

STATE OF CALIFORNIA

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August 22, 2025

File Ref: SCH #2024020006

Lisa Lane Barnes
City Clerk
City of Huntington Beach
2000 Main Street, 2nd Floor
Huntington Beach, CA 92648

Connor Hyland
Senior Deputy Attorney
City of Huntington Beach, Office of the City Attorney
2000 Main Street, Fourth Floor
Huntington Beach, CA 92648

VIA ELECTRONIC MAIL ONLY

(SupplementalComm@Surfcity-hb.org; connor.hyland@surfcity-hb.org)

Subject: Final Environmental Impact Report for the Pacific Airshow Huntington Beach, Orange County

Dear Lisa Lane Barnes and Connor Hyland:

The California State Lands Commission (Commission) staff has reviewed the final Environmental Impact Report (FEIR) and responses to comments for the Pacific Airshow Huntington Beach (Project), which is being prepared by the City of Huntington Beach (City), the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The Commission is a trustee agency for projects that could directly or indirectly affect State sovereign lands and their accompanying Public Trust resources or uses. Additionally, because the Project involves activities on State sovereign land under the Commission's jurisdiction, the Commission will act as a responsible agency for approval of these activities. This letter provides Commission staff comments and concerns regarding the FEIR, which the Commission will rely upon in amending or issuing a new lease for the Project.

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ADDITIONAL INFORMATION FOR CITY COUNCIL CONSIDERATION

Master Response B: Previous Agency Concerns About the Airshow

In this response, the City states: "Several commentors mentioned a video regarding the "airshow's past harm to wildlife." **The City is not in possession of a video.**" [Emphasis added.] It further states: "There have also been comments in letters submitted by the California State Lands Commission, the California Department of Fish and Wildlife, and Carstens, Black & Minter indicating there have been significant adverse impacts on wildlife and habitat on the Bolsa Chica Wetlands during previous Airshows; however, specific evidence has not been provided as part of this Draft EIR process. Therefore, these comments are noted and included in the Project record. No response is required because the comment neither raises a specific, significant environmental issue nor addresses the contents of the Draft EIR." [Emphasis added.]

"The City is not in possession of a video." - This is a disingenuous statement. The Commission provided videos taken by CDFW staff of loud, low 2021 Airshow overflights causing birds to flush to the City of Huntington Beach in response to a Public Records Act (PRA) request by the City in 2023. Proof of delivery of this evidence to the City is provided in the link in this paragraph, including the Commission's letter in response to the PRA and three separate emails providing the link to the video and photographic evidence referred to in the response letter, including acknowledgement of receipt by the city attorney, Michael Gates. ([2023 City of HB PRA Materials](#))¹ Despite having been provided this evidence, the City, as lead agency, did not include it in the CEQA analysis. Although a lead agency is not required to include all information on an issue, it is required to make a reasonable good faith disclosure. (*Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1397; *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392.) The selective omission of evidence crucial to analyzing the effects of a project violates CEQA. (*City of Long Beach v. City of Los Angeles* (2018) 19 Cal.App.5th 465, 487-488.)

Since 2021 and through 2024, the CDFW on-site management staff at the Bolsa Chica Ecological Reserve have documented the Airshow jet overflight impacts to wildlife by videos and photographs. Staff is including additional video evidence from the 2023 and 2024 Airshows for the City Council's consideration.

¹ Full link: https://caslc-my.sharepoint.com/:f/g/personal/lucinda_calvo_slc_ca_gov/EumgjiMVjuRBGI7d2AIQ9Xh0BIQVp-vSR5mvK0rk8GsHe_AA?e=dSegcC

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([2023-2024 Airshow videos link](#))² Staff requests the evidence of impacts from the 2023 and 2024 Airshows in addition to the evidence provided for the 2023 PRA request be considered in the EIR analysis prior to certification so that the lead agency meets the CEQA requirement to "use its best efforts to find out and disclose all that it reasonably can" about the project's impacts, rather than strategically omitting evidence demonstrating those impacts.

(see *People ex rel. Bonta v. County of Lake* (2024) 105 Cal.App.5th 1222, 1233, quoting and discussing CEQA Guidelines, § 15144.)

Analytical and Data Gaps Affecting Responsible Agency Approval

- Staff appreciates the robustness with which the biological monitoring plan is described in Master Response D. The FEIR clearly describes the role and required qualifications of biological monitors, when and where within the Biological Study Area (BSA) biological monitors will be located, what conditions the monitors are there to observe, and actions that may be taken by the monitors (e.g., creating buffers for any nesting special status birds, removal of trash and debris from nest sites or sensitive habitat, and initiating consultation with the City/Applicant to propose an increase in elevation if noticeable changes in behavior of special status species are observed). In addition, the yearly post-Airshow reports will provide transparency to the public and an opportunity to adapt recommendations based on field observations for future Airshows.
- There is a logical gap between finding noise impacts (to humans) to be significant and unavoidable while noise impacts to wildlife are found to be Less Than Significant (LTS), rather than Less Than Significant with Mitigation (LTSM).
 - Specifically, the City has found Noise impacts for the Airshow to be significant and unavoidable. Both aircraft noise and the multi-day music festival would result in exceedances of the City's ambient noise thresholds. In addition, the City found that the music festival would also result in impacts from ground borne vibration and ground borne noise. The mitigation measure proposed to address these impacts, MM NOI-1, focuses on the installation of sound barriers to dampen noise and vibration received by sensitive receptors from the music festival. No mitigation is proposed for aircraft noise. While the City has acknowledged that aircraft noise would contribute a significant and unavoidable impact to humans,

² Full link: https://caslc-my.sharepoint.com/:f/g/personal/lucinda_calvo_slc_ca_gov/EiZpRBUZEK9OnFR7aklWKVYBOwUfgtLoZ0YeV7QaGSKAZw?e=Pka6OI

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the City also found that impacts to biological resources from noise would be less than significant, and in FEIR responses to comments states, "Worth noting, the biological monitoring that occurred from 8:00 am to 4:30 pm during the first two days of the 2023 Airshow (September 29, 2023, and September 30, 2023) did not detect noise-related impacts to sensitive species during flyovers or the presence of nests." Staff believes that the video and photographic evidence discussed in the Additional Information for City Council Consideration (above) provides substantial evidence beyond the 2 days from the 2023 Airshow which should have been used to inform the FEIR analysis of noise impacts to special status species. The available evidence suggests that a potentially significant impact to wildlife should occur if significant and unavoidable impacts were found for humans, particularly since the City has stated in the FEIR (page 3-48) "Wildlife that is more sensitive to human disturbances and noise may be deterred by the Project related activities" and "Sound pollution and repeated overhead flyovers can pose a threat to wildlife or harass wildlife species when they occur directly over an occupied area causing bird populations to take flight each time a plane or low flying aircraft fly over." The potentially significant impact to wildlife could be reduced to LTSM through compensatory mitigation, such as a CDFW incidental take permit which might include funding projects or activities within or near the Bolsa Chica Ecological Reserve to benefit the affected special status species.

- The 2023 Airshow biological monitoring information referenced in the FEIR is included with Master Response D (page 3-7) but was not provided as an appendix or directly incorporated into the Biological Resources Technical Report (Appendix D). Staff requests a copy of this report for our Responsible Agency analysis.
- The FEIR proposes several activities for post-2025 airshows that are either not analyzed in the FEIR or only mentioned in a few resource areas. The nature of the activities would suggest that they would take place below the mean high tide line and in Commission jurisdiction. The following activities are either not included in the FEIR or do not include sufficient detail for the Commission, as a responsible agency, to rely upon the document for issuance of a potential lease. If this information is not included in the certified EIR, then the Commission may need to conduct subsequent environmental review before taking a future discretionary action related to the Project. Alternatively, Commission staff would need to consider specifically excluding these activities from a potential future lease. These activities include:

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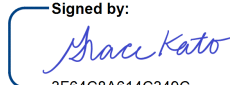
- Pyrotechnic Daily and Nightly Shows: Described in the EIR as “Both daily and nightly shows may be discharged by aircraft, the Huntington Beach Pier, or an ocean barge. Nightly pyrotechnic shows will conclude by 11:00 PM” (page 2-9; 2.6.1 Historic and Future Airshow Activities and Events Schedule). The pyrotechnic/fireworks shows are briefly discussed in Air Quality (Section 3.1) and Noise (Section 3.4) and the EIR states “During the Airshow events, the temporary Airshow pyrotechnic display would occur over water, similar to the City’s annual 4th of July Fireworks Over the Ocean and would not result in permanent effects on the environment”. However, the pyrotechnics/fireworks are proposed to potentially take place over Commission jurisdiction through a variety of proposed methods that are neither fully described in the project description nor analyzed. For example, if an ocean barge were to be used, information such as anchor locations and methods should be known, impacts to biological resources, water quality, and hazards and hazardous materials should also be analyzed and included in the EIR.

Thank you for the opportunity to comment on the FEIR for the Project. As a responsible and trustee agency, the Commission will rely on the Final EIR in amending or issuing a new lease. Staff requests that you consider these comments before certifying the FEIR.

Please send electronic copies of the Final EIR (if revised), Mitigation Monitoring and Reporting Program, Notice of Determination, approving resolution, CEQA Findings, and Statement of Overriding Considerations when they are final.

Refer questions concerning environmental review to Robin Tuohy, Environmental Scientist, at Robin.Tuohy@slc.ca.gov. For questions concerning Commission leasing jurisdiction, please contact Jeffrey Plovnick, Public Land Management Specialist, at Jeffrey.Plovnick@slc.ca.gov.

Sincerely,

Signed by:

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GRACE KATO
Acting Executive Officer

cc: Seth Blackmon, Chief Counsel, Commission
Wendy Hall, Special Projects, Commission
Nicole Dobroski, Chief of DESPM, Commission