

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CENTER FOR COMMUNITY ACTION
& ENVIRONMENTAL JUSTICE,
SIERRA CLUB, TEAMSTERS LOCAL
1932, SHANA SATERS, and MARTHA
ROMERO,

Petitioners,

v.

FEDERAL AVIATION
ADMINISTRATION, STEPHEN
DICKSON, in his official capacity as
Administrator of the Federal Aviation
Administration, SAN BERNARDINO
INTERNATIONAL AIRPORT, INC.,
and HILLWOOD ENTERPRISES L.P.,

Respondents.

PETITION FOR REVIEW

Petition for Review

Pursuant to Section 4370m-6(a) of the National Environmental Policy Act (NEPA), 49 U.S.C. § 46110(a), and Rule 15(a) of the Federal Rules of Appellate Procedure, Center for Community Action & Environmental Justice, Sierra Club, Teamsters Local 1932, Shana Saters and Martha Romero hereby petition this Court to review the December 23, 2019 order of the Federal Aviation Administration (FAA) approving the NEPA environmental review of the proposed Eastgate Air

Cargo Facility at the San Bernardino International Airport located in San Bernardino, California (proposed project).

The December 23, 2019 order that is the subject of this petition for review is memorialized in a Finding of No Significant Impact and Record of Decision attached as Exhibit A. The Final Environmental Assessment and accompanying appendices approved by the FAA on December 20, 2019 is Exhibit B hereto. The Draft Environmental Assessment and accompanying appendices approved by the San Bernardino International Airport Authority (SBIAA) and released on July 3, 2019 is attached as Exhibit C. The Final Environmental Impact Report approved by the SBIAA and released in October 2018 is attached as Exhibit D. The minutes, agenda, and PowerPoint presentation from the Special Meeting held by the SBIAA on December 30, 2019, during which the ground lease agreement for the proposed project was ratified by and between the SBIAA and developer Hillwood Enterprises, L.P. (Hillwood) is attached as Exhibit E.

Petitioners ask this Court to set aside FAA's orders issued on December 20, 2019 and December 23, 2019 as arbitrary and capricious because they are contrary to federal law and unsupported by a convincing statement of reasons in the record. Petitions further request this Court vacate the December 30, 2019 ground lease agreement by and between SBIAA and Hillwood because it is predicated on those unlawful orders. Finally, Petitioners ask this Court to require FAA to prepare an

Environmental Impact Statement for the proposed project in accordance with applicable federal law.

Respectfully submitted this 29th day of January, 2020.

ADRIAN MARTINEZ, CA Bar No. 237152
YASMINE AGELIDIS, CA Bar No. 321967
Earthjustice
707 Wilshire Blvd., Suite 4300
Los Angeles, CA 90017
T: 213.766.1060
F: 213.403.4822
E: amartinez@earthjustice.org
yagelidis@earthjustice.org

GREGORY MUREN, CA Bar No. 319313
Earthjustice
50 California Street, Suite 500
San Francisco, CA 94111
T: 415.217.2000
F: 415.217.2040
E: gmuren@earthjustice.org

*Counsel for Center for Community Action &
Environmental Justice and Sierra Club*

GIDEON KRACOV, CA Bar No. 179815
Law Office of Gideon Kracov
801 S. Grand Avenue, 11th Floor
Los Angeles, CA 90017
T: 213.629.2071
F: 213.623.7755
E: gk@gideonlaw.net

*Counsel for Teamsters Local 1932, Shana Saters,
and Martha Romero*

CERTIFICATE OF SERVICE FOR ELECTRONIC FILING

I hereby certify that I electronically filed the **Petition for Review** and **Corporate Disclosure Statement** on this date with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the Appellate Electronic Filing system. I certify that I caused to be served the foregoing documents on this date by Overnight Mail for delivery within 3 calendar days to the following unregistered case participants:

William Barr
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Arjun Garg
Chief Counsel
Federal Aviation Administration
Office of the Chief Counsel
800 Independence Avenue S.W.
Washington, D.C. 20591

Nicola T. Hanna
United States Attorney for the
Central District of California
c/o Civil Process Clerk
312 North Spring Street
Los Angeles, CA 90012

San Bernardino International Airport,
Inc.
Michael Burrows
1601 E. Third Street
San Bernardino, CA 92408

Stephen Dickson
Administrator
Federal Aviation Administration
Office of the Administrator
800 Independence Avenue S.W.
Washington, D.C. 20591

Hillwood Enterprises, L.P.
John Magness
901 Via Piemonte Suite 175
Ontario, CA 91764

I certify under penalty of perjury that the foregoing is true and correct.

Executed on January 29, 2020 in Los Angeles, California.

/s/ Brea Childs