

Date: June 20, 2006

To: Mayor O'Neill and Members of the Long Beach City Council

From: Joan Greenwood *JVA*
2091 San Francisco Avenue
Long Beach, CA 90806

Re: Agenda Item CH-02
Opposition to Certification of the Airport EIR

I urge you not to certify the draft EIR prepared for the proposed airport modernization project. It is time for the City Council to insist that actions requiring CEQA analysis follow both the spirit and the letter of the law. (Note: I have a degree and graduate level training in analytical chemistry, a certificate in environmental management from the University of California, Irvine and have been designated as a Registered Environmental Assessor by the California Department of Toxic Substances Control.)

The documentation and the process under consideration do not display the characteristics necessary to avert a court challenge to the sufficiency of the analysis. The CEQA process is predicated upon:

1. Timely Initiation
2. Systematic Analysis
3. Public Participation
4. Use of Plain Language
5. Focused Assessment of Impacts
6. Problem-solving Approach
7. Objectivity
8. Inclusiveness
9. Site-specificity

1. Timely Initiation

CEQA is the environmental component of agency planning and should be integrated with other planning processes at the earliest possible time. The process works best when triggered at the proposal stage, or when an agency is considering a goal, such as modernization, and is actively pursuing different means of accomplishing that goal.

The Airport EIR has failed this requirement by being held off until the design stage. Consequently, the discussion of real environmental issues and alternatives has been eclipsed by a massive document that fails to meet the needs of the public and the decision-makers.

2. Systematic Analysis

Environmental analysis must be systematic. The selection of appropriate issues, impact topics, mitigation strategies, analysis boundaries and alternatives is one of the first and most important steps in the process.

The Airport EIR failed this requirement by ignoring public input perceived as not being a CEQA element. CEQA is an example of procedural law. It is not substantive. Allowing more gate capacity than required by the current noise ordinance cannot be dismissed as mere speculation. Gate capacity has a foreseeable, direct impact on the human environment and public safety. It must be analyzed based on evidence. Evidence was presented by the public in sworn testimony.

3. Public Participation

Diligent efforts to involve the interested and affected public in the CEQA process means more than holding hearings. Regardless of the level of impact and/or documentation, the impacts identified during the scoping process must be analyzed and addressed.

The Airport EIR has failed this requirement by side-stepping analytical components and substituting stock answers to real concerns.

4. Use of Plain Language

Because the public has been given an essential role in monitoring the CEQA process, it is essential that the document be written in a language that the general public can understand.

The Airport EIR has failed this requirement, especially when it comes to the health risk assessment. If a person with extensive scientific education, training and experience cannot follow the logic of the analysis, then how can the general public and decision-makers be expected to do so?

Models are just that "models" not reality. An important component of the environmental setting is the general aviation traffic that also impacts the neighborhoods. The increased physical threat resulting from mid-air collisions is a cumulative impact that was not analyzed and should have been documented to support the City's position governing the maximum number of flights.

Without a "calibration" to test the model against the real world, it is impossible to establish an impact. You cannot derive a quantitative impact from highly qualitative data derived from an air dispersion model without confirmation by real-world sampling. The money allocated for the risk assessment study was more than adequate for covering such costs. Without site-specific "ground truth", a responsible risk manager cannot use the model output as an analytical tool.

5. Focused Assessment of Impacts

Environmental documentation should be concise, clear and to the point. An EIR must emphasize real environmental issues and alternatives and be useful to the decision-maker and the public. Then length of the discussions should be proportional to the seriousness of the impact.

The Airport EIR does not meet this criterion. It demonstrated greater emphasis in boiler-plate construction impacts subject to environmental permitting and regulatory control and fails to analyze cumulative operational impacts and alternatives.

6. Problem-solving Approach

To be useful to decision-makers, an EIR should be analytic rather than encyclopedic. The process should focus the analysis on solving environmental problems by systematic consideration of reasonable alternatives and mitigation measures. Again, stock answers to public concerns does not meet the spirit of the CEQA process. Social and economic consequences can and should be analyzed if they are a direct result of a physical change as a modernization project that involves increasing the number of gates beyond those required for 41 flights per day.

7. Objectivity

The cornerstone of the CEQA process is an objective, high quality scientific analysis of impacts. The risk assessment does not meet this standard. If information is not scientifically defensible, then the CEQA document cannot be legally defensible.

Uncalibrated models are not scientifically defensible. They are tools for "What if" scenarios based on a whole host of assumptions that need to be tested in the real world.

The response to the comments on the risk assessment model and the testimony given at the Planning Commission hearing over stated the significance of agency consultations. The agencies do approve whether or not the consultant's approach meets the client's requirements. The agency is a source of information for input to a model, not whether or not the model is appropriate for the decision to be made.

If the analysis is based on the scientific judgment of one expert, this judgment should be substantiated with literature or other expert's statements and be based on data, education or experience. Peer review of experts' research and CEQA analysis is one way to obtain input on complex environmental issues. To expect experts and members of the public to provide this service at the level of detail necessary on a pro bono is unreasonable. Peer review should have been included in the contracted amount.

8. Inclusiveness

The CEQA process must examine connected actions, cumulative impacts, secondary or indirect impacts and similar actions. The nexus between gate capacity and number of flights is a reality, not speculation and should have been analyzed.

9. Site-specificity

The risk assessment fails to meet the standard for site specificity -- Especially in light of the fact that it did not include the impacts of general aviation on its modeled assumptions.

Based on the characteristics listed above, I urge you not to certify the Airport EIR. It is not a scientifically defensible document. Thank you for your time and consideration of my input.