



PORT OF OAKLAND

**Environmental Considerations in the Master Plan
Oakland International Airport**

July 2005

This paper provides an overview of environmental planning efforts the Port is undertaking as part of the master plan process for Oakland International Airport (OAK). It describes the environmental considerations currently ongoing in consultation with the Stakeholder Advisory Committee and the appropriate level and type of the environmental review. Finally, this paper explains the required procedures and timing of environmental review pursuant to the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA).

The Master Plan and Environmental Assessment

The OAK master plan is being prepared in accordance with the process described in Federal Aviation Administration (FAA) Advisory Circular (AC) 150/5070-6A (Airport Master Plans). In conceiving the master plan, the Port and stakeholders agreed that "it is in their mutual interest to communicate with one another and . . . to focus their mutual attention on 'big picture' needs and solutions, rather than detailed planning of individual Airport facilities."¹

Stakeholder Communication

In keeping with the stated master planning goal, Port staff has been preparing the master plan through regular and constant dialogue with the Stakeholder Advisory Committee. The focus has been on concept-level planning and feasibility study that will identify the need for possible near-term projects (through about 2010 to 2012) and long-term land uses (through 2025). As Port staff and the Stakeholder Advisory Committee have been considering potential developments for various areas on the Airport (e.g., future passenger facilities, cargo, general aviation, airline-related support, etc.), we have also discussed planning considerations associated with the potential land uses, including environmental considerations.

For example, Port staff and the Stakeholder Advisory Committee looked at three possible areas on the Airport for a future passenger terminal. Each area had its own benefits, as well as operational, economic, and environmental constraints. Port staff and the Stakeholder Advisory Committee eliminated two out of the three possible areas for future terminal land use due to environmental and economic feasibility. Port staff also prepared a preliminary environmental screening matrix, which examined site planning considerations (e.g., aesthetics, wetlands and wildlife, geology and soils, etc.) and operational planning considerations (e.g., aircraft noise, air quality, traffic, etc.).

Further, Port staff and the Stakeholder Advisory Committee have looked at potential aircraft noise associated with aircraft operations forecasts for the near-term planning horizon (2010). Aircraft noise was examined using a time-weighted cumulative noise metric (called the California Noise Equivalent Level or CNEL), as well as a single aircraft overflight noise metric (called Single Event Noise Exposure Level or SENEL) along with the numbers of operations by type of aircraft from the 2010 master plan forecast.

¹ Phase Two Agreement dated October 8, 2002 between the Port of Oakland and the City of Alameda, Citizens League for Airport Safety and Serenity (CLASS), and Berkeley Keep Jets Over the Bay (KJOB) Committee, Section 2.14; also see Addendum to Settlement Agreement, dated July 22, 2003, between the City of San Leandro and the Port of Oakland, paragraph 3 (incorporating Section 2.14 of the Phase Two Agreement).

Finally, Port staff asked the Stakeholder Advisory Committee to recommend environmental projects that should be considered in the master plan. The Stakeholder Advisory Committee requested that Port staff consider construction of a sound wall to block aircraft noise emanating from aircraft departures on Runway 29 towards certain areas in the City of San Leandro. Port staff agreed to study this potential environmental project and present results to the Stakeholder Advisory Committee for their input and recommendations.

Concept-Level Planning

Because the OAK master plan is a concept-level planning and feasibility study, it does not provide the details on development plans, engineering feasibility or environmental constraints that would be needed before the Port could decide whether to proceed with any particular project. For example, the Port would need to complete additional planning and engineering on a potential terminal concept before it could know whether it was going to be affordable and what the environmental effects might be, if any.

As such, when it considers approval of the OAK master plan, the Board of Port Commissioners will not be deciding to propose or approve any specific project or groups of projects. Rather, any project identified in the OAK master plan would need to undergo more detailed planning, engineering and environmental review before it could proceed, including understanding how much it might cost, how it is going to be funded, and importantly, its environmental effects (through a CEQA and NEPA process). Only then could a project or groups of related projects be approved by the Board and proceed into construction.

FAA AC 150/5070-6A and Environmental Analysis

Environmental analysis in the OAK master plan process has been conducted in accordance with the FAA AC 150/5070-6A.² The AC recommends that the two essential components of environmental feasibility planning are public acceptance and regulatory compliance. The general principle is that the master planner:

" . . . must recognize both of these factors and design a program through which the public is completely and truthfully informed. A creative approach to environmental considerations, results in a better overall design, and a greater possibility of public support, rather than just meeting the statutory requirements."³

To this end, a major element of the OAK master plan process has been and continues to be extensive outreach to and consultation with the Stakeholder Advisory Committee and elected officials of the neighboring cities. The process has included candid presentations on airport use and capacity forecasts, possible noise effects, current and possible future environmental enhancement measures, and initial environmental assessment of the various possible future projects.

In determining the appropriate level and type of environmental analysis in the OAK master plan, Port staff followed the principle outlined in the AC that:

"The information presented in this AC covers the planning requirements for all airports, regardless of size, complexity or role. However, the scope of study must be tailored to the individual airport, with the level of effort limited to its specific needs and problems. Based on an airport's specific needs, certain master planning elements may be emphasized while others will not be considered at all."⁴

² FAA AC 150/5070-6A, Chapter 8 (Environmental Procedures and Analysis)

³ FAA AC 150/5070-6A, Chapter 8, Section 1.a (page 48)

⁴ FAA AC 150/5070-6A, Chapter 1 (Introduction), Section 4.a (page 2)

As a concept-level planning and feasibility study, the OAK master plan focuses on short-term planning strategies and long-term planning principles, not specific airport projects or facilities. If and when any possible development contemplated in the OAK master plan should ripen into a project that the Port may wish to pursue and approve, the Port will follow all environmental regulations and permit requirements required of specific project-level planning, including the conduct of environmental review under NEPA and/or CEQA.

Federal Action and NEPA

Prior to the Port's proposal for any specific project, neither the AC nor the FAA's environmental procedures requires the review of the OAK master plan pursuant to NEPA. In fact, absent any federal action, there is no basis for the FAA to undertake any environmental assessment under NEPA.

NEPA applies only when a federal government agency proposes "legislation and other major Federal actions significantly affecting the quality of the human environment".⁵ The AC refers to FAA Order 5050.4A, Airport Environmental Handbook, for the specific procedure applicable to airport actions.⁶ FAA Order 5050.4A defines "federal action" as (a) approval of an airport location, (b) approval of an airport layout plan or revisions to an airport layout plan, (c) approval for funding for airport development, (d) requests for the conveyance of government land under the Airport and Airway Improvement Act, and (e) approval of release of airport land.

The master plan AC clearly states that the "FAA does not approve a master plan"⁷; therefore, a master plan does not constitute federal action. Also, the OAK master plan does not involve any one of the triggering federal actions defined in FAA Order 5050.4A.

The AC does contemplate that a master plan includes "the master plan report and a set of drawings".⁸ Drawings may include an airport layout plan. The FAA must conduct an environmental assessment under NEPA should the Port seek FAA approval of a new or revised airport layout plan.

During the OAK master plan process, the Port has produced and presented numerous drawings and land-use plans, some of which will be adopted as part of the OAK master plan. However, the Port does not contemplate seeking FAA approval of any of the drawings or any revision of its airport layout plan at this time. The Port has an FAA-approved airport layout plan consistent with its Airport Development Program (ADP) currently under implementation. Should the Port pursue any development considered in the OAK master plan that is not in its current airport layout plan, the Port will seek a revision of the airport layout plan, and the FAA will conduct the necessary environmental review under NEPA.

CEQA

It is anticipated that the Board of Port Commissioners will approve the OAK master plan document as a planning and feasibility study. Discretionary actions by the Port (through its Board), such as approving the OAK master plan, are required to comply with CEQA. However, because the OAK master plan will be a planning guidance document only (i.e., the Board has not approved, adopted, or funded any possible future actions considered in the OAK master plan), it is anticipated that this Board action will be exempt from CEQA under Section 15262 (Feasibility and Planning Studies) of the CEQA Guidelines.

⁵ NEPA, Section 102(2) (C)

⁶ FAA AC 150/5070-6A, Chapter 8, Section 2.a (page 48)

⁷ FAA AC 150/5070-6A, Chapter 8, Section 3.a (page 49)

⁸ FAA AC 150/5070-6A, Chapter 2 (The Planning Process), Section 4 (page 11)

This approach of exempting the OAK master plan from CEQA review is consistent with the provisions of the ADP settlement agreements between the Port, City of Alameda, Citizens League for Airport Safety and Serenity (CLASS), City of San Leandro, and others. The Phase Two Agreement, entered into by various parties on October 8, 2002, specifically defines the "Master Plan" as "guidelines for future airport development," the approval of which "will be exempt from the requirements of the California Environmental Quality Act . . ." ⁹ The Addendum to Settlement Agreement between the Port and the City of San Leandro provided that the City of San Leandro "shall have formal representation in the formulation of the Master Plan (as defined in subparagraph 2.14 of the Phase Two Agreement)." ¹⁰ The City of San Leandro also agreed "not to bring any challenge to Port's approval of the Master Plan pursuant to the provisions of the California Environmental Quality Act or the National Environmental Policy Act, so long as that approval is limited to approval of the Master Plan as a planning study, and does not constitute a decision by Port to approve, adopt, or fund any project or group of projects described in the Master Plan, or have a legally binding effect on later Port activities." ¹¹

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⁹ Phase Two Agreement, Section 2.14

¹⁰ Addendum to Settlement Agreement, dated July 22, 2003, between the City of San Leandro and the Port of Oakland, paragraph 3

¹¹ Addendum to Settlement Agreement, dated July 22, 2003, between the City of San Leandro and the Port of Oakland, paragraph 10(vi).