

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

RECORD OF DECISION

**PROPOSED REPLACEMENT PASSENGER TERMINAL
PROJECT**

**BOB HOPE "HOLLYWOOD BURBANK" AIRPORT
Burbank, Los Angeles County, California**



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ROD.1 INTRODUCTION

This Record of Decision (ROD) reflects the final environmental determination and approval of the Federal Aviation Administration (FAA) regarding the proposed Replacement Passenger Terminal Project (Proposed Project) at Bob Hope “Hollywood-Burbank” Airport (Airport or BUR), in Burbank, Los Angeles County, California. The Proposed Project includes replacement of the existing 14-gate passenger terminal building located in the southeast quadrant of the Airport with a 14-gate replacement passenger terminal building in the northeast quadrant of the Airport. BUR is owned and operated by the Burbank-Glendale-Pasadena Airport Authority (the Authority), the Sponsor for the Airport. This environmental determination and approval are based upon a thorough and careful environmental decision making process, including review of the analysis of impacts described in the 2021 Final Environmental Impact Statement which follows this ROD. This ROD was prepared by the FAA as the lead federal agency.

FAA has prepared and is publishing this combined FEIS/ROD pursuant to the implementing regulations of the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (Title 40, Code of Federal Regulations [CFR] parts 1500-1508); the provisions in 49 USC § 304a(b), Accelerated decisionmaking in environmental reviews; FAA Orders 1050.1F, *Environmental Impacts: Policies and Procedures* and 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions*. This FEIS/ROD reflects the decisions and approvals of the FAA pursuant to 40 CFR § 1505.2.

The Authority’s Proposed Project is described in detail in **Section 1.4** of the EIS. The FAA has selected the Proposed Project as FAA’s Preferred Alternative for implementation at BUR. See **Exhibit ROD 1** and **Exhibit ROD 2** of this ROD.

The Proposed Project includes the following project components:

- Construction of a 14-gate 355,000-square-foot replacement passenger terminal building
- Construction of a 45,900-square-yard aircraft parking apron
- Construction of replacement employee automobile parking
- Construction of a public automobile parking structure
- Construction of a new passenger terminal access road
- Realignment of Avenue A – the existing terminal loop road
- Construction of a replacement airline cargo building
- Construction of a replacement Aircraft Rescue and Firefighting (ARFF) station

**EXHIBIT ROD 1
PROPOSED PROJECT CONSTRUCTION**



EXHIBIT ROD 2
PROPOSED PROJECT DEMOLITION/REMOVAL



- Construction of ground access vehicle storage and staging area
- Construction of a ground support equipment (GSE) and passenger terminal maintenance building
- Construction of a central utility plant
- Extension of Taxiway A and Taxiway C
- Realignment of the Airport service road
- Relocation of the shuttle bus dispatch office and staging area
- Demolition of the existing passenger terminal building
- Removal of commercial aircraft apron and adjacent taxilanes
- Removal of a parking booth
- Removal of the employee parking lot
- Removal of Parking Lot A
- Removal of Parking Lot B
- Removal of Parking Lot E
- Removal of the public parking structure
- Removal of a tenant lease area
- Demolition of the airline cargo and GSE maintenance building and associated pavement
- Removal of the shuttle bus dispatch office and staging area

The Proposed Project would not result in changes to the runway configuration, aircraft fleet mix, number of operations, time of aircraft operations, air traffic procedures, or airspace.

Section ROD.2 of this ROD provides background information on the Authority's Proposed Project. Section ROD.3 of this ROD identifies the proposed federal actions that are necessary to implement the FAA's Preferred Alternative. Section ROD.4 of this ROD describes the Purpose and Need. Section ROD.5 describes the multi-step screening process to identify a range of reasonable alternatives that were capable of achieving the Purpose and Need. FAA's Preferred Alternative for implementation as well as the Environmentally Preferred Alternative are described in Section ROD.6. Section ROD.7 describes the public and agency involvement efforts for the EIS including all public and agency meetings during scoping and the public comment period for the Draft EIS. Native American consultation under Section 106 of the National Historic Preservation Act (NHPA) is described in Section ROD.8 and coordination and consultation done with federal, state, and local government entities

is described in Section ROD.9. Section ROD.10 summarizes the potential environmental impacts of the alternatives as well as any mitigation, avoidance, and minimization measures that would be implemented. Section ROD.11 includes the Agency Findings and Determinations and Section ROD.12 includes the Decision and Orders.

ROD.2 BACKGROUND

In 2000, the City (City) of Burbank City Council passed Ordinance No. 3541 that ordered a special election for Measure B, which was held on November 7, 2000. On December 19, 2000, the City of Burbank passed Resolution No. 25,914 that accepted the result of the special election for Measure B, which included a provision stating that any City approval or discretionary act, or agreement between the City and Authority related to the relocation or expansion of the Airport passenger terminal building would require voter approval at a City election.¹ In 2015, after decades of disagreements between the Authority and the City of Burbank, the two parties developed a Conceptual Term Sheet² for a replacement passenger terminal building that stipulated the following:

1. The Authority would receive a vested right to build a replacement passenger terminal building on airport-zoned property, including the proposed former Lockheed B-6 Plant site;
2. The City of Burbank would receive certain governance protections to be created and documented in a Joint Powers Agreement (JPA) governing the Authority; and
3. A California Environmental Quality Act (CEQA) analysis must be completed by the Authority for the replacement passenger terminal building.

In July 2016, the Authority prepared an Environmental Impact Report (EIR) for the replacement passenger terminal building and ancillary projects to comply with the requirements of CEQA and the JPA. City of Burbank citizens then voted on the replacement passenger terminal building, as required by Measure B, in the November

¹ City of Burbank. (2001). Municipal Code, 2-3-112: *Airport Agreements*. Retrieved, October 2018, from City of Burbank: <https://www.codepublishing.com/CA/Burbank/?burbankcr.html&?f>.

² City of Burbank and Burbank-Glendale-Pasadena Airport Authority. (2015, December). City of Burbank and Burbank-Glendale-Pasadena Airport Authority, *Bob Hope Airport Replacement Terminal Conceptual Term Sheet*.

2016 election.^{3 4} Measure B passed in favor of the replacement passenger terminal building project. The Authority subsequently submitted an Airport Layout Plan (ALP) depicting the Proposed Project to FAA for approval. ALP approval by the FAA requires compliance with NEPA. Thus, the FAA began preparation of the EIS in 2018.

ROD.3 PROPOSED FEDERAL ACTIONS AND APPROVALS

ROD.3.1 Federal Actions Requested from the FAA

The Authority is seeking the following federal actions and approvals from the FAA. The FAA must grant these approvals to the Authority prior to implementation of the Proposed Project.

1. Unconditional approval of portions of the ALP that depict those portions of the Proposed Project subject to FAA review and approval pursuant to 49 USC § 47107(a)(16);
2. Determinations under 49 USC §§ 47106 and 47107 that are associated with the eligibility of the Proposed Project for federal funding under the Airport Improvement Program (AIP) and under 49 USC § 40117, as implemented by Title 14 CFR § 158.25, to use passenger facility charges (PFC) collected at the Airport for the Proposed Project to assist with construction of potentially eligible development items from the ALP.

The major federal actions which define FAA's Proposed Action involve those project components of the Authority's Proposed Project identified in bold text in **Table ROD 1**. The FAA does not have the authority to approve or disapprove the Proposed Project components which are not part of FAA's Proposed Action.

³ The text for this measure is as follows: "Shall Ordinance No. 16-3,882 be approved allowing no more than a 14-gate, 355,000 square foot replacement terminal and ancillary improvements to be built at the Bob Hope Airport meeting current safety, seismic standards and improving disabled access; demolishing the existing terminal; and modifying Adjacent Property easement and authorizing future agreements necessary to implement the project; in exchange for governance changes that provide Burbank a greater voice in the future of the airport?" Adjacent Property refers to the portion of the former Lockheed B-6 property obtained through condemnation and retained by the Authority (other property obtained through this condemnation action was placed in trust and has since been sold by the Authority). For purposes of this EIS, the northeast quadrant is the same as the Adjacent Property.

⁴ City of Burbank. (2016, October 16). Ballot Measure B – Proposed 14-Gate Replacement Terminal at the Bob Hope Airport. Retrieved January 2021, from City of Burbank: <https://www.burbankca.gov/departments/city-clerk-s-office/elections/previous-municipal-elections/measure-b-special-election-november-8-2016>.

TABLE ROD 1
PROPOSED PROJECT COMPONENTS AND IDENTIFICATION OF ASSOCIATED FEDERAL ACTIONS /A/

Proposed Project Component	Airside or Landside Improvement	Identification of FAA ALP Approval (YES^{/b/} or NO^{/c/})	Eligibility for AIP or PFC Funding (YES^{/d/} or NO)
Project Component 1: Construction of a replacement passenger terminal building	Landside	YES	YES
Project Component 2: Construction of a 45,900-square-yard aircraft apron	Airside	YES	YES
Project Component 3: Construction of replacement employee automobile parking	Landside	NO	NO
Project Component 4: Construction of a public automobile parking structure	Landside	NO	NO
Project Component 5: Construction of a new passenger terminal access road	Landside	NO	YES
Project Component 6: Realignment of Avenue A	Landside	NO	YES
Project Component 7: Construction of replacement airline cargo building	Landside	NO	NO
Project Component 8: Construction of replacement ARFF station	Airside	YES	YES
Project Component 9: Construction of GSE and passenger terminal maintenance building	Airside	NO	YES
Project Component 10: Construction of a central utility plant	Landside	NO	YES
Project Component 11: Construction of ground access vehicle storage and staging area	Landside	NO	YES
Project Component 12: Taxiway A and Taxiway C Extensions	Airside	YES	YES
Project Component 13: Realignment of the Airport service road	Airside	NO	YES

Proposed Project Component	Airside or Landside Improvement	Identification of FAA ALP Approval (YES^{/b/} or NO^{/c/})	Eligibility for AIP or PFC Funding (YES^{/d/} or NO)
Project Component 14: Relocation of Shuttle Bus Dispatch Office and staging area	Landside	NO	YES
Project Component 15: Demolition of existing passenger terminal building	Landside	YES	YES
Project Component 16: Removal of commercial aircraft apron and adjacent taxilanes	Airside	YES	YES
Project Component 17: Removal of parking booth	Landside	NO	YES
Project Component 18: Removal of employee parking lot	Landside	NO	YES
Project Component 19: Removal of Parking Lot A	Landside	NO	YES
Project Component 20: Removal of Parking Lot B	Landside	NO	YES
Project Component 21: Removal of Parking Lot E	Landside	NO	YES
Project Component 22: Removal of public parking structure	Landside	NO	YES
Project Component 23: Removal of tenant lease area	Airside	YES	YES
Project Component 24: Demolition of airline cargo and GSE maintenance building and associated pavement	Landside	NO	YES
Project Component 25: Removal of shuttle bus dispatch office and staging area	Landside	NO	YES

Sources: FAA, 2021; RS&H, 2021.

Notes:

/a/ The Draft EIS for this Proposed Project was released for public review and comment prior to a final determination of FAA's statutory approval authority related to the Proposed Project as a result of passage of the *FAA Reauthorization Act of 2018*. Congress limited the FAA's statutory authority over airport development projects in Section 163 of the *FAA Reauthorization Act of 2018*, H. R. 302, (P.L. 115-254). In the statute, Congress limited FAA's approval authority to portions of ALPs that meet certain statutorily defined criteria, and further, prohibited the FAA from directly or indirectly regulating airport land use unless certain exceptions for continued "direct or indirect" regulation exist. The revisions made here to the EIS are intended to more accurately reflect the scope of the Federal action, but no changes have been made in the EIS as to the analysis of effects. The FAA limited its revisions in the EIS to ensure a

conservative approach to NEPA for this particular project, given its advanced progress through the NEPA process at the time of final determinations of agency approval authority, and because it appears that certain components of the Proposed Project may be eligible for federal funding.

/b/ Because portions of the Proposed Project involve the demolition of existing, and construction of new terminal buildings and aircraft movement and aircraft parking areas, these portions may have a material impact to the safe and efficient operation of aircraft at, to, or from the Airport. Therefore, the FAA retains the legal authority to approve or disapprove these changes to the ALP.

/c/ These portions of the Proposed Project would have no material impact on aircraft operations at, to, or from the Airport, and would not adversely affect the safety of people or property on the ground adjacent to the Airport as a result of aircraft operations. In addition, these portions of the Proposed Project would not have an adverse effect on the value of prior Federal investments to a significant extent. Therefore, the FAA lacks the legal authority to approve or disapprove the changes to the ALP.

/d/ A "YES" in this column denotes that the project component is eligible for AIP or PFC funding granted that it meets the requirements in the AIP Handbook.

ROD.4 PURPOSE AND NEED

The purpose and need for the FAA's Preferred Alternative is documented in detail in **Section 2.7** of the EIS. The next paragraphs of this section describe the purpose and need of the FAA and the Authority.

The purpose of the Proposed Project is to provide a replacement passenger terminal building that meets current FAA Airport Design Standards⁵, passenger demand, and building requirements as well as improve utilization and operational efficiency of the passenger terminal building. The existing passenger terminal building does not meet current FAA Airport Design Standards related to runway separation and object free areas. It is also obsolete in terms of contemporary passenger terminal building design and efficient utilization standards. Further, it does not meet current building requirements or current and future passenger amenities. FAA's need is to ensure that the Airport operates in a safe manner pursuant to 49 USC § 47101(a)(1) and defined by the statutory requirement to decide whether to approve the Proposed Action as depicted on the Airport Layout Plan (ALP) developed by the Authority, pursuant to 49 USC § 47107(a)(16).

The Authority has specific objectives to meet the goal of modernizing the passenger terminal and to meet the expectations of the current and future travelling public. The Authority's objectives to meet the goal of modernizing the passenger terminal building and to meet the expectations of the current and future travelling public are to:

- Have a replacement passenger terminal building that meets Americans with Disabilities Act standards, as well as the latest seismic (earthquake) design requirements of the California Building Code (California Code of Regulations, Title 24, Chapter 16).
- Have a replacement passenger terminal building that consolidates air facilities (including passenger, tenant, and Authority facilities) into a single passenger terminal building.
- Provide an energy-efficient passenger terminal building with the same number of aircraft gates and the same number of public parking spaces as the existing facilities for commercial passengers.
- Maintain intermodal connectivity between the replacement passenger terminal building and the various fixed-rail and bus options located near the Airport.

⁵ FAA. (2014, February 26). Federal Aviation Administration Advisory Circular (AC) 150/5300-13A, Change 1, *Airport Design*.

ROD.5 ALTERNATIVES CONSIDERED

ROD.5.1 Evaluation and Screening of Alternatives

The FAA completed a thorough and objective review of a range of reasonable alternatives in accordance with President's Council on Environmental Quality (CEQ) regulations (40 CFR § 1502.14), the implementing regulations for NEPA. The FAA established a two-step screening process to identify a range of reasonable replacement passenger terminal building alternatives that were capable of achieving the Purpose and Need for the FAA's Preferred Alternative. **Section 2.3** of the EIS identifies the two step alternatives screening process used for the Proposed Project:

- **Step 1:** Each alternative was analyzed to determine whether the alternative could achieve the objectives of the Purpose and Need to meet current FAA standards regarding the terminal building, passenger demand, and building requirements, as well as improving utilization and operational efficiency of the passenger terminal building. Alternatives that would not meet these objectives were eliminated from further consideration.
- **Step 2:** In Step 2, alternatives were eliminated if they would not be practical or feasible to implement from a technical or economic standpoint. This screening criteria includes whether the alternative is consistent with the requirements entered into by the City of Burbank and the Authority and ratification of Measure B by Burbank voters. Any alternatives that were not eliminated through this screening process were retained for a detailed evaluation of their environmental impacts.

The FAA identified and considered ten alternatives, which included alternatives that were considered in the 1995 EIS prepared under NEPA, as well as alternatives that were considered in the 2016 California Environmental Quality Act (CEQA) EIR, and other reasonable alternatives. In the first step of the alternatives screening, two off-airport alternatives and two on-airport alternatives were identified as satisfying the Purpose and Need.

These four alternatives were the construction of a new airport, the construction of an off-airport landside facility, construction of a replacement passenger terminal building in the southeast quadrant of BUR, and construction of a replacement passenger terminal building in the northeast quadrant of BUR.

All four of these alternatives, as well as the No Action Alternative, moved forward to the second step of the alternatives screening process. Analysis of the No Action Alternative is required by 40 CFR 1502.14(d). The second step analyzed the alternatives further to evaluate whether each alternative was practical or feasible

to implement from a technical and economic standpoint, as well as consistent with the requirements of the Authority's agreements with the City of Burbank ratified in Measure B. The only alternative that met the second step criteria in the screening is the Proposed Project to construct a replacement passenger terminal building in the northeast quadrant of the Airport. This alternative, as well as the No Action alternative, was retained for further analysis in the EIS. Although the No Action Alternative would not meet the purpose and need of the Proposed Project, it is carried forward as required by 40 CFR § 1502.14(d).⁶ **Table ROD 2** provides a summary of the alternatives screening analysis.

TABLE ROD 2
ALTERNATIVES SCREENING ANALYSIS TABLE

	Achieve the Objectives of the Purpose and Need?	Move to Step 2 Screening?	Is This Alternative Practical and Feasible to Implement and Meets the Requirements of Voter-Approved Measure B?	Retain for Detailed Evaluation?
Construction of a New Airport	Yes	Yes	No	No
Construction of a Remote Landside Facility	Yes	Yes	No	No
Transfer of Aviation Activity to Other Airports ^{/a/}	No	No		
Use of Other Modes of Transportation ^{/a/}	No	No		
Airfield Reconfiguration ^{/a/}	No	No		
Southeast Quadrant	Yes	Yes	No	No
Southwest Quadrant ^{/a/}	No	No		
Northwest Quadrant ^{/a/}	No	No		
Northeast Quadrant	Yes	Yes	Yes	Yes
No Action Alternative ^{/b/}	No	Yes	No	Yes

Notes:/a/ This alternative did not move to Step 2 Screening and subsequent steps in the screening process are blacked out to show that this analysis did not occur.

/b/ - Required to be included in the EIS by 40 CFR § 1502.14(d).

⁶ FAA began the EIS process prior to the revision of the CEQ Regulations on September 14, 2020. Therefore, this EIS and ROD use the 1978 version of the CEQ Regulations.

ROD.6 AGENCY PREFERRED ALTERNATIVE AND ENVIRONMENTALLY PREFERRED ALTERNATIVE

The provisions in 49 USC 304(a) (implemented in the DOT document “*Guidance on the Use of Combined Final Environmental Impact Statements/Records of Decision and Errata Sheets in National Environmental Policy Act Reviews*”) and CEQ regulations (40 CFR § 1502.14(e)) require that a lead agency identify its preferred alternative in the Draft and Final EIS and identify the environmentally preferred alternative (40 CFR § 1505.2(b)) in the ROD. The FAA’s Preferred Alternative is the alternative “*the agency believes would fulfill its statutory mission and responsibilities, giving consideration to economic, environmental, technical and other factors.*” The environmentally preferred alternative is the alternative that best promotes the national environmental policies incorporated into Section 101 of NEPA. In general, this would be the alternative that results in the least impact to the environment while still meeting the purpose and need, and that best protects natural and cultural resources.

The Approving Official for this ROD has selected the Preferred Alternative based on a review of each alternative’s ability to fulfill the agency’s mission while considering their economic and environmental impacts, and technical factors. The FAA identified the Proposed Project as the preferred alternative for implementation. This alternative would address the purpose and need for the proposed project to meet current FAA standards, passenger demand, and building requirements as well as improve utilization and operational efficiency of the passenger terminal building. With implementation of the Proposed Project, the proposed replacement passenger terminal building would be properly separated from the runways and taxiways and maintain adequate Runway Object Free Area (ROFA), Taxiway Object Free Area (TOFA) and Building Restriction Line (BRL) standards which reduces collision risk in the event that an aircraft deviates from the runway or taxiway.

Of all alternatives considered, the No Action Alternative has the fewest environmental impacts. However, the No Action Alternative does not meet the project purpose and need. Therefore, the Proposed Project is also the Environmentally Preferred Alternative because it is the most practicable alternative that meets the purpose and need of the Proposed Project and would not result in any significant impacts when implemented with the minimization, avoidance, and mitigation measures described in Chapter 4 of the EIS and Section ROD.10 of this ROD.

ROD.7 PUBLIC AND AGENCY INVOLVEMENT

The EIS process was initiated when the FAA published the Notice of Intent (NOI) in the *Federal Register* on December 18, 2018. FAA held two in-person scoping

meetings, one for federal, state, regional, and local agencies and the second for the public, on January 29, 2019, at the Buena Vista Library in Burbank, California. Oral and written comments were accepted at both scoping meetings. In addition, written comments were accepted during the scoping comment period, which ended on March 1, 2019.

On March 25, 2019, the FAA's Air Traffic Organization (ATO) announced a separate NEPA process to prepare an Environmental Assessment (EA) addressing proposed amendments to the Airport's existing aircraft departure routes. This is an independent project to the Proposed Project and not considered a connected action.⁷

In order for the replacement passenger terminal building and the change in the flight procedures to be connected actions, the construction of a replacement passenger terminal building could not be implemented without the change in the flight procedure or the change in the flight procedure could not be implemented without the construction of a replacement passenger terminal building. Several comments acknowledged that some changes in flight procedures had already occurred in 2017. These changes to the flight procedures occurred independent of construction of a replacement passenger and have no relationship to the location of the passenger terminal building at the Airport. Any future change in flight procedures is not dependent on the location of a replacement passenger terminal building at the Airport. Similarly, a replacement passenger terminal building could be constructed without any change in flight procedures for aircraft operating to and from the Airport. Further, the Proposed Project would not result in changes to the runway configuration, aircraft fleet mix, number of operations, time of aircraft operations, air traffic procedures, or airspace. Thus, these projects are separate and independent and are not connected actions.

Justification for the Proposed Replacement Passenger Terminal Project is described in detail in **Section 1.3** of the EIS. FAA's need is to ensure that the Airport operates in a safe manner pursuant to 49 USC § 47101(a)(1) and defined by the statutory requirement to decide whether to approve the Proposed Action as depicted on the Airport Layout Plan (ALP) developed by the Authority, pursuant to 49 USC § 47107(a)(16). The existing passenger terminal building, initially built in the 1930s, does not meet current FAA Airport Design Standards. Flight procedures used while the aircraft is in the air have no bearing on whether or not the passenger terminal

⁷ 40 CFR § 1508.25(a)(1) defines a connected action as: "Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement. Actions are connected if they:

(i) Automatically trigger other actions which may require environmental impact statements.

(ii) Cannot or will not proceed unless other actions are taken previously or simultaneously.

(iii) Are interdependent parts of a larger action and depend on the larger action for their justification.

A project has independent utility when the project has logical starting and end points and would have a useful purpose without relying on other transportation improvements. See FAA Order 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions*, Section 202(c)(4)(a).

building complies with FAA Airport Design Standards. Specifically, flight procedures have no influence on the distance between the passenger terminal building and the runway or taxiway centerlines nor the proximity of the passenger terminal building to the primary and transitional surfaces that protect imaginary surfaces around runways at the Airport. No changes to the runway configuration, aircraft fleet mix, number of operations, time of aircraft operations, air traffic procedures, or airspace would occur as a result of the Proposed Project.

In addition, changes to the flight procedures are within the jurisdiction of the FAA's ATO and would occur beyond the General Study Area. The proposed changes to flight procedures are included in the list of past, present, and reasonably foreseeable projects in **Section 3.16** of the EIS. Since the Proposed Project would have no effect on flight procedures and because the changes to the flight procedures occurred outside the General Study Area for the EIS, no additional analysis regarding the change in flight procedures is warranted.

While many comments on the Draft EIS claimed that the two proposals are connected because they both involve BUR, the projects are not interdependent. As discussed previously, proposed flight procedure changes could be implemented without the Authority relocating the passenger terminal building. Further, the passenger terminal building could be relocated to the northeast quadrant of the Airport without affecting the flight procedures and how aircraft fly over areas miles away from the Airport.

Public involvement for projects involving flight procedure changes at the Airport would be part of the NEPA processes that ATO would conduct, as required by the CEQ regulations, and FAA Order 1050.1F.⁸

For the Proposed Replacement Passenger Terminal project, no verbal agency comments were received during the agency scoping meeting. One federal government agency, seven local and state government agencies, and one elected official provided written comments during the scoping comment period (see **Appendix B** of this EIS).

During the public scoping meeting, a stenographer was available to transcribe oral comments. A total of 19 persons provided oral comments at the public scoping meeting, which the stenographer transcribed, and about 200 written public comments were received during the public scoping meeting. Approximately 300 written public comments were received during the scoping comment period, in addition to the comments received at the scoping meetings (see **Appendix B** of this EIS).

⁸ For updates regarding the FAA ATO's OROSZ Three Departure (RNAV) and SLAPP Two Departure (RNAV) Proposed Procedure Amendments Project, visit https://www.faa.gov/air_traffic/community_involvement/bur/.

A Notice of Availability (NOA) of the Draft EIS was published in the *Federal Register* on August 21, 2020. The NOA described the Proposed Project, provided the public hearing date and time, informed the public on how to obtain a copy of the Draft EIS, and initiated the public comment period. Advertisements announcing the availability of the Draft EIS were published on August 21, 2020, in the *La Opinión* and *Pasadena Star News* newspapers and on August 22, 2020, in *Asbarez*, *The Burbank Leader*, and *Glendale News Press* newspapers. Copies of the NOA in the *Federal Register* and the local newspaper advertisements are contained in **Appendix A**. Notice of Availability for the Draft EIS was sent to all stakeholders who submitted comments during the EIS scoping process. The Draft EIS was available for review online at the following website: <https://www.bobhopeairporteis.com/>.

Due to the Pandemic, public libraries and most city halls were not open to the public for review of the DEIS. Two copies of the Draft EIS were available for public review at Burbank City Hall (275 East Olive Avenue, Burbank, CA 91502) during normal business hours.

The public comment period was scheduled to end on October 5, 2020, affording the required 45-day minimum public comment period per subsection 40 CFR § 1506.10(c) Council on Environmental Quality (CEQ) regulations that were in place at the time of publication. In compliance with FAA Order 5050.4B, paragraph 1102(a), the FAA considered requests for extension of the public comment period and decided to extend the public comment period for 22 days. This comment period extension included the 15 days referenced in FAA Order 5050.4B, Section 1102(a) plus an additional 7 days to account for the delay in posting the scoping comments from Studio City for Quiet Skies on the project website 7 days after the Draft EIS was published in the *Federal Register*. In reviewing the extension requests, FAA considered the rationale and need for each request when determining the appropriateness of the extension.

As a result of the on-going Pandemic, the FAA conducted two virtual public information workshops as part of the process of preparing the EIS. The virtual public information workshops were held on Wednesday, September 23, 2020 using Zoom from 1:00 pm to 3:00 pm Pacific Daylight Time (PDT) and from 6:00 pm to 8:00 pm PDT. The purposes of the virtual public workshops were to update the public on the Draft EIS, give a presentation on the Draft EIS, and respond to questions from the public.

In addition, FAA hosted a virtual public hearing from 6:00 pm to 9:00 pm PDT on Thursday, September 24, 2020. The FAA provided a brief presentation during the virtual public hearing followed by an opportunity for members of the public to provide oral comments on the Draft EIS. A stenographer was present to transcribe all speech at the hearing and create a typed record of all the oral comments.

FAA received a total of 332 comment submissions from governmental agencies, organizations, and members of the public on the Draft EIS during the 67-day comment period (August 21, 2020 through October 27, 2020). A copy of the comments FAA received and FAA's responses to those comments are provided in **Appendix M**.

The Final EIS provides 14 detailed topical responses to common issues and questions that several comments raised as well as specific responses to each comment submission on the Draft EIS in **Appendix M**.

The Final EIS and ROD are issued in this combined document, pursuant to the provisions in 49 USC § 304a. In accordance with the Department of Transportation policy, the FAA disclosed its intention to publish a combined Final EIS and ROD document in the Draft EIS that was published on August 21, 2020.

ROD.8 NATIVE AMERICAN CONSULTATION

The State of California, Native American Heritage Commission (NAHC) recommended consulting with the following tribes: Gabrieleno Band of Mission Indians-Kizh Nation, Gabrielino/Tongva Nation, Gabrielino Tongva Indians of California Tribal Council, and the Gabrielino-Tongva. On January 17, 2020, the FAA provided detailed information about the Proposed Project to the tribes noted above via the U.S. Mail. Copies of these letters can be found in **Appendix H**. One response was received from the Gabrieleno Band of Mission Indians-Kizh Nation requesting a more detailed discussion regarding the Proposed Project. A conference call occurred on February 7, 2020 between the FAA and the Tribal representative. The FAA and Gabrieleno Band of Mission Indians-Kizh Nation concluded the likelihood of finding intact Native American Resources during construction of the Proposed Project is extremely low because of the initial construction disturbance on the former northeast quadrant by Lockheed in the 1930s and the following hazardous materials remediation that occurred in the 1990s and 2000s. The likelihood of finding archaeological resources in the area is low in areas that were previously disturbed and excavated to a depth of 25 feet bgs. FAA is including an Unanticipated Discovery Plan consistent with 36 CFR §800.13(b) as a condition of approval of this ROD. This plan states that in the event that historic or prehistoric archaeological resources are unearthed during ground-disturbing activities, construction activities shall halt or redirect ground-disturbing activities away from the vicinity of the find so that the find could be evaluated by a qualified archaeologist. A buffer area would be established around the find where construction activities would be halted until after a qualified archaeologist can be retained to assess the find, and the Gabrieleno-Tongva – Kizh Nation has been contacted.

ROD.9 AGENCY COORDINATION AND CONSULTATION

Throughout the EIS process, the FAA coordinated with federal, state, and local agencies to ensure that concerns of both the general public and federal, state, and local agencies are considered during the preparation of the EIS. In addition to the Native American consultation/coordination described above, the federal, state, and local agencies listed in **Table 5.4-1** were invited to attend the agency scoping meeting. The agency scoping meeting was held in Burbank on January 29, 2019.

As discussed in **Section 4.8** of the EIS, the FAA conducted National Historic Preservation Act, Section 106, consultation with the California State Historic Preservation Officer (SHPO) to evaluate the potential impacts of the Proposed Project to historic properties listed or eligible for listing on the National Register of Historic Places (NRHP). The FAA delineated a Direct Area of Potential Effects (APE) where physical impacts of the Proposed Project would occur and an Indirect APE where indirect effects of implementation of the Proposed Project would potentially occur. The SHPO concurred with FAA's APEs for the proposed undertaking.

The Historic Resources Assessment evaluated 12 buildings at the Airport for eligibility for inclusion into the NRHP. One of the buildings was the existing passenger terminal building and the other eleven buildings were aircraft hangars. After completion of the Historic Resources Assessment and analysis regarding the direct and indirect impacts of the Proposed Undertaking, the FAA completed consultation with the SHPO and sent a letter on April 12, 2020 regarding the following determinations:

- Hangars 1 and 2 are eligible for listing on the NRHP under Criterion C;
- The terminal building is ineligible for listing on the NRHP; and
- The remaining nine hangars in the APE are ineligible for listing on the NRHP.

The FAA found the Proposed Undertaking would not affect historic properties. The SHPO concurred with FAA's determinations and findings by letter dated July 20, 2020. FAA included an Unanticipated Discovery Plan consistent with 36 CFR §800.13(b). See **Section 4.8** of the EIS.

On August 21, 2020, FAA distributed the Draft EIS electronically before the U.S. EPA's publication of the Notice of Availability of the Draft EIS in the Federal Register to various federal, state, and local government agencies who have jurisdiction or participated in the scoping process for the EIS.

ROD.10 ENVIRONMENTAL CONSEQUENCES AND MITIGATION MEASURES

The EIS discusses potential impacts resulting from implementation of the Proposed Project and the No Action Alternative in accordance with the requirements of NEPA, the CEQ Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500-1508) as well as FAA Orders 1050.1F, *Environmental Impacts: Policies and Procedures* and 5050.4B, *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions*.

This section includes a brief summary of the potential impacts resulting from implementation of the Proposed Project and the No Action Alternative. More detailed discussions of the potential impacts for each environmental impact category are contained in Chapter 4 of the EIS.

Based on requirements set forth in FAA Order 1050.1F and Order 5050.4B and guidance in the FAA Order 1050.1F Desk Reference, analysis of each resource category includes direct and indirect effects of constructing and implementing the Proposed Project as compared to the No Action Alternative. Each environmental resource category was analyzed based on the significance thresholds as described in FAA Order 1050.1F and Order 5050.4B. Specific study years were broken out for certain resources (air quality, climate, noise, and socioeconomics [surface traffic]) in order to assess the near-term and long-term (8 to 10 years)⁹ impacts.

The EIS examined the following environmental impact categories: Air Quality; Biological Resources; Climate; Department of Transportation, Section 4(f) and Land and Water Conservation Act, Section 6(f) resources; Hazardous Materials, Solid Waste, and Pollution Prevention; Historical, Architectural, Archaeological, and Cultural Resources; Land Use; Natural Resources and Energy Supply; Noise and Noise-Compatible Land Use; Socioeconomics, Environmental Justice, and Children's Environmental Health and Safety Risks (includes Surface Traffic); Visual Effects; Water Resources; Cumulative Impacts; and Irreversible and Irretrievable Commitment of Resources.

The following resources would not be affected by either the Proposed Project or No Action Alternative and were not included in the environmental impacts analysis in Chapter 4: Coastal Resources, Farmlands, Wetlands, and Wild and Scenic Rivers (see **Section 3.2** of the EIS).

Section 3.2 of the EIS defines a Detailed Study Area and a General Study Area. The Detailed Study Area is a subset of the General Study Area and is defined by the

⁹ FAA Order 5050.4B Desk Reference paragraph 6(e)(4).

Airport property boundary, which encompasses about 555 acres with portions in both the cities of Burbank and Los Angeles. This study area consists of areas where “direct,” or physical ground-disturbance, impacts could occur from construction of the Proposed Project and other reasonable alternatives. The General Study Area is about 4,900 acres in size and encompasses the Detailed Study Area. This study area delineates a larger geographic area to assess “indirect” impacts that could occur in the surrounding communities. Indirect impacts may include effects on air quality, noise-sensitive land uses, socioeconomic conditions, historic and cultural resources, and/or U.S. DOT Act, Section 4(f) resources. FAA delineated the General Study Area boundary to encompass the current 65-decibel (dB) Community Noise Equivalent Level (CNEL)¹⁰ noise contour from BUR, with the boundary lines adjusted to follow logical boundaries such as major roadways in the area (**Exhibit 3.2-2** in the EIS). FAA determined the extent of the General Study Area using the 65 dB CNEL noise contour. FAA used the 65 dB¹¹ CNEL for the threshold of significance for airport noise as allowed under FAA Order 1050.1F.

Where appropriate, mitigation, avoidance, and minimization measures that the Authority would implement as conditions of approval of this ROD, in order to eliminate or reduce any potential significant impacts resulting from the Proposed Project, are presented in the EIS. All the avoidance, minimization, or mitigation measures for the Proposed Project are outlined in this section of the ROD. The FAA will ensure implementation of these measures through special conditions in grant-in-aid agreement and other appropriate follow-up actions in accordance with 40 CFR § 1505.3. A summary of the potential impacts resulting from construction and implementation of the Proposed Project when compared to the No Action Alternative, and the mitigation, avoidance, or minimization measures associated with potential impacts are presented in **Table ROD 3**.

The FAA has adopted all practicable means to avoid or minimize the FAA’s preferred alternative’s environmental harm.

¹⁰ For aviation noise analyses, the FAA has determined that the cumulative noise energy exposure of individuals to noise resulting from aviation activities is established in terms of Day Night Average Sound Level (DNL), the FAA’s primary noise metric. The CNEL may be used in lieu of DNL for FAA actions needing approval in California.

¹¹ Federal Interagency Committee on Noise (FICON), *Federal Agency Review of Selected Airport Noise Analysis Issues*, August 1992, page 1-2 and 1-4.

**TABLE ROD 3
ENVIRONMENTAL IMPACTS AND MITIGATION SUMMARY**

IMPACT CATEGORY	NO ACTION ALTERNATIVE	PROPOSED PROJECT	PROJECT AVOIDANCE, OR MINIMIZATION MEASURES	FAA REQUIRED MITIGATION MEASURES
Air Quality	No significant impact. Would not exceed National Ambient Air Quality Standards (NAAQS).	No significant impact. Would not exceed NAAQS.	Compliance with the Air Quality Implementation Plan (AQIP) and Memorandum of Understanding (MOU) with the South Coast Air Quality Management District (SCAQMD).	None required
Biological Resources	No impact	No effect to any federally listed species or designated critical habitat. No adverse effect to non-federally listed species.	Tree removal to occur prior to nesting season. A qualified wildlife biologist to conduct preconstruction surveys for migratory birds and burrowing owls. A qualified wildlife biologist to perform a take avoidance burrowing owl survey.	None required
Climate	No impact	No impact	Compliance with the State Implementation Plan (SIP) and Memorandum of Understanding	None required

			(MOU) with the South Coast Air Quality Management District (SCAQMD).	
Department of Transportation, Section 4(f)	No impact	No impact – no direct or constructive use	None required	None required
Hazardous Materials, Solid Waste, and Pollution Prevention	No impact	Does not violate federal, state, tribal, or local laws or regulations, produce appreciably different quantity of hazardous materials or solid waste, and does not adversely affect human health and the environment. The Proposed Project site is a former contaminated site, but the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) has determined the site as compatible for construction of the Proposed Project.	Compliance with SCAQMD rules that govern air quality pollutant emissions (specifically for volatile organic compound) emissions. Development of and compliance with a soil management plan (SMP). Development of and compliance with an Asbestos Operations and Management Plan. Compliance with Cal-OSHA requirements for removal of lead-based paint. Compliance with all federal, state, and local regulations for the use, storage, transportation, disposal, and	None required

			incidental spills of hazardous materials.	
Historic, Architectural, Archaeological, and Cultural Resources				
<i>Historic and Architectural</i>	No historic architectural properties affected	No historic architectural properties affected	None required.	None required
<i>Archaeological and Cultural Resources</i>	No effect	No effect	None required.	<p>In consultation with SHPO and the Gabrielino-Tongva – Kizh Nation and consistent with the requirements of 36 CFR §800.13(b), FAA will require the following unanticipated discovery plan as a mitigation measure:</p> <ul style="list-style-type: none"> - If human remains or funerary objects are encountered during the undertaking, all work shall cease within 100 feet of the find and the Los Angeles County Coroner shall

				<p>be contacted pursuant to State Health and Safety Code §7050.5;</p> <ul style="list-style-type: none"> - 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 Gabrielino-Tongva – Kizh Nation will be contacted; - If significant Native American cultural resources are discovered and avoidance cannot be ensured, a
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				treatment plan shall be developed by a qualified archaeologist, followed by further consultation with the Gabrielino-Tongva – Kizh Nation.
Land Use	No land use, zoning, or Airport property boundary changes.	No land use, zoning, or Airport property boundary changes.	None required	None required
Natural Resources and Energy Supply	No exceedance from demand on available or future supply of resources	No exceedance from demand on available or future supply of resources	Incorporate energy efficiency and sustainability measures during design wherever possible including implementing LEED Silver standards.	None required
Noise and Noise-Compatible Land Use	No CNEL 1.5 dB increase in CNEL 65+ dB noise contour over noise sensitive land uses	No CNEL 1.5 dB increase in CNEL 65+ dB noise contour over noise sensitive land uses	None required	None required
<i>Residential properties in the CNEL 65+</i>	1,067 residential properties in the	The same 1,067 residential properties in the	None required	None required

<i>dB noise contour (2024)</i>	CNEL 65+ dB noise contour	CNEL 65+ dB noise contour as the No Action Alternative		
<i>Other Noise Sensitive Sites in the CNEL 65+ dB noise contour (2024)</i>	Five noise sensitive sites in the CNEL 65+ dB noise contour	The same five noise sensitive sites in the CNEL 65+ dB noise contour as the No Action Alternative.	None required	None required
<i>Residential properties in the CNEL 65+ dB noise contour (2029)</i>	1,159 residential properties in the CNEL 65+ dB noise contour	The same 1,159 residential properties in the CNEL 65+ dB noise contour as the No Action Alternative	None required	None required
<i>Other Noise Sensitive Sites in the CNEL 65+ dB noise contour (2029)</i>	Five noise sensitive sites in the CNEL 65+ dB noise contour	The same five noise sensitive sites in the CNEL 65+ dB noise contour as the No Action Alternative.	None required	None required
Socioeconomics, Environmental Justice, and Children's Environmental Health and Safety Risks				
<i>Socioeconomics</i>	No induced socioeconomic impacts	No induced socioeconomic impacts	None required	None required
Socioeconomics, Environmental Justice, and Children's Environmental Health and Safety Risks				
<i>Environmental Justice</i>	No disproportionately high and adverse	No disproportionately high and adverse	None required	None required

	effect on minority and low-income populations	effect on minority and low-income populations		
<i>Children's Environmental Health and Safety Risks</i>	No disproportionate environmental risks to the health or safety of children	No disproportionate environmental risks to the health or safety of children	None required	None required
Visual Effects				
<i>Light Emissions</i>	Does not create annoyance or interfere with normal activities	Does not create annoyance or interfere with normal activities	Compliance with City of Burbank Zoning Ordinance and FAA regulations for airport lighting.	None required
<i>Visual Resources and Visual Character</i>	Does not contrast, block or obstruct, or affect the aesthetic value of visual resources	Does not contrast, block or obstruct, or affect the aesthetic value of visual resources	None required	None required
Water Resources				
<i>Floodplains</i>	No impact	No impact	None required	None required
<i>Surface Waters</i>	No impact	No significant impact	Compliance with Stormwater Pollution Prevention Plan (SWPPP) and National Pollutant Discharge Elimination System (NPDES) permit requirements. Development of and compliance with Spill Prevention, Control,	None required

			and countermeasure (SPCC) Plan, and SMP. Compliance with Low Impact Development (LID) requirements.	
<i>Groundwater</i>	No impact	No significant impact	Development of and compliance with SMP. Obtain Regional Board approval prior to initiating construction activities.	None required
Cumulative Impacts	No impact	No impacts to any resource categories that would result in a significant impact and/or violate a factor to consider as identified by the FAA	None required	None required
Irreversible and Irretrievable Commitment of Resources	No impact	No impacts on, or losses to, resources that cannot be recovered or reversed	None required	None required

Source: RS&H, 2020.

ROD.10.1 Air Quality

The potential for Proposed Project and No Action Alternative to have an environmental impact on air quality is discussed in **Section 4.3** of the EIS. The General Study Area is located within the South Coast Air Basin (SCAB). For the State of California, the SCAB is under the jurisdiction of the South Coast Air Quality Management District.

As shown in **Table 3.4-1**, for the National Ambient Air Quality Standards (NAAQS), the Los Angeles County portion of SCAB where the Proposed Project is located is in extreme nonattainment for ozone (O₃) and serious nonattainment for particulate matter (PM_{2.5}). The SCAB is in maintenance status for CO and particulate matter (PM₁₀) and unclassified attainment for NO₂ and SO₂. Therefore, a general conformity applicability analysis was conducted for the Proposed Project. The attainment statuses and *de minimis* thresholds applicable to the Proposed Project are presented in **Table 4.3-1** of the EIS.

If the general conformity applicability for this air quality assessment were to show that any of the applicable *de minimis* thresholds (O₃ and PM_{2.5}) were equaled or exceeded due to the Proposed Project, more detailed analysis to demonstrate conformity would be required through development of a General Conformity Determination (GCD). The net air emissions of the NAAQS criteria pollutants and VOCs generated from the Proposed Project and the No Action Alternative for the 2024 and 2029 study years are provided in the EIS (see **Table 4.3.7** and **Table 4.3-8**, respectively). FAA's detailed analysis contained in the EIS disclosed that the net air emissions from 2024 and 2029 do ***not*** exceed the *de minimis* thresholds. Therefore, the FAA has determined preparation of a GCD was not required. FAA has determined that implementation of the Proposed Project would not result in a new violation of the NAAQS nor delay timely attainment of the NAAQS. FAA notes, as described in the EIS, the Authority entered into a Memorandum of Understanding (MOU) with SCAQMD and agreed to implement an Air Quality Implementation Plan (AQIP). The measures associated with this agreement are incorporated as features of the Proposed Project and were included in the data and assumptions utilized in the air quality analysis, including the general conformity applicability.

ROD.10.2 Biological Resources

Section 4.4 of the EIS describes the potential impacts to plants and wildlife in the project area including Federal Endangered Species Act listed species and designated critical habitat Migratory Bird Treaty Act (MBTA) species, and special-status species as a result of the Proposed Project as compared to the No Action Alternative.

The FAA made the following determinations regarding biological resources:

- No physical development would occur with the No Action Alternative. Therefore, there would be no impacts on federally listed species, migratory birds, or special-status species.
- The Proposed Project has little potential to affect native and non-native vegetation communities because of the highly disturbed condition of the airport, including pavement and unpaved areas with limited vegetation that exist within the Detailed Study Area.
- Due to the paved and developed nature of the Detailed Study Area, the frequent disturbance from Airport operations, and the treatment of undeveloped areas with soil sterilizer, as well as the activities to discourage wildlife under the Airport's WHMP, the FAA has determined the Proposed Project **will not affect** any federally-listed species or designated critical habitat and formal consultation with the USFWS under Section 7 of the Endangered Species Act is not required.
- Current wildlife hazard management activities already deter the presence of wildlife on Airport property. As such, there are no mitigation, avoidance, or minimization measures required for other wildlife species.
- There is a potential for nesting songbirds to be present in the ornamental trees and shrubs within the Airport's developed areas.

In order to avoid impacts to burrowing owl and other birds protected under the MBTA, the following measures will be implemented to minimize and avoid potential impacts if said birds were present during the implementation of the project:

The following surveys and actions would be implemented and are incorporated into the Authority's Proposed Project as avoidance measures:

- No more than 14 days prior to ground-disturbing activities (vegetation clearance, grading), a qualified wildlife biologist with previous burrowing owl survey experience would conduct a preconstruction take avoidance survey on and within 200 meters (656 feet) of the construction zone (where legally accessible) to identify occupied breeding or wintering burrowing owl burrows as well as unoccupied burrows.
- The take-avoidance burrowing owl survey would be conducted in accordance with the *Staff Report on Burrowing Owl Mitigation*¹² and consist of walking parallel transects 7 to 20 meters (23 to 66 feet) apart, adjusting for vegetation

¹² California Department of Fish and Game. (2012). *Staff Report on Burrowing Owl Mitigation*. Retrieved November 2019, from California Department of Fish and Game:
<https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>.

height and density or other obstacles as needed, and noting any burrows containing owls or with fresh signs that burrowing owl may be present.¹³ Note that owl signs can wash away during rain events and may take several days to build back up again. Copies of the burrowing owl survey results shall be submitted to the Authority prior to ground-disturbing activities.

- If potential burrows are detected on site, a qualified biologist would conduct three consecutive days of camera surveys using an endoscope ("burrow camera") to verify if burrowing owls are present or absent in the burrow. Burrows shall not be dismantled until it is confirmed with 100 percent certainty that there are no owls present. It is important to completely collapse the burrow network when closing the burrow.
- If burrowing owls are detected on site, no ground-disturbing activities would be permitted within 200 meters (656 feet) of an occupied burrow during the breeding season (February 1 to August 31), unless otherwise authorized by the California Department of Fish and Wildlife (CDFW). During the nonbreeding ("wintering") season (September 1 to January 31), ground-disturbing work can proceed near active burrows as long as the work occurs no closer than 50 meters (165 feet) from the burrow, or as allowed by the CDFW. Depending on the level of disturbance and proposed measures, a smaller buffer may be established in consultation with a qualified wildlife biologist.
- If the owls are not in danger of direct impact, then the default action should always be to allow the owls to leave the existing burrow site on their own volition. A qualified wildlife biologist would monitor all active burrows to note when the young have fledged and the burrow is no longer active. The qualified wildlife biologist would obtain three consecutive days of negative surveillance camera results to verify owls are not present and would further support this information by scoping with an endoscope ("burrow camera") immediately prior to dismantling the burrow.

Implementation of minimization measures would reduce the potential impacts to nesting birds and burrowing owls if they are present.

Because nesting songbirds and burrowing owls could appear at the Airport during construction, the following minimization measures would be implemented to reduce potential impacts on these biological resources during nesting season from February 1 to August 31:

1. All potential nesting trees scheduled to be cut down to allow for construction would be removed prior to the nesting season.

2. A qualified wildlife biologist would conduct preconstruction surveys of all potential nesting habitat. The surveying biologist must be qualified to determine the status and stage of migratory bird nesting without causing intrusive disturbance.
 - Surveys would be conducted no more than 3 days prior to construction activities.
 - Surveys would not be conducted for the entire Detailed Study Area at one time; the surveys must be phased so that each occurs shortly before a portion of the Detailed Study Area is disturbed by construction activities.
3. If active nests are found, the qualified wildlife biologist would determine an appropriate no-disturbance buffer requirement, and no construction within the buffer would be allowed until the onsite qualified wildlife biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest). Encroachment into the buffer may occur at the discretion of the onsite qualified wildlife biologist who would monitor nest activities.

Implementation of the measures identified above are incorporated into the Proposed Project as minimization measures. The Authority is required to implement these measures under state law.

ROD.10.3 Climate

The potential impacts to climate due to the Proposed Project as compared to the No Action Alternative is discussed in **Section 4.5** of the EIS.

The FAA has not established a significance threshold for climate and GHG emissions, nor has the FAA identified specific factors to consider in making a significance determination for GHG emissions. This GHG assessment in the EIS includes direct and indirect emissions inventories for landside sources (area, energy, and mobile) and airside sources (aircraft operations, central utility plant, GSE) for the study years 2024 and 2029.

The GHG emissions that would be associated with the No Action Alternative in 2024 and 2029 are summarized in **Table 4.5-1** and the Proposed Project GHG emissions estimates for 2024 (construction and operations) and 2029 (operations only) are summarized in **Table 4.5-4** and **Table 4.5-5**. FAA notes that construction and operation of the Proposed Project would continue to overlap in 2024-2026 due to operations of the replacement passenger terminal building and overlapping construction activities associated with the demolition of the existing passenger terminal building, paving of the taxiway, and construction of the Aircraft Rescue and Fire Fighting (ARFF) station.

Given the enormity of GHG emissions worldwide, the contributions of one project, such as the Proposed Project are negligible. As noted by CEQ, *"climate change is a particularly complex challenge given its global nature and inherent interrelationships among its sources, causation, mechanisms of action and impacts..."* CEQ has also noted, *"it is not currently useful for the NEPA analysis to attempt to link specific climatological changes, or the environmental impacts thereof, to the particular project or emissions, as such direct linkage is difficult to isolate and to understand."*¹⁴

ROD.10.4 U.S. Department of Transportation Act, Section 4(f)

Section 4.6 discusses the potential for impacts to Department of Transportation Act (DOT), Section 4(f) resources. There are 14 resources subject to U.S. DOT Act, Section 4(f) within the General Study Area.

Under the Proposed Project, five Section 4(f) resources, Hangar 1, Hangar 2, the Portal of the Folded Wings Shrine to Aviation, Larry L. Maxam Memorial Park, and the Maple Street Playground, are within the 2024 and 2029 CNEL 65 dB noise contours. However, since the Proposed Project does not increase aircraft operations, change the types of aircraft operating at the Airport, or alter the runway endpoints, the Airport's noise contours do not change as a result of the Proposed Project and are the same as the No Action Alternative.

There is no constructive use of any Section 4(f) property by the Proposed Project because the noise levels do not change. The Proposed Project does not change any access to the Section 4(f) properties or result in any visual resource impairment or any other substantial impairment compared to the No Action Alternative. No mitigation, avoidance or minimization measures are necessary for any protected resources under DOT, Section 4(f).

ROD.10.5 Hazardous Materials, Solid Waste, And Pollution Prevention

Discussion regarding potential impacts to hazardous materials and waste is contained in **Section 4.7** of the EIS. Both the Proposed Project and No Action Alternative would utilize, store, and generate hazardous waste that is associated with aviation activities. Hazardous materials and wastes generated, stored, used, transported, and disposed would be similar for operations under both alternatives and would slightly increase due to the forecasted increases in aircraft operations that would be needed to meet forecasted passenger demands and changes in airfield and terminal maintenance associated with those demands and would not exceed the capacity of local landfills.

¹⁴ 79 Federal Register 77802 (December 24, 2014). *Revised Draft Guidance for Federal Departments and Agencies, Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate change in National Environmental Policy Act Reviews.*

During the Proposed Project, solid waste disposal and recycling services would be performed by private waste haulers which would transfer solid waste to regional landfills the Sanitation Districts of Los Angeles County operate. Handling, storage, and disposal of these hazardous materials and hazardous wastes would comply with federal, state, and local regulations under both alternatives. The Proposed Project would temporarily increase the volume of solid waste generated during construction, including waste from both demolition and construction activities. The Authority intends to reuse 75 percent of non-hazardous demolition and construction materials in onsite construction and/or hauled offsite for recycling, thereby reducing the quantity of waste materials transported to landfills serving the Proposed Project area. Given the amount of remaining landfill capacity (see **Table 4.7-1**), and the fact that construction materials would be reused and/or recycled, demolition and construction activities associated with the Proposed Project are not expected to exceed local capacity.

There are five areas of historical contamination within the Airport property associated primarily with past aviation uses that resulted in hazardous materials contamination of soil and groundwater, primarily by VOCs and hexavalent chromium, which are: San Fernando Valley Groundwater Basin Superfund Site (Area 1), Moderate; Former Lockheed Plant B-5, Low; Former Lockheed Plant C-1, Moderate; Former Lockheed Plant B-6, Low; and Physicians Clinical Laboratory (formerly known as the Aviall property located at 3111 North Kenwood),¹⁵ Moderate. All five sites would continue to use existing pollution prevention measures and be managed as they are today under the No Action Alternative. For Site 1, the U.S. EPA is currently overseeing the remediation. For Site 2, the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) has issued a No Further Requirements determination. For Site 3, the Regional Board is currently monitoring the site. Site 4, the former Lockheed Plant B-6 is part of the U.S. EPA Superfund Program and has undergone extensive soil and groundwater decontamination activities over the years and the Regional Board has indicated that the site is compatible with the construction and operation of the replacement passenger terminal given that the mitigation, minimization, and avoidance measures in their "No Further Requirements" letter issued in 1996 for soil including a Soil Management Plan (SMP) and a limit of excavation set at 25 ft bgs. are enforced. U.S. EPA oversaw the cleanup actions at Site 5, the Physicians Clinic Laboratory (formerly the Aviall Property), from 1991 through 1995, along with numerous site investigations throughout the 2000's. Site investigations in 2014 and 2015 reported concentrations of hexavalent chromium in soil. In 2016, the Regional Board requested onsite groundwater sampling as part of

¹⁵ The Aviall Property also has been known as the Physicians Clinical Laboratory. As evidenced in the Regional Board database, GeoTracker (<https://geotracker.waterboards.ca.gov/>, Accessed on July 29, 2020), Physicians Clinical Laboratory and the Aviall Property are one site, sharing both the same identification number (SL603798596) and physical address.

the U.S. EPA Superfund Program. Although construction and operation of the Proposed Project would not occur on this site, the Hazardous Materials Assessment identified this site as a moderate risk because of its hydrologically gradient location, which creates the potential for contamination to migrate to the Proposed Project site. Under the Proposed Project, the Airport would continue to implement pollution prevention measures to the greatest extent possible, including measures to minimize accidental spills and releases and the use of low-VOC paints and solvents. Compliance with the implementing regulations of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) under the Proposed Project would ensure that operational activities would not disturb soils or groundwater or contribute to further contamination in the area.

In summary, the Proposed Project incorporates the following minimization and avoidance measures which would avoid or reduce potential impacts related to hazardous materials, hazardous waste, and solid waste:

- Removal of Asbestos Containing Materials (ACMs) would be subject to Cal-OSHA requirements to ensure proper handling, notification, and disposal and would be performed by a licensed asbestos abatement contractor.
- Prior to any interior demolition or renovation within the buildings containing ACMs, an asbestos survey would be performed prior to demolition and in accordance with the requirements of SCAQMD Rule 1403
- Polychlorinated Biphenyls (PCB)-containing equipment (transformers, other electrical equipment, hydraulic systems) would be handled per industry and Resource Conservation and Recovery Act (RCRA) standards
- The removal of Lead Based Paint (LBP) would be subject to Cal-OSHA requirements to ensure proper handling, notification, and monitoring and would be performed by a licensed LBP abatement contractor. All trucks transporting lead-based waste would be covered or enclosed. All lead-based waste material would be contained properly, labeled appropriately, transported, and disposed of in accordance with applicable rules and regulations.
- The Authority would follow the Soil Management Plan (SMP), which includes monitoring and sampling of exposed soils with signs of contamination during construction and demolition activities, to minimize worker exposure to VOC emissions during excavation, grading, handling, and treatment of contaminated soil. If excavation unexpectedly encounters VOC-contaminated soil with PID measurements greater than 50 parts per million, the continuation of excavation would be carried out in accordance with SCAQMD Rule 1166.
- Soil affected by high concentrations of hexavalent chromium and/or total

chromium may also be disturbed during project construction. Soils contaminated with this metal appear to be stained a yellow color, dissimilar to surrounding non-impacted soil. At a minimum, the construction contractor would collect at least one soil sample at or near the center of the suspected contaminant area for chemical analysis.

- The final design of the replacement passenger terminal shall include necessary consideration of vapor intrusion strategies and/or technologies, as warranted. The need for the strategies would be based upon a refined review of existing soil gas survey data and relevant Photoionization Detector measurements, soils samples, test results) collected during construction in accordance with the SMP and SCAQMD Rule 1166.
- The Regional Board requires that the Authority notify them of any changes to a building or parking location whose excavation would exceed 25 feet bgs.
- If construction activities extend 25 feet bgs in the areas defined as D-DU3 and F-DU1,¹⁶ as shown on **Exhibit 4.7-1**, the Authority will notify the Regional Board requesting its determination on the need for additional soil/vapor sampling.

ROD.10.6 Historical, Architectural, Archaeological, and Cultural Resources

Section 4.8 of the EIS assesses potential direct and indirect impacts to the historical, architectural, archaeological, and cultural resources. Consultation was conducted under Section 106 of the National Historic Preservation Act of 1966 with the California State Historic Preservation Officer (SHPO). A Historical Resources Assessment and an Archaeological Resources Assessment was conducted that meets Section 106 requirements and that includes an evaluation of the buildings on the Airport property that either meet the 50-year threshold for eligibility to the National Register of Historic Places (NRHP) or were approaching historic age (45 years or older).

Eighteen buildings were reviewed for eligibility (all of which were located on Airport property) for inclusion in the NRHP. FAA determined two properties, Hangars 1 and 2, were eligible for inclusion in the NRHP. Operation of the Airport would not change as a result of the Proposed Undertaking, nor would the conditions in the immediate vicinity of Hangars 1 or 2 change as a result. Therefore, the FAA determined that Proposed Undertaking would have no direct or indirect effects on historic resources located within the APE when compared to the No Action Alternative.

¹⁶ Three separate focus areas, previously designated by Lockheed as Areas B, D, and F, were identified within the northeast quadrant. Areas B and D were each subsequently divided into three decision units (DUs): Area B was divided into B-DU1, B-DU2, and B-DU3; Area D was divided into D-DU1, D-DU2, and D-DU3; and area F remained one small DU, F-DU1.

The SHPO concurred with the FAA's determination and finding on July 20, 2020 (see **Appendix H**).

As determined during FAA's Native American consultation with the Gabrielino-Tongva – Kizh Nation as well as consistent with the requirements of 36 CFR §800.13(b) and the letter from the SHPO on July 20, 2020, FAA will require the following unanticipated discovery plan as a mitigation measure:

- If human remains or funerary objects are encountered during the undertaking, all work shall cease within 100 feet of the find and the Los Angeles 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 Gabrielino-Tongva – Kizh Nation will 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 Gabrielino-Tongva – Kizh Nation.

ROD.10.7 Land Use

Section 4.9 of the EIS contains the analysis regarding potential impacts to land use associated with the Proposed Project and No Action Alternative.

The construction and operation of the Proposed Project would occur entirely on Airport property and would not change existing or future land uses. The Proposed Project would be compatible with the Airport environment. Also, per 49 USC 47107(a)(10), the Authority provided a land use assurance letter to FAA on April 24, 2020, stating that they have taken and will continue to take appropriate action to ensure that the Proposed Project would comply with local zoning laws as well as restrict the use of land adjacent to or in the immediate vicinity of the airport to non-compatible uses, to the extent reasonable, now and in the future (see **Appendix I** of the EIS). The Proposed Project is also consistent with local Measure B that was passed by Burbank voters in November 2016, and aviation activities (operations and enplanements) would not change as a result of a replacement passenger terminal to the northeast quadrant of the Airport. In addition, there were no significant impacts identified for any other resource impact categories that could indirectly affect land use including: DOT Section 4(f); Noise and Noise-Compatible Land Use; and Socioeconomics, Environmental Justice, and Children's Environmental Health and Safety Risks.

ROD.10.8 Natural Resources and Energy Supply

As discussed in **Section 4.10** of the EIS, both the Proposed Project and the No Action Alternative would result in the same demand on natural resources over time to continue to operate the Airport, perform maintenance, and serve the forecasted aviation demands. The Proposed Project would result in long term increases in electricity and natural gas consumption to operate the Airport facilities and central utility plant, but these increases equal less than 1 percent of the demand from the current electricity and natural gas providers serving the Airport. Fuel consumption will increase temporarily during construction as a result of the construction vehicles, but it would not exceed existing and future fuel supplies and due to the reduction in runway crossings and idling times for taxiing aircraft, aircraft fuel usage would decrease slightly over time. Increased usage of resources such as prefabricated building components, aggregate, soils, sub-base materials, and oils will increase during construction of the Proposed Project, but they are neither rare nor in short supply, and the quantity required for a development of this size would not place an undue strain on supplies when compared to the No Action Alternative.

Though the Proposed Project would not cause significant impacts to natural resources, the Authority would incorporate energy efficiency and sustainability measures wherever possible to further reduce energy consumption including designing the proposed replacement terminal with modern mechanical and utility systems to comply with the standards of the American Society of Heating, Refrigerating and Air-Conditioning Engineers and Leadership in Energy and Environmental Design (LEED) and using excavated soils for fill material to reduce the amount of soil that would be removed from the Airport, when appropriate, if the project were approved and implemented.

ROD.10.9 Noise and Noise-Compatible Land Use

Section 4.11 of the EIS evaluates the potential for noise impacts to occur as a result of implementing the Proposed Project and the No Action Alternative. For aircraft noise, a significant noise impact would occur if the Proposed Project would increase noise by 1.5 decibels (dB) or more for a noise sensitive area that is exposed to noise at or above the Community Noise Equivalent Level¹⁷ (CNEL) 65 dB noise exposure level, or that will be exposed at or above the CNEL 65 dB level due to a CNEL 1.5 dB or greater increase, when compared to the No Action Alternative for the same timeframe.

¹⁷ For aviation noise analyses, the FAA has determined that the cumulative noise energy exposure of individuals to noise resulting from aviation activities is established in terms of Day Night Average Sound Level (DNL), the FAA's primary noise metric. The CNEL may be used in lieu of DNL for FAA actions needing approval in California (see FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, Appendix B, Section B-1).

For purposes of the noise analysis, the two analysis years are 2024 and 2029. Year 2024 represents the near-term impacts of the Proposed Project and is associated with the opening year of the replacement passenger terminal. Year 2029 represents the long-term impacts of the Proposed Project and is associated with five years after the opening of the replacement passenger terminal. The 2024 CNEL 65 dB and greater noise contours include 1,067 residential properties and the following five Section 4(f) properties: Hangar 1, Hangar 2, the Portal of the Folded Wings Shrine to Aviation, Larry L. Maxam Memorial Park, and Maple Street Playground. The 2029 CNEL 65 dB and greater noise contour includes 1,159 residential properties and the same five Section 4(f) properties. The increase in the acreage and number of residential properties in the 2029 65 dB noise contour as compared to the 2024 noise contour is due to the forecasted increase operations between those years, which would occur with or without the implementation of the Proposed Project. The Proposed Project would not result in changes to the runway configuration, aircraft fleet mix, number of operations, time of aircraft operations, air traffic procedures, or airspace. Therefore, the near-term and long-term noise levels experienced under both alternatives would be the same. Noise impacts due to construction would be temporary and intermittent in nature and would attenuate to less than CNEL 70 dB at the noise sensitive land use closest to the northeast quadrant as well as the noise sensitive land use closest to the southeast quadrant.

ROD.10.10 Socioeconomics, Environmental Justice, and Children's Environmental Health and Safety Risks

The analysis FAA performed to determine if there were any potential impacts to Socioeconomics, Environmental Justice, and Children's Health is located in **Section 4.12** of the EIS.

With respect to socioeconomic impacts, neither alternative has the potential to do the following:

- "move people from their homes";
- "move businesses";
- "divide or disrupt established communities";
- "disrupt orderly, planned development";
- "disrupt local traffic patterns and substantially reduce the levels of service of roads"; or
- "create a notable change in employment".

No census tracts within the General Study Area have a low income population greater than 50 percent. There are two census tracts within the General Study Area (Census

Tract 1232.03 and 1232.04) that have a higher percentage of minority population than Los Angeles County. However, the average minority population percentage of all of the census tracts within the General Study Area is lower than Los Angeles County and is below 50 percent. Furthermore, there are no significant impacts identified in any other environmental impact categories and there are no impacts on the physical or natural environment that would have disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations due to the Proposed Project. Nine schools are located in the General Study Area; however, none of these schools are located within the CNEL 65 dB noise contour for the Proposed Project or the No Action Alternative. Thus, there would be no significant impacts resulting from the Proposed Project that would disproportionately affect children's health.

ROD.10.11 Visual Effects

Section 4.13 of the EIS evaluates the potential environmental effects of the Proposed Project in regard to light emissions and visual impacts. The proposed project involves construction of a larger terminal and would add more lighting. The new and relocated lighting (at the replacement terminal building) would not be substantially different from current light emissions and would not cause any new light emission annoyance or disrupt community activities in the General Study Area.

Although the Proposed Project would alter views across the northeast quadrant from existing conditions, those views would be consistent with the visual aesthetic associated with the Airport and would not contrast with the visual resources and/or visual character in the Detailed Study Area which already includes buildings which obstruct views of the Verdugo Mountains, Santa Monica Mountains, and open spaces.

Construction would be visible in the Airport vicinity from public roadways such as Hollywood Way, and associated construction equipment would be present and visible during the construction period. However, these impacts would be temporary in nature. Demolition of existing facilities on Airport and the taxiway extensions is not expected to contrast, block or obstruct, or affect the aesthetic value of visual resources viewed from off-airport when compared to the No Action Alternative.

ROD.10.12 Water Resources

Section 4.14 of the EIS evaluates the potential for impacts to water resources including floodplains, surface waters and groundwater that would occur as a result of implementing the Proposed Project or the No Action Alternative.

The only portion of the Detailed Study Area that lies within the 100- and 500-year floodplains is a small area in the southeast quadrant of the Airport and a portion of

the southwest quadrant of the Airport (see **Exhibit 3.14-1**). However, under the Proposed Project there is no proposed development that would affect either the 100-year or 500-year floodplains in these areas.

Proposed Project construction would involve the use of heavy equipment and construction-related chemicals such as fuels, oils, grease, solvents, and paints, which would be stored in limited quantities on site and increase the risk of spills and leaks that could impact surface waters and groundwater. Construction of the Proposed Project would also involve soil disturbing activity, which could, in the absence of proper controls, pollute surface waters with sediment.

The groundwater basin beneath the Proposed Project site is contaminated, primarily with volatile organic compounds (VOCs) and hexavalent chromium. Construction of the Proposed Project would not interfere with ongoing groundwater remediation activities or monitoring wells in the Well Investigation Program (WIP) and the Soil Management Plan (SMP) outlines the process to follow in the instance that contaminated soils are discovered during ground-disturbing activities.

The project contains measures to avoid and minimize impacts to water resources. The Authority will be following the Storm Water Prevention and Pollution Program (SWPPP) and adhering to its National Pollution Discharge Elimination System (NPDES) permit. In addition, they will be following a Low Impact Development (LID) plan to manage and treat runoff. Finally, the Authority must prepare and abide by a Soil Management Plan (SMP), as required by the Regional Board, to ensure soil disturbance activities do not result in the release of hazardous substances. These project measures will mitigate, minimize, and avoid impacts to water resources as a result of the Proposed Project.

ROD.10.13 Cumulative Impacts

Section 4.16 of the EIS describes the past, present, and reasonably foreseeable future actions relevant to cumulative impacts. Cumulative impacts are defined by the CEQ in 40 CFR § 1058.7 as: *"The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such actions."* The evaluation of cumulative impacts in the EIS considered the past, present, and reasonably foreseeable future projects or actions undertaken by individuals and municipalities in the vicinity of BUR.

Table 3.16-1 of the EIS identifies the past, present, and reasonably foreseeable actions that have occurred, are currently taking place, or will occur on- and off-Airport property within the General Study Area. Since the approval in 2005 of the development agreement between the Authority and City of Burbank, the only projects

at the Airport in the years prior to 2015 were associated with maintenance of existing facilities.

Section 4.15 of the EIS presents the conclusions regarding cumulative impacts. Environmental resource categories that would not result in potential adverse effects as a result of the Proposed Project cannot result in cumulative impacts (Climate, U.S. Department of Transportation Section 4(f), Land Use, Natural Resources and Energy Supply, Noise and Noise-Compatible Land Use, Socioeconomics, Environmental Justice, and Children's Environmental Health and Safety, and Visual Effects). In this EIS, the surface traffic analysis included an increase in vehicle traffic associated with all past, present, and reasonably foreseeable projects as part of the analysis of impacts from the Proposed Project. Only environmental categories where impacts could occur are discussed. These categories include Air Quality, Biological Resources, Hazardous Materials, Solid Waste, and Pollution Prevention, Historical, Architectural, Archaeological, and Cultural Resources, and Water Resources. FAA concluded that the Authority's implementation of minimization measures, BMPs, and compliance with all permit requirements outlined for the resources in the previous sections, would ensure that the Proposed Project would not exceed any significance thresholds identified in FAA Orders 1050.1F or 5050.4B. Therefore, the environmental effects of construction and operation of the Proposed Project when added to impacts from past, present, and reasonably foreseeable future projects would not result in any significant cumulative environmental impacts.

ROD.10.14 Irreversible and Irretrievable Commitment of Resources

Section 4.16 of the EIS discusses the potential irreversible and irretrievable commitments of resources that would occur as a result of implementing the Proposed Project. The No Action Alternative would not result in an irreversible or irretrievable commitment of resources.

Under the Proposed Project and the No Action Alternative, there would be a minor, but irretrievable, increase in demand for Aviation Gasoline (AvGas), and Jet-A fuel, because aircraft would burn more fuel due to the increase in forecasted operations that would take place under both alternatives. The construction of, and travel to and from, the Proposed Project site would require the irreversible consumption of petroleum products and petroleum-based electrical generation by the local power company. As a result of implementing the Proposed Project, proposed construction activities would require the irreversible use of typical paving and construction materials such as sand, gravel, concrete, and asphalt. Metal wiring and plastic insulation would be irreversibly used for new lighting. These materials are not in short supply and construction for the Proposed Project would not exceed the available supply of these materials. Construction activities would require natural resources such as fill material, asphalt, water, wood, or gravel. The demand for nonrenewable

resources is not expected to exceed current or future supplies. The Proposed Project would be consistent with the existing urban development within the General Study Area. Construction of the replacement passenger terminal building is not expected to alter, contrast, or obstruct the existing views due to the existing similar-sized buildings.

Finally, as **Chapter 4** of the EIS describes, there are no significant impacts and/or exceedance of any factors to consider as outlined in FAA Order 1050.1F as a result of implementing the Proposed Project for any of the resource impact categories analyzed in this EIS. Additionally, the Authority would incorporate energy efficiency and sustainable measures to the extent possible into the Proposed Project, including those measures identified and discussed in **Section 4.3**, Air Quality; **Section 4.4**, Biological Resources; **Section 4.7**, Hazardous Materials, Solid Waste, and Pollution Prevention; **Section 4.8**, Historical, Architectural, Archeological, and Cultural Resources; and **Section 4.14**, Water Resources.

ROD.11 AGENCY FINDINGS AND DETERMINATIONS

The following text identifies the various specific federal agency findings and determinations that support the Federal Actions for the proposed replacement passenger terminal project at BUR. There are numerous findings and determinations prescribed by law that must be made by the FAA as preconditions to agency approvals of airport layout plan changes and airport project funding applications. Any grant-in-aid application and approval would also reflect appropriate statutory and regulatory assurances and other terms and conditions for FAA's actions. This ROD provides the basis to proceed with making those findings and determinations in conjunction with its consideration of appropriate applications and availability of funding.

ROD.11.1 Federal Aviation Administration Determination Under Provisions of the Airport and Airway Improvement Act (49 USC §§ 47106 and 47107).

The following determinations are prescribed by the statutory provisions set forth in the Airport and Airway Improvement Act of 1982, as codified in 49 USC §§ 47106 and 47107.

- **The project is reasonably consistent with existing plans of public agencies for development of the area (49 USC § 47106(a) and Executive Order 12372):** The determination prescribed by this statutory provision is a precondition to agency approval by the FAA of airport project grant funding applications. To make this determination, the FAA considered local land use and development plans and requested confirmation from local

authorities concerning consistency determinations. The FAA reviewed and considered the plans, goals, and policies of local governments and provided opportunities for local governments and the public to comment on the scope and findings of the EIS. The City of Burbank's *Burbank2035* General Plan describe planning goals for the areas near and adjacent to BUR. As described in **Section 3.10.2** and shown in **Exhibit 3.10-2** of the EIS, most of the Detailed Study Area is zoned as "AP Airport," with smaller portions zoned as Limited Industrial, General Industrial, and Commercial Limited business. The Proposed Project is consistent with this zoning as well as with Measure B that was passed by Burbank voters in November 2016. The runway configuration, aircraft fleet mix, number of operations, time of aircraft operations, air traffic procedures, or airspace would not change as a result of a replacement passenger terminal. The FAA has received a land use assurance letter from the Authority that it would continue to ensure appropriate land use regulations are adopted and enforced to ensure land uses are compatible with airport operations. This letter is included in **Appendix I** of the EIS.

- **Fair consideration has been given to the interests of communities in or near the Project location (49 USC § 47106(b)(2)):** The determination prescribed by this statutory provision is a precondition to agency approval of airport development project funding applications. Sections ROD.7, ROD.8, and ROD.9 of this ROD, respectively, summarize FAA public involvement activities, tribal consultations, and interagency consultations. More information on FAA's public involvement activities is provided in **Chapter 5** of the EIS. Documentation of completion of National Historic Preservation Act, Section 106 consultation, and information regarding Native American consultation is provided in **Appendix H** of the EIS.

The FAA has determined that, throughout the environmental process from its earliest planning stages through the publication of the Final EIS and through public comment on the Draft EIS, fair consideration was given to the interests of communities in or near the proposed replacement passenger terminal building at BUR.

- **Appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land in the vicinity of the airport to purposes compatible with airport operations (49 USC §47107(a)(10)).** The determination prescribed by this statutory provision is a precondition to agency approval or airport development project grant funding applications. Throughout the EIS process, the FAA invited all the local municipalities with jurisdiction to participate with regard to compatible land use. The FAA received the required Land Use Assurance letter that the Authority has provided its assurance that appropriate action and

enforcement of zoning laws, has been or will be taken, to the extent reasonable, to restrict use of land adjacent to or in the vicinity of BUR to activities and purposes compatible with normal airport operation, including the landing and takeoff of aircraft. A copy of the Land use Assurance letter is included in **Appendix I** of the EIS.

- **Determination that the airport development is reasonably necessary for the use in air commerce or in the interests of national defense pursuant to (49 USC § 44502(b)):** The FAA has determined that implementation of the Proposed Project would maintain the safety, utility, and efficiency of BUR. Implementation of the Proposed Project, as described below, would enhance safety at the Airport by meeting FAA Airport Design Standards consistent with the FAA Advisory Circular 150/5300-13A, Change 1, *Airport Design*, and the FAA's regulations described in, 14 CFR Part 77, *Safe, Efficient Use and Preservation of the Navigable Airspace*. The proposed replacement passenger terminal building would be separated from the runways and maintain adequate ROFA, TOFA and BRL standards consistent with FAA A/C 150/5300-13A. Also, the replacement passenger terminal building's location would reduce the need for departing or arriving aircraft to perform additional runway crossings.
- **The FAA has given the Project an independent and objective evaluation required by the Council on Environmental Quality (40 CFR § 1506.5):** As documented in the EIS and in this ROD, the FAA has objectively evaluated all reasonable alternatives meeting the Purpose and Need (see 40 CFR § 1502.1.4(a)). The process included the FAA's selection of a third-party EIS contractor through a competitive process to assist in conducting the environmental review. The environmental review included determining the Purpose and Need, identifying reasonable alternatives, fully analyzing and disclosing potential environmental impacts, and developing appropriate mitigation measures. The FAA directed the technical analysis provided in the Draft and Final EIS. The FAA furnished guidance and participated in preparation of the EIS by providing input, advice, and expertise throughout the planning and technical analysis, along with administrative direction and legal review of the project. From its inception, the FAA has taken a strong leadership role in the environmental evaluation of the proposed runway extension and has maintained its objectivity. In addition, the FAA has on file a disclosure statement from the environmental consultant that satisfies the requirement of 40 CFR § 1506.3(c).

ROD.11.2 FAA Reauthorization Act of 2018

The following determinations are prescribed by the statutory provisions set forth in the FAA Reauthorization Act of 2018, (Public Law 115-254) which amends provisions of 49 USC §47107(a)(16):

- **Determination Regarding the Airport Layout Plan:** For the purpose of determining whether the Proposed Project at BUR requires FAA ALP approval, FAA has made the following determinations:
 1. Since components of the Proposed Project involve the demolition of existing, and construction of new terminal buildings and aircraft movement and parking areas, the development may have a material impact to the safe and efficient operation of aircraft at, to, or from the Airport. Therefore, the FAA retains the legal authority to approve or disapprove the following changes to the BUR ALP which comprise the Proposed Action:
 - a. All Airside Improvements:
 - i. Construction of a 45,900-square-yard aircraft parking apron that would accommodate 14 aircraft;
 - ii. Taxiway A and Taxiway C Extensions: Taxiway A would be extended from Runway 8-26 south to the Runway 33 threshold, and Taxiway C would be extended between Taxiway G and the Runway 26 threshold;
 - iii. Removal of existing commercial aircraft apron and adjacent taxilanes; and
 - iv. Construction of a replacement Aircraft Rescue and Firefighting (ARFF) station: The existing ARFF station is in a hangar in the northwest quadrant of the Airport.
 - b. Landside Improvements:
 - i. Construction of a replacement passenger terminal building: The 355,000-square-foot replacement passenger terminal building would have 14 gates and would meet FAA Airport Design Standards; and
 - ii. Demolition of the existing passenger terminal building.
 2. The remaining portions of the Proposed Project would have no material impact on aircraft operations at, to, or from the Airport, and would not adversely affect the safety of people or property on the ground adjacent to the Airport as a result of aircraft operations. FAA has determined that the remaining portions of the Proposed Project would not have an adverse effect on the value of prior Federal investments to a significant extent.

Therefore, the FAA lacks the legal authority to approve or disapprove the following changes to the BUR ALP which are included in the Proposed Project but not in the FAA's Proposed Action:

a. Airside Improvements:

- i. Construction of a ground support equipment (GSE) and passenger terminal maintenance building; and
- ii. Realignment of the Airport service road.

b. Landside Improvements:

- i. Construction of replacement employee automobile parking: About 200 spaces would be provided for employee parking in a surface parking lot north of the proposed replacement passenger terminal building;
- ii. Construction of a public automobile parking structure: The public automobile parking structure would be at least five levels, but not more than seven levels, and would include a valet drop-off and pickup area;
- iii. Construction of a new passenger terminal access road: A new multi-lane road extending from the intersection of North Hollywood Way and Winona Avenue would be constructed;
- iv. Realignment of Avenue A: Avenue A, the existing passenger terminal loop road in the southeast quadrant of the Airport would be realigned. The east-west segment of Avenue A would be shifted to the south to permit the extension of Taxiway C;
- v. Construction of a replacement airline cargo building: An 8,000-square-foot replacement airline cargo building would be constructed adjacent to the north of the replacement passenger terminal building;
- vi. Construction of a central utility plant;
- vii. Construction of ground access vehicle storage and staging area;
- viii. Relocation of the Shuttle Bus Dispatch Office and staging area;
- ix. Removal of a parking booth;
- x. Removal of the employee parking lot;
- xi. Removal of Parking Lots A, B, and E;
- xii. Removal of the public parking structure;
- xiii. Removal of a tenant lease area

- xiv. Demolition of the airline cargo and GSE maintenance building and associated pavement; and
- xv. Removal of the shuttle bus dispatch office and staging area.

Applicability of the National Environmental Policy Act (NEPA): The FAA's ALP approval authority for the Proposed Action is a federal action subject to the National Environmental Policy Act (NEPA).

- **Sponsor Obligations Still In Effect:** Section 163 of the FAA Reauthorization Act of 2018, still requires the airport to receive not less than fair market value for proposed development for which the FAA retains approval authority and is used for non-aeronautical use, lease, encumbrance, transfer, or disposal of land, any facilities on such land, or any portion of such land or facilities. The Authority, as the airport sponsor, must also ensure that all revenues generated as a result of this lease may only 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 which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport, per the FAA Revenue Use Policy.

The Authority also has the responsibility to comply with all federal, state, and local environmental laws and regulations.

Additionally, this development is still subject to airspace review under the requirements of 14 CFR part 77, and Grant Assurance 29 still requires the airport to update and maintain a current ALP. An updated ALP depicting the completed components of the project must be submitted to the FAA Los Angeles Airports District Office once the project is completed.

ROD.11.3 Compliance with Laws, Regulations, and Executive Orders

This section addresses compliance with laws, regulations, and EOs not specific to FAA regulatory authority.

- **Accelerated Decision-making in Environmental Reviews (49 USC § 304a):** This Final EIS does not makes substantial changes to the Proposed Action that are relevant to environmental or safety concerns and no significant new circumstance or information relevant to environmental concerns that bears on the Proposed Project or the impacts of the Proposed Project has been identified. Therefore, the FAA is issuing the Final EIS and ROD in a single document, in accordance with this provision.
- **Clean Air Act of 1970, as amended (42 USC §7401 et seq.):** Implementation of Alternative E would not cause an increase in air emissions

above the applicable federal *de minimis* thresholds. In addition, implementation of the Proposed Project must comply with California Air Resources Board requirements as implemented through the South Coast Air Quality Management District (SCAQMD) and the MOU between the Authority and SCAQMD. The Proposed Project would comply with the State Implementation Plan applicable to the area including BUR. As discussed in **Section 4.3.1.1** of the EIS, the evaluation of CAA General Conformity requirements for the Proposed Project showed that air emissions for the Proposed Project are below CAA General Conformity *de minimis* levels. Implementation would not create any new violation of the NAAQS, delay the attainment of any NAAQS, nor increase the frequency or severity of any existing violations of the NAAQS. As a result, no adverse impact on local or regional air quality is expected by implementation of the Proposed Project. No further air quality impact evaluations, including CAA General Conformity Determinations, were necessary.

- **Endangered Species Act of 1973 (16 USC § et seq.):** The Proposed Project would have no effect on any federally-listed species nor would it impact any critical habitat.
- **Migratory Bird Treaty Act of 1918 (16 USC §703-712):** The EIS documents the FAA consideration of the potential for impacts to migratory birds. The EIS identifies in **Section 4.4.5.2** that the Authority would conduct a preconstruction survey for burrowing owls and establish a no disturbance buffer zone between construction activities and any active burrowing owl burrows during the February 1 to August 31 breeding season until young burrowing owls are able to fly away from the burrow. If construction is commenced outside of the burrowing owl breeding season and active burrowing owl burrows were located, the burrowing owls would be passively relocated using one-way doors at the burrow entrance.
- **Department of Transportation Act, Section 4(f) (49 USC § 303(c)):** As discussed in **Section 4.6** of the EIS and this ROD, implementation of Proposed Project would not result in the physical or constructive use of any Section 4(f) resource to other purposes, impair the use of any Section 4(f) property, or subject any Section 4(f) property to incompatible noise levels.
- **National Historic Preservation Act of 1966 (16 USC §470):** Pursuant to Section 106 of the NHPA, the FAA evaluated 18 properties for eligibility in the NRHP. Of these 18 buildings reviewed; the FAA determined only two, Hangars 1 and 2, were eligible for inclusion in the NRHP. However, neither of the two properties identified as eligible for listing on the NHRP are within the Direct APE and would not be physically affected by the Proposed Undertaking. Also, as concurred with by the SHPO and as required by 36 CFR 800.13 of the

regulations implementing Section 106, FAA requires an unanticipated discovery plan as a condition of approval. Therefore, the FAA made the determination of *No historic properties affected* by the Proposed Undertaking within the APE. The SHPO concurred with the FAA's NHRP eligibility determinations and finding of *No historic properties affected* on July 20, 2020 (see **Appendix H**).

- **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:** In accordance with EO 12898, the Proposed Action would not cause a significant impact because it would not have a disproportionately high and adverse effect on minority populations and/or low-income populations. Implementation of the Proposed Project would not cause the two census tracts with greater than 50 percent minority populations to experience more severe impacts from noise or any other environmental resource category analyzed in the EIS compared to the populations in the other census tracts in the General Study Area.

In accordance with EO 12898 and DOT Order 5610.2, the FAA provided opportunities for meaningful public involvement by minority and low-income populations. Local outreach to environmental justice populations was conducted as part of the EIS process. FAA sent EIS scoping meeting invitations to representatives of the Gabrieleno Band of Mission Indians - Kizh Nation, Gabrieleno/Tongva San Gabriel Band of Mission Indians, Gabrielino/Tongva Nation, Gabrielino Tongva Indians of California Tribal Council, and the Gabrielino Tongva Tribe. Notification of the public meetings and the requests for comments during scoping and Draft EIS public comment period were advertised in in three different languages (English, Spanish, and Armenian) in the following publications: *Opinión*, *Asbarez*, *Pasadena Star News*, *The Burbank Leader*, and the *Glendale News Press* newspapers. The flyer and the newspaper advertisements are contained in **Appendix A**. The FAA issued a Notice of Intent (NOI) to prepare an EIS on December 18, 2018 and the U.S. EPA published its Notice of Availability for the Draft EIS on August 21, 2021.

- **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 the health or safety of children due to the implementation of the Proposed Project.
- **Executive Order 11990, Protection of Wetlands, and Department of Transportation Order 5660.1A, Preservation of the Nation's Wetlands:** The Proposed Project sites does not contain wetlands. No impacts to wetlands will occur.

- **Executive Order 11988, *Floodplain Management*, and Department of Transportation Order 5650.2, *Floodplain Management and Protection*:**
There is no proposed development that would affect either the 100-year or 500-year floodplains in the study areas for the Proposed Project.

ROD.12 DECISION

Approval by the FAA to implement the FAA's Preferred Alternative signifies that applicable federal requirements relating to airport development and planning have been met and permits the Burbank-Glendale-Pasadena Airport Authority to proceed with the Proposed Project. This decision does not constitute a commitment of funds under the AIP. However, it does fulfill the environmental prerequisites to approve applications for grants and AIP funds for the proposed project in the future.

Decision

I have carefully considered the FAA's goals and objectives in relation to the various aeronautical aspects of the proposed replacement passenger terminal building at Bob Hope "Hollywood Burbank" Airport as discussed in the Final EIS. I have considered the purpose and need that this project would serve; the alternative means of achieving the purpose and need; the environmental impacts of these alternatives; and the mitigation and minimization measures to preserve and enhance the human, cultural, and natural environment.

Under the authority delegated by the Administrator of the Federal Aviation Administration, I find that the Project in the ROD is reasonably supported. I therefore direct that the following Agency Actions and Approvals be taken to carry out this decision, including the following:

Federal Actions by the FAA

1. Unconditional approval of portions of the Airport Layout Plan (ALP) that depict those portions of the Proposed Project subject to FAA review and approval pursuant to 47107(a)(16); and
2. Determinations under 49 USC §§ 47106 and 47107 that are associated with the eligibility of the Proposed Project for federal funding under the Airport Improvement Program and under 49 USC § 40117, as implemented by 14 CFR § 158.25, to use passenger facility charges collected at the Airport for the Proposed Project to assist with construction of potentially eligible development items from the Airport Layout Plan.



Date: _____

Mark A. McClardy, Director,
Office of Airports,
Western-Pacific Region,
Federal Aviation Administration

RIGHT OF APPEAL

This ROD constitutes a Final Order of the FAA Administrator and is subject to exclusive judicial review under 49 USC § 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 USC § 46110.

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