological Resources, Climate, Department of Transportation Act, Section 4(f)) Resources; Hazardous Materials, Pollution Prevention, and Solid Waste; Historic, Architectural, Archaeological and Cultural Resources, Land Use; Natural Resources and Energy Supply, Noise and Noise-Compatible Land Use, Socioeconomics, Environmental Justice and Children’s Health and Safety Risks; Visual Effects, Water Resources and Cumulative Impacts.

Section 4.1.3 of the Final EA discloses that the following environmental impact categories of Coastal Resources; Farmlands; and Wild and Scenic Rivers were not evaluated further because the proposed project at SBD would not pose an impact to these environmental resources.

A. Air Quality. Sections 4.2 of the Final EA, state the analysis of air quality for the Proposed Project was guided by an Air Quality Protocol that the FAA coordinated with the U.S. Environmental Protection Agency (U.S. EPA), California Air Resources Board (CARB), Southern California Association of Governments (SCAG), and the South Coast Air Quality Management District (SCAQMD). The reason for using this method of analysis was the Proposed Project is located in the part of the South Coast Air Basin that does not meet the National Ambient Air Quality Standards (NAAQS). There are no components of the proposed project that would require approval by either the Federal Highway Administration or the Federal Transit Administration under Transportation Conformity. Thus, the proposed project would be evaluated under General Conformity pursuant to the Clean Air Act of 1970, as amended. Section 4.3.2 of the Final EA states the Proposed Project will increase aircraft operations at the SBD.

Section 4.2.1.1 of the Final EA provides an emissions inventory for operational and construction emissions of the proposed project. Operational emissions were evaluated for the years 2019 and 2024. Tables 4-4 and 4-5 provide the operational emissions inventories for both years. For the year 2019, operational emissions **exceed** the *de minimis* thresholds for Volatile Organic Compounds (VOC) and Oxides of Nitrogen (NO_x). For the year 2024, the *de minimis* thresholds are **exceeded** for VOC, NO_x, and Carbon Monoxide (CO). FAA prepared and published concurrently with the Draft EA, a Draft General Conformity Determination for the proposed project. The Final General Conformity Determination is included in the Final EA in Appendix B. The Draft and Final General Conformity Determination includes a letter from the SCAQMD to SBIAA dated April 30, 2019 (See Attachment 2 of Appendix B of the Final EA). This letter states the proposed project will conform to the Air Quality Management Plan for the South Coast Air Basin, and is not expected to result in any new or additional violations of the NAAQS or impede the projected attainment of the standards.

Construction emissions for the Proposed Project were evaluated and were determined to be below the *de minimis* thresholds for all applicable pollutants, and therefore not significant. Table 4-8 provides the General Conformity *de minimis* thresholds and construction emissions for the Proposed Project. The table shows none of the *de minimis* thresholds are exceeded for construction emissions. Table 4-9 of the Final EA discloses the combined construction and proposed project operations emission inventory for the year 2019, and Table 4-19 discloses the combined construction and proposed project operational emissions for the year 2020 as well, including dispersion modeling where appropriate to determine if the project would cause or contribute to exceeding the

ⁱ The General Conformity Rule establishes the *de minimis* levels to identify those actions with the potential to have air quality impacts large enough to require a conformity determination. If a project's net emissions are less than the *de minimis* levels, then the Federal action is considered to be too small to adversely affect the air quality status of the area and is automatically considered to conform with the applicable SIP/FIP, therefore the general conformity requirements have been complied with and the process is complete. See Order 1050.1F Desk Reference.

NAAQS. Thus, the construction emissions would **not** cause or contribute to an exceedance of the NAAQS.

The *1050.1F Desk Reference* states the general conformity process is conducted in three phases: applicability, evaluation, and determination, Section 4.2.5 of the Final EA, and Chapter 6 of the General Conformity Determination provides the analysis of impacts of the proposed project as they relate to the NAAQS. This section of the Final EA states that the construction and operational emissions of the Proposed Project are included in the SIP budget, the action would conform to the SIP that allows for attainment of the NAAQS. Section 4.2.5 of the Final EA states that CO emissions generated from the proposed project would not exceed the applicable NAAQS. Tables 6-3, 6-4, 6-5 and 6-6 of the Final General Conformity Determination (GCD) in Appendix B to the Final EA clearly show the dispersion analysis for NO₂ and CO construction and operational emissions of the proposed project do **not** exceed the NAAQS. Section 6.3 of the Final GCD states *“construction emissions are negligible in comparison to operation emissions.”* Table 6-4 of the Final GCD shows the CO maximum combined construction and operation emissions are added to the background levels and do not exceed the NAAQS. Therefore, the proposed project would **not** cause or contribute to a violation of the NAAQS.

During the public comment period on the Draft EA, the SCAQMD provided comments on the analysis of air pollutant impacts on the Draft EA, but did not offer any comments on the Draft General Conformity Determination. The U.S. EPA and CARB also commented on the EA but did not provide any comments on the Draft General Conformity Determination. Detailed responses to comments on the Draft EA were prepared to each of these comments and are included in Appendix H of the Final EA.

U.S. EPA commented on the air quality analysis methodology for NO₂ emissions for the year 2024, recommended the health risk assessment from the SBIAA's California Environmental Quality Act (CEQA) Environmental Impact Report (EIR) be included into the EA, and recommended adding Washington High School be added to Tables 4-22 and 4-23.

Response to Comments A2-2 in Appendix H of the Final EA states that operational dispersion modeling for NO₂ was conducted for both the 2019 and 2024 study years and the results were included in Section 4.2.3.1, Table 4-6 of EA. The results of the dispersion modeling analysis show that the operation of the Proposed Project would **not** exceed the NO₂ ambient air quality standards and will not delay the timely attainment of the NAAQS.

Response to Comment A2-5 states that the “EA’s treatment of hazardous air pollutants is consistent with applicable NEPA guidance. Studies performed pursuant to CEQA such as the health risk assessment are not required to fulfill NEPA’s objective which is *‘to disclose to the interested public a clear, accurate description of potential environmental impacts the proposed Federal actions would cause.’*” FAA’s 2015 Air Quality Handbook, Chapter 6.2 states in part that because the science of the relationships of atmospheric dispersion modeling, toxicity weighting, or human health risk analysis with respect to aviation-

related hazardous air pollutants is still evolving, the corresponding level of understanding is also currently limited. The EA fully addressed the air quality impacts of the Proposed Project and the No Action Alternative including Hazardous Air Pollutants and the National Ambient Air Quality Standards, in compliance with NEPA, and the federal Clean Air Act of 1970, as amended by the Clean Air Act Amendments of 1990 and in adherence to FAA Orders 1050.1F and 5050.4B which establish the extent of an air quality analysis required for airport-related actions.

CARB commented they are concerned about potential health risk impacts to residences near the project site and noted there are residences 150 feet north of the proposed project. CARB also commented about California Assembly Bill 617 (AB-617) that addresses stationary sources as they relate to diesel emissions generated during construction and operation of the project. CARB recommended various best practices and strategies to reduce air pollutant emissions during onsite aircraft operations that directly affect how aircraft are operated on the airfield. CARB provided an attachment with recommended air pollution emission reduction measures for warehouses and distribution centers.

Section 4.2.1, of the Final EA has been modified to include a discussion of California Assembly Bill (AB) 617. AB Section 1 of AB 617 states *“This bill would require the state board to develop a uniform statewide system of annual reporting of emissions of criteria air pollutants and toxic air contaminants for use by certain categories of **stationary sources**. The bill would require those stationary sources to report their annual emissions of criteria air pollutants and toxic air contaminants, as specified.”* [emphasis added]. As a result, the SCAQMD’s San Bernardino/Muscoy (SBM) Community Emissions Reduction Plan (CERP) was developed with goals to reduce emissions of toxic air contaminants (TACs) and criteria pollutants (approved September 6, 2019). The SBM CERP has numerous actions planned, among those including emission reductions from neighborhood truck traffic, installation of infrastructure to support zero-emission vehicles and equipment, etc. Section 4.2.6 of the EA discloses that the Proposed Project includes mitigation measures and emission reduction strategies consistent with the CERP, such as requiring all construction equipment be CARB Tier 4 certified or better, use of electric or alternative fueled construction equipment where technically feasible and/or commercially available, and requiring that equipment, including heavy-duty equipment, motor vehicles, and portable equipment, be turned off when not in use for more than 5 minutes.

The Proposed Project does not meet the definition of “stationary source” as described in AB 617. Additionally, the defined “Impacted Community Boundary” for San Bernardino/Muscoy is outside of the GSA for the Proposed Project. Thus, AB 617 does not apply to the Proposed Project and there is no requirement or obligation under NEPA to reconcile environmental impacts identified by state-level reports in federal NEPA documents, including the EA.

Response to Comment A1-6 states the various measures suggested by the commenter to reduce aircraft operational emissions during flight, taxiing, and takeoff would interfere with the safe operation of the aircraft and conflict with various requirements imposed on the pilot, airport, and FAA related to the safe operation of the aircraft. Section 4.2.6.2 of the Final EA states that SBIAA has committed to using ground support equipment that can operate on electric battery power.

The SCAQMD referred to comments concerning AB 617 that addresses air pollution emissions from stationary sources they provided to SBIAA's CEQA EIR. Further, they disagree with the use of the Federal 1-hour NO₂ standard used in the air quality analysis. SCAQMD commented that they wanted additional discussions between the community and the developer in support of a Community Benefits Agreement and additional public hearings with notices in Spanish and Vietnamese language media.

As noted above, AB-617 does not apply to the proposed project. Response to Comment A3-3 states the analysis in the EA followed the U.S. EPA guidance and the air quality protocol that SCAQMD concurred with using for the federal EA. The U.S. EPA states in a 2010 memo: *Application of Appendix W Modeling Guidance for the 1-hour NO₂ National Ambient Air Quality Standard*: "The 5-year average based on use of NWS data, or an average across one or more years of available site specific data, serves as an unbiased estimate of the 3-year average for purposes of modeling demonstrations of compliance with the NAAQS. Modeling of "rolling 3-year averages," using years 1 through 3, years 2 through 4, and years 3 through 5, is not required."ⁱⁱ The U.S. EPA clearly states the use of the 5-year period is an appropriate method for demonstrating compliance with the 1-hour NO₂ standard.

SBIAA also received comments from elected officials and members of the public on air quality issues in general in the vicinity of SBD. The commenters suggested that the Proposed project would exacerbate the existing poor air quality due to the local geography of the area. Detailed responses to comments on the Draft EA were prepared to each of these comments and are included in Appendix H of the Final EA.

The following minimization measures described in Section 4.2.6.1 of the Final EA must be implemented as a condition of approval of this FONSI/ROD:

- All construction equipment shall be CARB Tier 4 Certified or better.
- During site preparation and grading activity, all actively graded areas within the Proposed Project site shall be watered four times per day in 1-hour intervals or a movable sprinkler system shall be in place to ensure minimum soil moisture of 12% is maintained for actively graded areas. Moisture content can be verified with the

ⁱⁱ EPA. June 28, 2010. Application of Appendix W Modeling Guidance for the 1-hour NO₂ National Ambient Air Quality Standard. Available at: https://www3.epa.gov/ttn/scram/guidance/clarification/ClarificationMemo_AppendixW_Hourly-NO2-NAAQS_FINAL_06-28-2010.pdf

use of a moisture probe by the grading contractor.

- The Proposed Project shall use “Super-Compliant” low VOC paints that have been reformulated to exceed the regulatory VOC limits put forth by SCAQMD’s Rule 1113. Super-Compliant low VOC paints shall be no more than 10g/L of VOC. Alternatively, the Proposed Project may use building materials that do not require the use of architectural coatings.
- Plans, specifications and contract documents shall direct that a sign must be posted on-site stating that construction workers shall not idle diesel engines in excess of 5 minutes.
- Gravel pads must be installed at all access points to prevent tracking of mud onto public roads.
- Install and maintain track out control devices in effective condition at all access points where paved and unpaved access or travel routes intersect (e.g., install wheel shakers, wheel washers, and limit site access).
- When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
- All streets located within the construction site area shall be swept at least once a day using SCAQMD Rule 1186 certified street sweepers if visible soil materials are carried to adjacent streets.
- Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours.
- A high-wind response plan shall be formulated for enhanced dust control if winds are forecast to exceed 15 mph in any upcoming 24-hour period.
- Use electric or alternative fueled construction equipment where technically feasible and/or commercially available if the electric or alternatively fueled equipment can perform comparably to gasoline or diesel-fueled equipment.
- SBIAA shall request the use of zero emissions or near-zero emissions trucks, if and when feasible.ⁱⁱⁱ At a minimum, SBIAA shall require the use of 2010 and newer trucks (e.g., material delivery trucks, soil import/export trucks, and trucks required for operation of the Eastgate Air Cargo Facility). Recent calculations indicate that export soil from the site can be reduced; therefore, the SBIAA shall reduce soil export to 60,000 cubic yards (from 300,000 CY) during construction in support of developing the subject project site.

Section 4.2.6.2 of the Final EA describes the various air pollutant emission minimization actions that SBIAA must implement for operational–related emissions. Section 4.2.6.2 of the Final EA states SBIAA will ensure the various aircraft parking positions on the apron

ⁱⁱⁱ As an example, Los Angeles World Airports (LAWA) has recently launched “The Zero & Near-Zero Emission Heavy-Duty Vehicle Incentive Program for business operating at LAX to replace older, heavy-duty diesel-burning vehicles with new ones that emit very few or zero pollutants. Available: <https://www.lawa.org/en/lawa-environment/lax/lax-alternative-fuel-vehicle-requirement-program>.

*San Bernardino International Airport
Eastgate Air Cargo Facility FONS/ROD
December 2019*

will include plug-ins for 400 hertz (Hz) electrical power for the aircraft to minimize the use of on-board and ground based auxiliary power units. This will reduce use of auxiliary power units on board the aircraft and reduce operational air pollutant emissions due to aircraft. This section also states SBIAA will require the use of Ground Support Equipment that can operate on electric battery power, if available and feasible. Implementation of the various measures listed in Section 4.2.6.2 is a condition of approval of this FONSI/ROD.

- B. Biological Resources.** Section 4.3 of the Final EA describes the potential impacts to biological resources. Section 4.3.1.2 of the Final EA states the Action Area for the Proposed Project is about 0.25 miles north of U.S. Fish and Wildlife Service (USFWS) designated critical habitat for the San Bernardino kangaroo rat (*Dipodomys merriami parvus*) and the Santa Ana sucker (*Catostomus santaanae*). The proposed project site, including the Action Area is partially covered with asphalt or concrete, with the remaining areas covered by compacted engineered soils that contain non-native grass species that do not support appropriate San Bernardino kangaroo rat habitat. Compacted engineered soils include asphalt millings and crushed miscellaneous base material that are rolled and compacted with construction equipment. There is no federally designated critical habitat located within the Study Area.

Due to the proximity of federally listed species near, but not on the project site, a Biological Assessment was prepared pursuant to 50 C.F.R. Part 402 for formal Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS) if necessary. Table 3-4 of the Final EA lists the various federally listed species that had the potential to occur in the proposed project's Action Area. This includes the San Bernardino kangaroo rat (*Dipodomys merriami parvus*), Stephens' kangaroo rat (*Dipodomys stephensi*), Coastal California gnatcatcher (*Poliioptila californica*), least Bell's viro (*Vireo belli pusillus*), Southwestern Willow Flycatcher (*Empidonax trailli extimus*), and the following plant species: Nevin's barberry (*Barberis nevinii*), Slenderhorned spineflower (*Dodecahema leptoceras*) and the Santa Ana River woollystar (*Eraistrum densifolium ssp. sanctorum*). The Biological Assessment revealed the site is **not** occupied by any federally listed species and there is no designated critical habitat located within the Action Area. Section 4.3.3 .2 of the Final EA states the FAA determined the Proposed Project would not affect any federally listed threatened or endangered species or designated critical habitat based on the information contained in the Biological Assessment. Since FAA made a no effect determination, formal consultation with the USFWS was not needed or required under Section 7 of the Endangered Species Act of 1973, as amended. The USFWS does not consult on a Federal agency's no effect determination.

Comments received on the Draft EA took issue with the Biological Assessment's conclusions that the San Bernardino Kangaroo Rat (SBKR) is not present and there are no primary constituent elements of critical habitat for the SBKR within the Action Area of the Proposed Project. The commenter suggested since trapping surveys were not conducted, "its not possible to rule out the potential for the Proposed Project to cause take of the

SBKR.” Response to Comment P-695-2 notes that the Commenter cites the final rule promulgated by the USFWS designating critical habitat for the SBKR. The Response to Comment notes that USFWS stated in the Federal Register (73 FR 61396) that: “We are not designating small, isolated areas of degraded habitat or areas devoid of fluvial processes because such areas likely only support unsustainable populations that would not contribute to the recovery of the subspecies.... Critical habitat does not include manmade structures (such as buildings, aqueducts, airports, roads, other paved areas, and the land on which such structures are located) existing on the effective date of this rule and not containing one of more of the PCE’s [primary constituent elements].” The Response to Comment concludes saying “because the AA lacks the soils and undergoes a routine maintenance regime, the SBKR do not and would not occur within the AA.”

The only migratory bird species that has the potential to be found in the Study Area was the burrowing owl. Although not a federally listed species, the burrowing owl is protected under the Migratory Bird Treaty Act and is listed as a *Species of Concern* by the USFWS. The Proposed Project would be anticipated to impact the potential for burrows in the Action Area. Section 4.3.4 of the Final EA states that an additional pedestrian survey for burrowing owls would be conducted prior to the start of construction activities. Implementation of the additional pedestrian survey for burrowing owls is a condition of approval of this FONSI/ROD. If any western burrowing owls are found, the California Department of Fish and Wildlife and USFWS will be consulted to determine the appropriate action to remove burrowing owls from the Detailed Study Area before construction.

- C. Climate.** Section 4.4.2.2 of the Final EA states there are no established a significance thresholds for climate and Green House Gas (GHG) emissions. FAA has not identified specific factors to consider in making a significance determination for GHG emissions, especially as it may be applied to a particular project. Tables 4-14 and 4-15 of the Final EA discloses the annual operational emissions of GHG during both 2019 and 2024 of the Proposed Project. For the year 2019 the annual net emissions of Carbon Dioxide equivalent (CO_{2e}) are 27,991 metric tons per year. For the year 2024, the annual net emissions are 55, 842 metric tons per year of CO_{2e}. Section 4.4.2.2 of the Final EA states these levels of GHG emissions increases would comprise less than 1 percent of both the U.S.-based GHG emissions and global GHG emissions. The bulk of emissions of GHG occur during construction. Section 4.2.6 of the Final EA identifies the various air pollutant emissions reduction measures for both construction and operation of the proposed project that would also reduce adverse construction and operational GHG emissions.
- D. Department of Transportation Act, Section 4(f) and Land and Water Conservation Fund Act, Section 6(f) Resources.** Section 4.5.2.2 of the Final EA states the Proposed Project does not include any land acquisition, land development or other physical activity that would create a physical or active use of any DOT Section 4(f) properties. This section of the Final EA also states that there would be no significant traffic noise impact from the

Proposed Project, thus, there is would be no constructive use of any Section 4(f) property due to traffic noise.

Section 4.5.3.2 of the Final EA identifies one Section 4(f) property. The Mill Center Park, is owned and maintained by the City of San Bernardino, and includes a community center, baseball diamond, basketball, volleyball, and racquetball courts, a swimming pool and picnic tables. This park would be newly located within the 65 dB CNEL noise contour resulting from the Proposed Project for the year 2024. The noise impact created by the Proposed Project does not substantially impair the protected activities, features, or attributes of the Section 4(f) property and therefore does not constitute a constructive use of this DOT Section 4(f) resource. Parks are recognized under 14 C.F.R. Part 150, *Airport Noise Compatibility Planning* to be compatible with airport noise of 65-70 dB.

Comments on the Draft EA were received suggesting the planned City Creek bicycle trail should be considered as a Section 4(f) property. Responses to Comments P702-1 and P702-2 states that FAA uses Federal Highway Administration regulations under 23 C.F.R. § 774.13. This section states that DOT Section 4(f) does not apply to publicly owned bicycle paths primarily used for or planned for transportation use as a component of a local transportation system. Therefore FAA has determined DOT Section 4(f) does not apply to the proposed City Creek bicycle Trail because it is part of the San Bernardino County Non-Motorized Transportation Plan

Section 3.5.3 of the Final EA states there are no Land and Water Conservation Act (LWCA) Section 6(f) properties within the General Study Area for the Proposed Project. Therefore, the Proposed Project and No Action alternatives would not affect any LWCA Section 6(f) properties.

- E. Hazardous Materials, Pollution Prevention and Solid Waste.** Section 4.6.2.2 of the Final EA states that aircraft are fueled using airport fueling trucks because SBD does not have a fuel hydrant system. A fuel hydrant system can pump fuel to aircraft from an above ground storage tank on the apron or from underground piping.

Solid waste generated at the airport is disposed of at the San Timoteo Landfill about six miles south of SBD. This section of the Final EA also states that the Phase I Environmental Site Assessment, discussed in Section 3.6.3 of the Final EA states the site of the Proposed Project may not be suitable for residential type uses without additional assessments, evaluation and/or remediation. However, use of the site is suitable for commercial/industrial use with respect to residual soil contaminants that occurred from the time the site was part of Norton Air Force Base.

Section 4.6.5 of the Final EA identifies the following mitigation, avoidance, and minimization measures applicable to Hazardous Materials:

- Designation of a trained, experienced site safety and health supervisor, who has the responsibility and authority to develop and implement the site HASP (Health

and Safety Plan)

- A summary of all potential risks to construction workers and maximum exposure limits for all known and reasonably foreseeable site chemicals and hazardous materials, including unexploded ordnance.
- Specified personal protective equipment and decontamination procedures
- Emergency procedures, including route to the nearest hospital; and
- Procedures to be followed in the event that evidence of potential soil contamination (such as soil staining, noxious odors, debris, or buried storage containers) or other potentially hazardous materials, such as unexploded ordnance, are encountered. These procedures shall be in accordance with hazardous waste and hazardous materials operations regulations and specifically include, but are not limited to, immediately stopping work in the vicinity of the unknown hazardous materials, notifying the local County of San Bernardino Office of Emergency Services, as appropriate, and retaining a qualified environmental firm to perform sampling and remediation.
- The contractor shall develop and implement a Soil Management Plan (SMP) prior to commencement of construction activities that includes a materials disposal plan specifying how the construction contractor(s) will remove, handle, transport, and dispose of all excavated materials in a safe, appropriate, and lawful manner.

F. Historic, Architectural, Archaeological, and Cultural Resources. Section 4.7.2 of the Final EA discloses the Proposed Project would not affect any historic properties listed or eligible for listing on the National Register of Historic Places (NRHP).

As documented in Section 3.7.3 of the Final EA, the FAA delineated a Direct Effects and Indirect Effects Area of Potential Effects (APE) for the proposed undertaking and coordinated the APE with the California SHPO by letter dated October 12, 2018. The California SHPO concurred with the FAA's delineation of the Proposed Project's Direct and Indirect APEs by letter dated October 30, 2018 (see Appendix E to the Final EA). Appendix E of the Final EA, also includes a copy of FAA's determination and findings of effect letter to the California SHPO prepared under Section 106 of the National Historic Preservation Act of 1966, as amended. The California SHPO concurred with FAA's determination of eligibility and findings of effect by letter dated January 10, 2019 (See Appendix E to the Final EA).

The California Native American Heritage Commission provided FAA with a listing of contacts for 16 tribes listed in Section 4.7.1 of the Final EA. The Serrano Nation of Mission Indians asked for a walk through of the Proposed Project site. A walk through was held on May 10, 2019. In the event any cultural resources are uncovered during construction, the Serrano Nation asked to be notified.

Section 4.7.5 of the Final EA describes what would occur in the event of an unanticipated discovery of previously unidentified archaeological resources. The following measures are to be implemented in the event archaeological resources are discovered:

- If human remains or funerary objects are encountered during the undertaking, all work shall cease within 100 feet of the find and the San Bernardino County Coroner shall be contacted pursuant to State Health and Safety Code § 7050.5.
- If any Native American cultural resources are discovered, all work shall cease within a 60-foot buffer so that a qualified archaeologist can be retained to assess the find, and the San Manuel Band of Mission Indians and the Serrano Nation shall be contacted.
- If significant Native American cultural resources are discovered and avoidance cannot be ensured, a treatment plan shall be developed by a qualified archaeologist, followed by further consultation with the San Manuel Band of Mission Indians. The Serrano Nation advised they would claim any cultural resources uncovered and would share their claim with the San Manuel and Morongo Bands of Mission Indians.

G. Land Use. Section 3.8.3.1 of the Final EA, describes the City of San Bernardino’s General Plan. This Section of the Final EA states that areas in the City of San Bernardino surrounding the airport designated for Industrial Light, Office Industrial Park, Residential Medium, and General Commercial uses. There are a number of residential properties located within the commercial and industrial zones near SBD. These are existing non-conforming land uses. When an existing non-conforming land use comes up for sale, new owners convert these properties to land uses that comply with the local land use zoning. The zoning where existing homes are non-conforming land uses was enacted in the 1989 City of San Bernardino General Plan. Section 4.8.2 of the Final EA states under the No-Action Alternative the continued operation and maintenance of the airport would not directly or indirectly affect any land uses. Section 4.8.2.2 of the Final EA states the Proposed Project is consistent with the City of San Bernardino’s land use and zoning designation of the project site as a “public facility.” This section also states there are no conflicts between the Proposed Project and applicable land use plans, policies, or regulations of an agency with jurisdiction over the project.

H. Natural Resources and Energy Supply. The Proposed Project alternative would consume more aviation, diesel, and other fuels compared to the No Action Alternative. Section 4.9.2.2 of the Final EA states that the electricity demand from the operation of the Proposed Project Alternative would not exceed electrical supply and distribution capabilities. Further, the roof of the distribution center building would be solar-ready, allowing some of the energy required to operate the air cargo facility to be derived from a renewable resource. Section 4.9.2.2 of the Final EA also states that future supplies of natural gas would be adequate to meet the project demands within the Southern California Gas Company service area.

I. Noise and Noise-Compatible Land Use. Section 4.10.2 of the Final EA describes the airport noise setting at and around SBD. Other sources of noise (unwanted sound) come from major arterial roadways such as Waterman Avenue, Tippecanoe Avenue, and Third

Street. Section 4.10.2.2 of the Final EA evaluates noise from construction and operation of the Proposed Project and the No Action Alternative. Under the No Action Alternative, none of the Proposed Eastgate Air Cargo Facility components would be constructed, thus the noise exposure would remain consistent with what occurs today. Section 4.10.2.2 of the Final EA states for construction of the Proposed Project would occur during daylight hours. The only exception would be during concrete pouring operations that may begin as early as 3:00 a.m. to avoid pouring concrete during the hottest part of the day. Section 4.10.3.1 of the Final EA evaluated aircraft noise impacts of the Proposed Project. This section of the Final EA states for 2019, there are no noise sensitive land uses within the 65 dB CNEL noise contours. However, for the year 2024, for the Proposed Project there would be 16 residential dwelling units and three non-residential noise sensitive properties located within the 65 dB CNEL noise contour.

Table 4-23 of the Final EA, identifies those non-residential noise sensitive sites within the 65 dB CNEL noise contour: the Norton Science and Language Academy, Mill Center Park, and the Antioch Christian Center. As described above in the text about DOT Section 4(f), Mill Center Park would be located within the 65 dB CNEL noise contour. However, this type of land use is acceptable within the 65-70 dB contour under 14 C.F.R. Part 150, *Airport Noise Compatibility Planning*. Section 4.10.4.2 of the Final EA states that the mitigation measure proposed for the 16 residential land uses and two non-residential noise sensitive land uses newly within the 65 dB CNEL noise contour is to acquire them and convert the land use to an airport noise compatible land use. Since the residential land uses are existing non-conforming land uses – mitigation measures such as residential sound insulation that perpetuate the existing non-conforming land use is not applicable. Thus, if a land owner of a residential unit within the 65 dB CNEL noise contour decides to sell the property, relocation assistance would be provided in accordance with the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended [42 U.S.C. 4601-4655] and its implementing regulations found at 49 C.F.R. Part 24.

The U.S. EPA recommended that Washington High School, located in Colton, California about 3.5 miles west of SBD, be added to Tables 4-22 and 4-23. Response to Comment A2-6 states that Washington High School is outside of the forecasted 65 dB CNEL noise contour and would not experience a significant impact [as a result of the proposed project]. FAA defines a significant noise impact as 1.5 dB within the 65 dB CNEL noise contour. Since Washington High School is located within the 60 dB CNEL noise contour and would not experience a significant impact from the proposed project it was added to Table 4-22 in the Final EA and identified with a footnote. Table 4-23 was not amended to include Washington High School because it is located outside of the 65 dB CNEL noise contour for the Proposed Project.

Comments received on the Draft EA from residents in the various mountain communities such as Lake Arrowhead (about 10-12 miles north of SBD) indicated a concern about overflight impacts from aircraft flying into SBD. The Proposed Project does not include any changes to **existing** arrival or departure procedures into and out of SBD. Cargo

aircraft on approach to SBD will continue to use the so-called *ZIGGY* Standard Terminal Arrival Route (STAR) procedure^{iv}. A number of comments received from the public encouraged the use of the *ZIGGY* procedure for aircraft arriving into SBD. Many comments received were concerned about an unrelated and independent change to air traffic procedures for aircraft arriving into **Ontario International Airport (ONT)** using the “*EAGLZ TWO*” STAR. Section 4.10.2.2 of the Final EA and the various responses to comments concerning these unrelated overflights into ONT clearly state the approach procedure used by aircraft arriving into SBD uses the *ZIGGY* STAR. In a separate and unrelated action, FAA’s Air Traffic Organization deleted the *EAGLZ TWO* STAR into ONT effective December 5, 2019^v. The *EAGLZ TWO* STAR was replaced with a STAR known as “*JCKIE TWO*” that reduces overflight impacts over the mountain communities north of SBD.

The aircraft noise analysis conducted in the Final EA is consistent with that required in FAA Order 1050.1F and FAA Order 5050.4B. Further, the airport noise analysis conducted in the Final EA is also consistent with the requirements of Appendix B to FAA Order 1050.1F that is consistent with Section 3.4 of the August 1992 Report *Federal Agency Review of Selected Airport Noise Analysis Issues* by the Federal Interagency Committee on Noise (FICON). The FICON Report states that “if screening analysis shows that noise sensitive areas will be at or above DNL65 dB [CNEL in California] and will have an increase of DNL 1.5 dB or more, further analysis should be conducted of noise sensitive areas between DNL 60-65 dB having an increase of DNL 3dB or more due to the proposed airport noise exposure.” Figure 4-9 in the Final EA identifies those areas exposed to a 3.0 dB or greater impact over noise sensitive land uses within the 60 dB CNEL noise contour for the Proposed Eastgate Air Cargo Facility. This is the extent of airport noise analysis that is required under relevant FAA orders.

The 1992 FICON report also notes “in the airport environs, the non-aircraft noise may begin to dominate aircraft noise at levels below DNL 60 dB.” The FAA understands the concerns of the residents in the Mountain communities. However, FAA reiterates here, there are no changes to the Standard Terminal Arrival Routes into SBD resulting from the proposed Eastgate Air Cargo Facility. Some commenters have asked for supplemental noise analysis for these communities but the use of supplemental metrics to analyze noise is at the discretion of the FAA. FAA Order 1050.1F, *Desk Reference*, Section 11.4 states: “Because of the diversity of situations, the variety of supplemental metrics available, and the limitations of individual supplemental metrics the FICON (Federal Interagency

^{iv} A STAR is an FAA Air Traffic Control coded Instrument Flight Rules (IFR) arrival route established for application to arriving IFR aircraft designed for certain airports. STARs simplify clearance delivery procedures and facilitate transition between en route and instrument approach procedures. STAR procedures may have mandatory speeds and/or crossing altitudes published. Other STARs may have planning information depicted to inform pilots of what clearances or restrictions to “expect.” See: 14 CFR § 91.185(c)(2)(iii).

https://www.faa.gov/air_traffic/publications/atpubs/aim_html/chap5_section_4.html

^v See the FAA’s Public website that documents the added, deleted or changed procedures for Ontario International Airport: https://www.faa.gov/air_traffic/flight_info/aeronav/digital_products/dtpp/search/results/?cycle=1913&ident=ont&sort=flag&dir=asc

*San Bernardino International Airport
Eastgate Air Cargo Facility FONS/ROD
December 2019*

Committee on Noise) report concluded that the use of supplemental metrics to analyze noise should remain at the discretion of individual agencies. Since 1992, the Federal Interagency Committee on Aviation Noise (FICAN) has reaffirmed this recommendation.” FAA declined to conduct supplemental noise analysis to land uses that are 10 miles away from the 65 CNEL noise contour for SBD, that are related to procedures for other airports, when there is no change to any procedure to accommodate the air cargo facility at SBD. Therefore, no additional noise analysis for this proposal will be conducted by the FAA.

Section 4.10.2.2 of the Final EA states construction activities (other than concrete pours) will occur during the day light hours. Section 4.10.4.1. provides the following construction mitigation, avoidance, and minimization measures:

- Most construction activities would occur during the daytime; any variances would require City approval in accordance with City of San Bernardino Municipal Code 8.54.060, *Exemptions*. The only anticipated variance would be for concrete pouring activities in order to avoid the daytime heat; concrete pouring activities should be limited between 3 a.m. and 6 a.m., when possible.
- Equipment and trucks used for the construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible).
- Stationary construction noise sources shall be located as far from adjacent receptors as possible and they shall be muffled and enclosed within temporary sheds and incorporate insulation barriers or other measures to the extent this does not interfere with construction purposes.
- Separate the concrete pump trucks as much as possible across the Proposed Project site, to reduce cumulative noise from one location.
- Signs shall be posted at all construction site entrances to the property upon commencement of project construction for the purposes of informing all contractors/subcontractors, their employees, agents, material haulers, and all other persons at the applicable construction sites of the basic requirements for managing noise nuisance
- Signs shall be posted at the construction sites that include permitted construction days and hours, a day and evening contact number for the job site, and a contact number in the event of problems.
- An on-site complaint and enforcement manager shall respond to and track complaints and questions related to noise.
- If applicable, use of a temporary solid noise barrier that blocks a line-of-sight between a receiver and a noise source (e.g., sound barrier walls or fencing), which would reduce noise level of at least 10 dBA.

- J. Socioeconomic Impacts, Environmental Justice and Children’s Environmental Health and Safety Risk** are discussed in Section 4.11 of the Final EA. The Final EA states the Proposed Eastgate Air Cargo Facility would be constructed on existing airport property. Section 4.11.1.1 of the Final EA states the Proposed Project is expected to generate more than 3,000 jobs.

Section 4.11.3 *Environmental Justice*, of the Final EA, states the demographics of the population in around SBD is 82 percent minority, which is 20 percent more than San Bernardino County as a whole. The percentage of low-income population is 36 percent, which is 17 percent higher on average than the remainder of San Bernardino County. The Environmental Justice text of Section 4.11.3.2 of the Final EA states that an analysis of air pollutant emissions for VOC and NOx would exceed the *de minimis* levels in 2019. VOC, NOx, and CO emissions would exceed *de minimis* levels for 2024. The SCAQMD confirmed the Proposed Project emissions are within the General Conformity Budget for the South Coast Air Basin. Thus, the proposed project conforms to the State Implementation Plan for the South Coast Air Basin. Therefore, the Proposed Project would not result in air pollutant emissions that would create disproportionately high and adverse human health or environmental impacts on minority or low-income populations.

Surface traffic analysis in Section 4.11.3.2 of the Final EA indicates the Proposed Project would create an impact to the Victoria Avenue and 3rd Street intersection during the morning peak hour. Response to Comment ST-3 states: “SBIAA has committed to roadway improvements at Victoria Avenue and 3rd Street, including the addition of a second eastbound left-turn lane and a second westbound left-turn lane, which would meet local roadway design guidelines and safety requirements, as well as circulation improvement fees to help improve area roadways and intersections; these improvements will decrease congestion and increase safety.” The proposed mitigation includes:

- Construction of a second eastbound left-turn lane and a second westbound left turn lane at Victoria Avenue and 3rd Street.

This commitment is required by City of San Bernardino Resolution 2018-062 (Development Permit Type-D-18-13) to Hillwood, as the local project applicant, and SBIAA, as property owner, following the local CEQA EIR process.

Therefore, the Proposed Project impacts to surface traffic would be mitigated by the inclusion of a second eastbound left-turn lane and a second westbound left-turn lane at Victoria Avenue and 3rd Street. Consequently, the Proposed Project would not result in surface traffic impacts that would create disproportionately high and adverse human health or environmental impacts on minority or low-income populations.

Section 4.11.4 of the Final EA states for construction related noise impacts from the Proposed Project, the schools in the General Study Area are located more than two miles

from the Proposed Project site. Thus no construction related noise impacts associated with children's health and safety risks would occur.

- K. Visual Effects.** Section 4.12 of the Final EA states the No Action Alternative would not have an impact on light emissions. Section 4.12.2.2 of the Final EA states the Proposed Project would be located on an existing airport that is well lit at some locations at night. Other existing sources of light in the project area include streetlights, headlights and lighting from 3rd Street and lighting from adjacent industrial, commercial and residential uses. This Section of the Final EA states that under the City of San Bernardino General Plan, 3rd Street is not considered a scenic corridor or scenic highway. There are no historic buildings, trees, or rock outcroppings located within the project site or the airport. Further, the site is located in an urban area with no distinguishing visual features.
- L. Water Resources.** Section 4.13.2.2 of the Final EA states the Proposed Project Site is designated as Flood Zone "X." The Federal Emergency Management Agency defines Flood Zone X *"as areas determined to be outside of the 0.2% annual chance floodplain."* Thus, the Proposed Project would not affect a 100-year floodplain. Further, the Proposed Project does not require new groundwater wells. Therefore, no withdrawal or drawdown of groundwater at the project site would occur. Section 4.9.2.2 of the Final EA states there is adequate supply of potable water for operation of the Proposed Project. Section 4.13.2.2 also states Proposed Project would collect on-site runoff through new storm drain systems that include oil/water separators that would direct runoff to infiltration/detention basins systems. These infiltration/detention basins would prevent pollutants from reaching the groundwater below the surface. There are no surface water streams within the Proposed Project site. This section of the Final EA also states the Proposed Project and the No Action Alternative will have no effect on potable water sources used at the airport.
- M. Cumulative Impacts.** The past, present, and reasonably foreseeable cumulative actions included in the cumulative impact analysis are presented in Section 4.14 of the Final EA, Cumulative Impacts. Table 3-12 in the Final EA identifies the various past, present, and reasonably foreseeable future projects from 2018 through 2024. This table of the Final EA states there are a number of projects at SBD in various stages of planning and/or construction. The evaluation of cumulative impacts from these cumulative actions is discussed in Section 4.14 of the Final EA. The No Action Alternative would not result in aircraft operational changes to the airport or would increase the type or amount of aircraft operations at the airport. The Proposed Project would increase the number of aircraft operations and daily truck/vehicle traffic. No significant cumulative impacts were identified in the Final EA.

N. Environmentally Preferable Alternative and FAA Preferred Alternative

In connection with its decision to approve the proposed ALP revisions, the FAA considered the environmental impacts from the Proposed Project and the No Action Alternative. The FAA determined that all practicable means to avoid or minimize environmental harm from the Proposed Project have been adopted and there would be no significant environmental impacts from the Proposed Eastgate Air Cargo Facility improvements at SBD and that the project would not jeopardize the safe and efficient operations at the Airport. The No Action Alternative has fewer environmental effects than the Proposed Project alternative and thus would be the environmentally preferable alternative. However, the No Action Alternative does not meet the Purpose and Need for the proposed project.

Thus, the FAA's preferred alternative is the Proposed Project as defined in the Final EA and this FONSI and ROD. FAA selected this alternative because it meets the Purpose and Need of the proposed project with various mitigation measures resulting in no significant adverse environmental effects.

6. Public Participation.

The public was encouraged to review and comment on the Draft EA, which was released for public review on July 3, 2019. SBIAA published a notice of availability of the Draft EA in the following local newspapers in the vicinity of the airport: *San Bernardino Sun*, *Press Enterprise*, *Highland Community News*, *City News Group*, *Mountain News*, *Black Voice*, and *El Chicano*. SBIAA made the Draft EA available on their web site, in the local libraries, the Airport administrative offices and the FAA's Western-Pacific Regional Office in El Segundo, California. The newspaper Affidavit of Publications of the Draft EA and Draft General Conformity Determination are included in Appendix G of the Final EA. SBIAA held a public information workshop and public hearing on Thursday, August 8, 2019. The public comment period ended on August 19, 2019. SBIAA received a total of 751 written comments and 96 verbal comments (847 comments in total). During the designated public comment period from July 3, 2019 through August 19, 2019 SBIAA received 748 written comments on the Draft EA. Of those, 480 of the written comments supported the proposed project. Fourteen additional written comments were submitted after the end of the comment period. Although not required, SBIAA accepted these late-filed comments and included them in the Final EA along with the appropriate responses to those comments in Appendix H to the Final EA

New issues that were raised as a result of the comments include aircraft overflight noise impacts associated with Standard Terminal Arrival Routes into Ontario International Airport over mountain communities more than 10 miles north of SBD. Commenters also raised concerns regarding existing air quality, surface traffic impacts, the change in land uses from 1990 to the present, full time employment and demanded a Community Benefits Agreement (CBA) from both the project proponent and SBIAA that would guarantee job types and wages associated with the proposed project. All comments received on the Draft EA, including

those submitted after the close of the public comment period were evaluated and responded to in Appendix H of the Final EA. The commenters who demanded, in exchange for their support, a CBA from the project proponent and SBIAA wanted to ensure, among other things, certain minimum wage levels and type of jobs that would be created by the Proposed Project and full-time employment and wage guarantees.

As stated in Response to Comment C-1, it is unclear what environmental impacts the CBA is intended to mitigate. There are no significant environmental impacts associated with the Proposed Project to warrant the mitigation suggested. As discussed in Chapter 4, *Environmental Consequences* of the EA, there are no significant adverse impacts to air quality, biological resources, climate, transportation, hazardous materials, historic and cultural, natural resources and energy supply, noise, socioeconomic, environmental justice, visual, water resources or land use impacts from the Proposed Project that have not been mitigated as summarized in Section 4.15. Further, FAA lacks the statutory or regulatory authority to require the requested CBA since it goes beyond the scope of the environmental analysis and NEPA. It may also be inconsistent with FAA Grant-in-Aid assurances. Congress has placed restrictions on the use of public airport revenues such that they must “be expended for the capital or operating costs of the airport, the local airport system, or other local facilities which are owned or operated by the owner or operator of the airport and directly related to the actual transportation of passengers or property.”

In November and December 2019, months after the close of the public comment period on August 19, 2019, FAA received requests for a 30-day public comment period for the the Final EA and this FONSI/ROD. The commenters assert that paragraph 804(b) of FAA Order 5050.4B as the reason why FAA must make the Final EA and a proposed FONSI/ROD available for 30-day review. FAA has considered these requests, evaluated paragraph 804(b) of FAA Order 5050.4B, and declines commenters’ requests.

Paragraph 804(b) states that a proposed FONSI and EA must be made available for 30-day public review when certain conditions apply to an action, namely that the action is similar to one normally requiring an EIS or without precedent, the airport sponsor provides for an opportunity for a public hearing, or would involve special purpose laws with public notice requirements separate from NEPA. See FAA Order 5050.4B, paragraph 804(b)(1) to 804(b)(3).

The proposed action is not one normally requiring an EIS or without precedent. The Final EA did not disclose any significant impact where proposed mitigation would not reduce the action’s impacts below significant impact thresholds. The Proposed Eastgate Air Cargo Facility is not a new commercial service airport and is not a new runway in an MSA. Thus,

Paragraph 804(b)(1) does not apply.

Paragraph 804(b)(2) also does not apply because the airport sponsor is not providing for an opportunity for another public hearing nor is an agency with jurisdiction over an action requesting a hearing. The SBIAA already held a public hearing on the proposed Eastgate Air Cargo Facility for the draft EA. About 500 people attended and 96 people provided verbal comments during the public hearing. Over 800 individual comments were received on the draft EA. SBIAA is not providing an opportunity for a public hearing for the Final EA or the proposed action. Thus, Paragraph 804(b)(2) does not apply.

Paragraph 804(b)(3) applies when special purpose laws having public notice requirements separate from NEPA including but not limited to floodplains, wetlands, Endangered Species Act, and/or Section 106 of the National Historic Preservation Act. The Final EA shows no impacts to resources protected by these special purpose laws. Further, under the Clean Air Act, a Draft General Conformity Determination (GCD) was prepared and published concurrent with the Draft EA and a Final GCD is included in Appendix B to the Final EA. No comments were received on the Draft General Conformity Determination. The SCAQMD provided a letter stating the proposed project would not exceed the National Ambient Air Quality Standards (See Attachment 2 of Appendix B of the Final EA). Thus, Paragraph 804(b)(3) does not apply.

FAA also reviewed the provisions of paragraph 804(c) of Order 5050.4B related to optional public review. It states that “the responsible FAA official may decide that public review of a proposed FONSI would be helpful in making determinations of impact severities for actions not addressed in paragraphs 804.b(1)-(3).” FAA finds that SBIAA conducted an extensive public outreach process. SBIAA published the availability of the Draft EA in local newspapers and online. SBIAA made the Draft EA available for a 47-day public review and comment period. It held a public workshop and public hearing on August 8, 2019 with over 500 attendees. Over 800 individual comments were received on the Draft EA and responses to them are included as an appendix to the Final EA. Based on this extensive public outreach, the proposed action has received significant public input and a public review of the FONSI would not be helpful in making determinations of impact severity. Therefore, FAA declines to conduct an optional public review.

Based on the information provided in the Final EA as described below and the proper application of Paragraphs 804, 805, and 903 of FAA Order 5050.4B, FAA will not make a proposed FONSI available for public review as requested because the proposed action does not meet the requirements of Paragraph 804 of FAA Order 5050.4B.

7. Inter-Agency Coordination.

In accordance with 49 USC § 47101(h), the FAA has determined that no further coordination with the U.S. Department of Interior or the U.S. Environmental Protection Agency is necessary because the Proposed Project does not involve construction of a new airport, new runway or major runway extension that has a significant impact on natural resources including fish and wildlife; natural, scenic, and recreational assets; water and air quality; or another factor affecting the environment.

8. Reasons for the Determination that the Proposed Project will have No Significant Impacts.

The attached Final EA examines each of the various environmental resources that were determined to be present at the project location, or had the potential to be impacted by the Proposed Project. The proposed Eastgate Air Cargo Facility at SBD would not cause any environmental impacts which, after mitigation, would not exceed the threshold of significance as defined by FAA Orders 1050.1F and 5050.4B. Based on the information contained in the Final EA, the FAA has determined that the Proposed Project meets the purpose and need for the proposed action, would not cause any significant environmental impacts that cannot be mitigated, and is the most reasonable, feasible and prudent alternative. The FAA has decided to approve the Proposed Project as it is described in Section 3 of this FONSI and ROD.

9. Agency Findings and Determinations.

The FAA makes the following findings and determinations for this project based on information and analysis set forth in the Final EA and other portions of the administrative record.

- a. **FAA finds, the proposed project is reasonably consistent with existing plans of public agencies for development of the area [49 U.S.C. § 47106(a)].** The proposed project is consistent with the plans, goals and policies for the area, including the City of San Bernardino General Plan. The proposed project is also consistent with the applicable regulations and policies of federal, State and local agencies.
- b. **FAA finds the proposed project is reasonably necessary for use in air commerce or in the interests of national defense [49 U.S.C. § 44502(b)].**
- c. **Independent and Objective Evaluation:** As required by the Council on Environmental Quality (40 CFR § 1506.5) the FAA has independently and objectively evaluated this Proposed Project. As described in the Final EA, the Proposed Project and the No Action Alternatives were studied extensively to determine the potential impacts and appropriate mitigation measures for those impacts. The FAA provided input, advice, and expertise throughout the analysis, along with administrative and legal review of the project.

- d. **National Historic Preservation Act:** FAA finds the proposed project will not adversely affect the any historic properties listed or eligible for listing on the National Register of Historic Places. FAA conducted the required consultation with the California State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.
- e. **Air Quality.** SBD is located in the South Coast Air Basin. This air basin is classified by the U.S. Environmental Protection Agency as an extreme non-attainment area for Ozone, serious non-attainment for Particulate Matter (PM_{2.5}) and partial Non-attainment for Lead (Pb). Implementation of the Proposed Eastgate Air Cargo Facility project along with the various other on-going projects in the area of SBD will not have a significant cumulative impact on air pollutants. Airport operational and surface traffic emissions will increase since there would be an increase in the number and aircraft and vehicle traffic operating at SBD resulting from this project. The South Coast Air Quality Management District has stated by letter the emissions from the Proposed Project are within the State Implementation Plan budget for the South Coast Air Basin.
- f. **General Conformity.** FAA has determined the Proposed Federal Action will comply with the State Implementation Plan (SIP) in accordance with Section 176(c) of the Clean Air Act (CAA) Amendments (42 U.S.C. § 7506(c)). FAA prepared a Draft and Final General Conformity Determination for the proposed project, which is included in Appendix B to the Final EA. FAA has determined that air quality impacts associated with the proposed project conform to the SIP under Section 176(c)(1) of the Clean Air Act, as amended [42 U.S.C. 7506(c)(1)] and 40 CFR Part 93.
- g. **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations: and Department of Transportation Order 5610.2, Environmental Justice in Minority and Low-Income Populations:** The Proposed Action would cause a noise impact to 16 existing housing units in areas considered to be environmental justice communities. However, the Proposed Action would not cause a significant impact because the City of San Bernardino's General Plan changed the land use designation of these areas from residential to Industrial and other similar non-noise sensitive land use designations in 1989. This former residential area has been substantially changed over the past 30-years to warehousing which is consistent with the City of San Bernardino's General Plan. The 16 residential units are remnants of previous residential land uses. While there is no adverse impact to environmental justice populations, residents of housing units in significant noise increase areas would be given an offer for acquisition and residents would be offered relocation assistance per the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Potential acquisition of these properties would be voluntary.

Further, the Proposed Project impacts to surface traffic would be mitigated by the inclusion of a second eastbound left-turn lane and a second westbound left-turn lane at Victoria Avenue and 3rd Street. Therefore, the Proposed Project would not result in surface traffic impacts that would create disproportionately high and adverse human health or environmental impacts on minority or low-income populations. Considering the relocation assistance for the 16 houses within the new 65 dB CNEL contour and the surface traffic mitigation, there is no disproportionately high and adverse human health or environmental impacts on minority or low-income populations caused by the Proposed Project.

- h. Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks:** The FAA has determined there would be no change in risk to health or safety for children caused by the Proposed Action.
- i. Surface Transportation.** The Eastgate Air Cargo Facility would induce additional aircraft and surface operations at SBD. Therefore, FAA finds using the mitigation measures specified in Section 4.15 of the Final EA the proposed project would not adversely affect surface traffic conditions during normal airport operations. SBIAA construction work, except for pouring of concrete, will occur during the daylight hours.
- j.** As necessary, before construction begins, FAA review of a Construction Safety and Phasing Plan to maintain aviation and airfield safety during construction pursuant to FAA Advisory Circular 150/5370-2F, *Operational Safety on Airports During Construction*, [14 CFR Part 139 (49 USC § 44706)].
- k.** As necessary, after construction is completed, FAA review of changes to the airport's certification manual following completion of construction of the proposed project pursuant to [14 C.F.R. Part 139]
- l.** As necessary, after construction is completed, FAA review of appropriate amendments to air carrier operations specifications pursuant to 49 U.S.C. § 44705.

10. Decision and Orders.

Based on the information in this FONSI/ROD and supported by detailed discussion in the Final EA, the FAA has selected the Proposed Eastgate Air Cargo Facility as the FAA's Preferred Alternative. The FAA must select one of the following choices:

- Approve agency actions necessary to implement the Proposed Project, or
- Disapprove agency actions to implement the Proposed Project.

Approval signifies that applicable federal requirements relating to the proposed airport development and planning have been met. Approval permits the San Bernardino International Airport Authority to proceed with implementation of the Proposed Project and associated mitigation measures. Disapproval would prevent the San Bernardino International Airport Authority from implementing the Proposed Project within SBD.

Under the authority delegated to me by the Administrator of the Federal Aviation Administration, I find that the project is reasonably supported. I, therefore, direct that action be taken to carry out the agency action discussed more fully in Section 3 of this FONSI and ROD.

- Unconditional approval of the ALP to depict the proposed improvements pursuant to 49 USC §§ 40103(b) and 47107(a)(16). Title 14, Code of Federal Regulations, (CFR) Part 77, *Objects Affecting Navigable Airspace*; and 14 CFR Part 157, *Notice of Construction, Alteration, Activation, and Deactivation of Airports*.

As a condition of approval of this Finding of No Significant Impact and Record of Decision, the San Bernardino International Airport Authority shall implement all the mitigation measures identified in Section 4.15, *Summary of Mitigation Measures* in the Final EA.

This order is issued under applicable statutory authorities, including 49 USC §§ 40101(d), 40103(b), 40113(a), 44701, 44706, 44718(b), and 47101 et seq.

I have carefully and thoroughly considered the facts contained in the attached EA. Based on that information, I find the proposed Federal action is consistent with existing national environmental policies and objectives of Section 101(a) of the National Environmental Policy Act of 1969 (NEPA). I also find the proposed Federal action will not significantly affect the quality of the human environment or include any condition requiring any consultation pursuant to section 102(2)(C) of NEPA. As a result, FAA will not prepare an Environmental Impact Statement for this action.

APPROVED:



Mark A. McClardy
Director, Office of Airports
Western-Pacific Region, AWP-600

12/23/2019

Date

DISAPPROVED:

Mark A. McClardy
Director, Office of Airports
Western-Pacific Region, AWP-600

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.



U.S. Department
of Transportation

**Federal Aviation
Administration**

Western-Pacific Region
Office of Airports

Federal Aviation Administration
777 So. Aviation Blvd., Suite 150
El Segundo, CA 90245

December 23, 2019

Mr. Michael Burrows
Executive Director
San Bernardino International Airport Authority
1601 E. Third Street
San Bernardino, California 92408

Dear Mr. Burrows:

**San Bernardino International Airport
Proposed Eastgate Air Cargo Facility
Finding of No Significant Impact and Record of Decision**

Enclosed is one copy of the signed Finding of No Significant Impact (FONSI) and Record of Decision (ROD), for the proposed Eastgate Air Cargo Facility at your airport for your information and files. We wish to thank you for your efforts in completing this action.

In accordance with FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions*, you are required to publish a notice of availability of the FONSI /ROD in the local newspaper. We have included a sample public notice that you may use. We suggest the public notice be published two times. Please forward a copy of the proof of publication of the notice to me for our files.

Please contact me at 424/405-7315, if you have any questions on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "David B. Kessler", with a long horizontal flourish extending to the right.

David B. Kessler, AICP
Regional Environmental Protection Specialist

Enclosures

cc: LAX-600, AWP-600, APP-400

S A M P L E

NOTICE OF FINDING OF NO SIGNIFICANT IMPACT

The Federal Aviation Administration has announced that a Finding of No Significant Impact (FONSI) and Record of Decision (ROD) has been approved based upon results of a Final Environmental Assessment prepared in December 2019 for the proposed Eastgate Air Cargo Facility project at San Bernardino International Airport (SBD), San Bernardino, San Bernardino County, California.

The following projects are addressed by the FONSI and ROD:

- Construction of a 658,500-square-foot (sf) sort, distribution, and office building (the Air Cargo Sort Building) ranging between 50 and 63 feet in height. The Air Cargo Sort Building would include approximately 77 dock doors on the northern side, approximately 24 dock doors on the western side, and 20 doors to accommodate air cargo containers on the southern side of the Air Cargo Sort Building.
- Construction of taxilanes and aircraft parking apron to support 14 aircraft concurrently ranging from Boeing-737 to Boeing-767 aircraft meeting FAA Airplane Design Group IV standards.
- Construction of approximately 12 acres of ground support equipment (GSE) parking and operational support areas.
- Construction of two separate 25,000-sf maintenance buildings.
- Construction of about 2000 employee auto-parking stalls and 380 trailer parking stalls. Employee parking would be located on the eastern portion of the Proposed Project site. Trailer parking would be located on the northern and western portions of the Proposed Project site.
- Construction of two new driveways into the Proposed Project site, including two clear-span bridges crossing the City Creek Bypass Channel.
- Construction of 3rd Street modifications to tie-in road gradients and turning lanes with bridge entrances.
- Installation of new security fencing, vehicle and pedestrian gates, and a guard shack.
- Installation of pole-mounted and/or building-mounted exterior lights for vehicle and truck parking lots, the Air Cargo Sort Building, and aircraft parking apron.
- Installation of appropriate airfield lights and signage for the aircraft parking apron and taxilanes.
- Land clearing, demolition of concrete, excavation, embankment, and grading.

- Extension of utilities to the Proposed Project site including electrical, natural gas, water, sanitary sewer, communications, and other related infrastructure.
- Installation of stormwater management systems and infrastructure.
- Landscaping.
- Project Commitment 1: Require Use of Electric Ground Support Equipment. With the exception of the fuel trucks and lavatory service trucks, which are assumed to operate on diesel fuel, the SBIAA will require the use of ground support equipment that can operate on electric battery power.
- Project Commitment 2: Construct a Second Eastbound Left Turn Lane and a Second Westbound Left Turn Lane at Victoria Avenue and Third Street. SBIAA shall be responsible for constructing a second eastbound left turn lane and a second westbound left turn lane at Victoria Avenue and Third Street

The FONSI/ROD indicates that the proposed action is consistent with existing environmental policies and objectives as set forth in the National Environmental Policy Act of 1969 in that it will not significantly affect the quality of the human environment.

Copies of the FONSI/ROD are available for public inspection at the following locations:

U.S. Department of Transportation, Federal Aviation Administration, Western-Pacific Region, Office of Airports, 777 S. Aviation Boulevard, Suite 150, El Segundo, California 90245

San Bernardino International Airport Authority Administration Offices, 1601 East Third Street, San Bernardino, California 92408

The FONSI and ROD may also be viewed at FAA's website:

https://www.faa.gov/airports/environmental/records_decision/ and the SBIAA's website <http://www.sbiaa.org>.

Copies of the Final EA and FONSI and ROD are also available at the following libraries:

Highland Sam J. Racido Branch Library and Environmental Learning Center, 7863 Central Avenue, Highland, California 92346

Highland Sam J. Racadio Branch Public Library and Environmental Learning Center, 7863 Central Ave, Highland, California 92346

San Bernardino County Library, Lake Arrowhead Branch, 27235 Highway 189, Blue Jay, California 92317

Norman F. Feldheym Public Library, 555 W 6th St., San Bernardino, California 92410