

MOTION

On August 21, 2020, the Federal Aviation Administration (FAA) released a draft environmental document for the Burbank Airport terminal replacement project (Airport Project) sponsored by the Burbank-Glendale-Pasadena Airport Authority (Airport Authority). The environmental document was a draft environmental impact statement (draft EIS) pursuant to the requirements of the federal National Environmental Policy Act (NEPA). The operations of Burbank Airport have significant impacts on residents of the City of Los Angeles

On September 23, 2020, Council adopted a motion (CF#: 20-1116) that sought an extension of the public comment period concerning the draft EIS from 45 to 120 days and requested the City Attorney, in concert with a number of City agencies, to evaluate to impacts of the proposed terminal on Los Angeles residents and submit comments on the environmental review.

The City Attorney and City Councilmember Krekorian, on behalf of the City of Los Angeles, on September 11, 2020 sent a letter to the FAA requesting an extension of the comment period as Council requested. The FAA only agreed to a 22-day extension of the public comment period.

The City Attorney worked with the Department of Transportation and was assisted by the law firm of Remy Moose Manly, LLP, to prepare comments concerning the Airport Project draft EIS. On October 26, 2020, on behalf of the City of Los Angeles, the City Attorney submitted the City's comments asserting the following draft EIS flaws: (1) inadequate consideration of air quality impacts during construction; (2) inadequate analysis of traffic impacts of construction and changes to the airport's configuration; (3) inadequate review of construction health impacts; (4) inadequate analysis of construction noise impacts and airport operational noise impacts after construction; (5) failure to adequately evaluate construction activities; (6) failure to consider the environmental impacts of additional services such as restaurants; (7) failure to consider the project construction's impact on the existing control tower; (8) failure to state whether impacts on private jet use at the airport were considered; (9) failure to engage in an environmental justice analysis; (10) failure to consider socioeconomic impacts on residents and businesses; and (11) inadequate consideration of cumulative impacts.

On May 14, 2021, the FAA released its final environmental impact statement (final EIS) for the replacement terminal and, although purporting to respond to the City's environmental comments, failed to undertake any further required environmental review as requested by the City or correct any of the FAA's failures to comply with NEPA outlined by the City's comment letter.

The City filed a lawsuit against the FAA and the Airport Authority on July 12, 2021 (*City of Los Angeles v. FAA*, Ninth Circuit Case No. 21-71170). The City's lawsuit states ten causes of action mirroring its comments to the draft EIS stated above for different ways the Final EIS fails to comply with the requirements of NEPA. The City Attorney was again assisted by the firm of Remy Moose Manly, LLP, which helped prepare the City's comments to the draft EIS and which has significant experience representing public entities, including the



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City, in environmental litigation involving NEPA and has represented clients in litigation with the FAA concerning airport environmental matters.

I THEREFORE MOVE that the City Council AUTHORIZE the City Attorney to execute a contract with Remy Moose Manly, LLP for the purpose of assisting the City Attorney in representing the City in the litigation related the FAA's environmental review of the replacement of the terminal at Burbank Airport.

Presented by: Paul Krekorian  
PAUL KREKORIAN  
Councilmember, 2<sup>nd</sup> District

Seconded by: Paul Kretz

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