



U.S. Department
of Transportation

**Federal Aviation
Administration**

Western-Pacific Region
Office of the Regional Administrator

777 S. Aviation Blvd., Suite 150
El Segundo, CA 90245

February 22, 2019

The Honorable Eric Filseth
Mayor of the City of Palo Alto
P.O. Box 10250
Palo Alto, CA 94303

Dear Mayor Filseth:

This is in response to former Mayor Liz Kniss' letter dated November 13, 2018, regarding the proposed PIRAT Standard Terminal Arrival Route (STAR). This letter identifies a number of concerns that we have addressed below.

Community Engagement

During the spring of 2016, U.S. Representatives Eshoo, Speier, and Farr designated local representatives to serve on a Select Committee to address community noise concerns. The 12 representatives were elected officials from Santa Cruz, Santa Clara, San Mateo and San Francisco Counties and were chosen, in part, to facilitate community involvement within their respective districts. The development of the PIRAT STAR is in response to the Select Committee recommendation 2.3-2, which stated, "The Select Committee recommends revision of the Woodside Omni-directional Radio Range (VOR) Ocean Tailored Arrival to honor the existing noise abatement procedure to cross the Woodside VOR at 8,000 feet."

Since this recommendation was voted upon unanimously by the Select Committee, on behalf of their constituents, community engagement was completed through 3 community meetings, 10 working meetings (hosted by the City of Palo Alto), and 5 technical briefings. In addition, this proposed action was part of the FAA Initiative Phase 2 and included in multiple updates provided to the 3 Congressional Representatives.

The development of the PIRAT STAR is in compliance with FAA Order 7400.2, Appendix 10, Community Involvement Policy which states "to promote an active public role to minimize potential adverse community reaction to agency plans that are necessary for safe, effective, and environmentally responsible management of our airspace."

Freedom of Information Act (FOIA) Request

The FAA received a FOIA request from Peter J. Kirsch, Kaplan Kirsch & Rockwell, dated October 29, 2018, for records related to the PIRAT STAR. In response, the FAA sent Mr. Kirsch an acknowledgment e-mail on November 2, 2018. This communication was followed by a request for fee concurrence on November 14, 2018, followed by telephone call to the requester that was returned on December 12, 2018, regarding the scope of the request. The FAA is currently reviewing records responsive to the request.

Ambiguity of Vectoring Route, Altitudes and Impacts

The PIRAT STAR would be used by eastbound aircraft approaching San Francisco International Airport (SFO) and Metropolitan Oakland International Airport (OAK) over the ocean. It would overlay and replace the current Pacific 2 Tailored Approach, which arrives at the Woodside VOR (OSI). The PIRAT STAR would end at the ARGGG waypoint, located approximately 100 feet west of OSI along the existing track. Currently, aircraft cross the OSI at 6,000 feet mean sea level (MSL). However, aircraft would cross the ARGGG waypoint at 8,000 feet MSL on the PIRAT STAR. After ARGGG, aircraft would be vectored to final and into the arrival sequence. We anticipate SFO and OAK oceanic arrivals will follow the same ground track as they do today, including being vectored after the OSI. Due to the dynamic nature of air traffic control, there may be times where aircraft will be at varying altitudes, as they are today, to ensure safe operations into SFO and OAK. There are a number of factors including which runways are in use, air traffic volume, and weather conditions that may impact the path an aircraft takes even when flying a particular route.

Impacts of Increased Volume

As with every procedure that the FAA implements, the PIRAT STAR was designed utilizing established criteria and has undergone operational, as well as safety evaluations to ensure compatibility within the airspace. The PIRAT STAR would be a public procedure for SFO and OAK, available to any airline that has aircraft that are properly equipped, and crews that are suitably trained and certified to fly it. The Pacific 2 is only available to certain airlines. Oceanic arrivals that currently cannot use the Pacific 2 are vectored to simulate the Pacific 2 flight track to the OSI or another point on the final approach. We anticipate more aircraft will likely use the PIRAT STAR than the Pacific 2 TA. However, the increased volume of oceanic arrivals is generated by the demand at SFO or OAK. Therefore, the FAA defers to SFO or OAK to address the potential increase in oceanic arrivals.

Environmental Impacts

As stated above, the PIRAT STAR is an overlay of the Pacific 2 TA and the current routes flown by oceanic arrivals into SFO and OAK and represents a Proposed Action. The three levels of review under NEPA are Categorical Exclusion (CATEX), Environmental Assessment (EA), and Environmental Impact Statement (EIS). A CATEX refers to a category of actions that the FAA has determined, based on previous experience, does not individually or cumulatively have a significant effect on the human environment except in extraordinary circumstances. The presence of extraordinary circumstances would preclude the use of a CATEX and would merit additional review required in an EA or EIS. A CATEX does not constitute a NEPA review waiver or exemption; rather, it is a level of NEPA review and compliance. FAA Order 1050.1F, Section 5-6.5, Categorical Exclusions for Procedural Actions includes the list of CATEXs involving establishment, modification, or application of airspace and air traffic procedures. Extraordinary circumstances are factors or circumstances in which a normally categorically excluded action may have a significant environmental impact that then requires further analysis in an EA or EIS.

For FAA proposed actions, extraordinary circumstances exist when the proposed action involves any of the circumstances described in Order 1050.1F, Paragraph 5-2(b) and has the potential for a significant impact. The determination of whether a proposed action may have a significant environmental impact under NEPA is made by considering the relevant environmental impact categories and comparing impacts to the FAA's thresholds of significance, where applicable, as well as any other relevant federal laws and statutes, Executive Orders, and regulations as outlined in FAA Order 1050.1F. The following factors, were considered when we evaluated the proposed PIRAT STAR:

- An adverse effect on cultural resources protected under the National Historic Preservation Act of 1966, as amended, 54 U.S.C. §300101 et seq.
- An impact on properties protected under Section 4(f) of the Department of Transportation Act.
- An impact on natural, ecological, or scenic resources of Federal, state, tribal, or local significance.
- An impact on noise levels of noise sensitive areas.
- An impact on air quality.
- Impacts on the quality of the human environment that are likely to be highly controversial on environmental grounds.
- Likelihood to directly, indirectly, or cumulatively create a significant impact on the human environment.

During evaluation of the proposed PIRAT STAR, it was found that no extraordinary circumstances existed that would preclude the use of a CATEX to satisfy NEPA requirements. Therefore, the FAA completed a CATEX on the proposed PIRAT STAR and will publish the new procedure on February 28, 2019.

In closing, the FAA is committed to continuing its collaborative work with the SFO roundtable, the Select Committee's final recommendations, and Members of Congress to address a wide range of concerns. However, the FAA's participation in SFO Roundtable sessions, our responses to SFO/Select Committee recommendations, as well as this communication do not constitute a final decision of the FAA or reopen the FAA's August 7, 2014, Environmental Assessment or reopen the FAA's August 7, 2014, final decision for the NorCal Optimization of Airspace and Procedures in the Metroplex. Any changes to procedures would be a new action and must be subjected to safety and environmental reviews.

If I can be of further assistance, please contact me or Philip Newman, Assistant Administrator for Government and Industry Affairs, at (202) 267-3277.

Sincerely,



Raquel Girvin
Regional Administrator

Cc:

Hon. Kamala D. Harris, U.S. Senate

Hon. Dianne Feinstein, U.S. Senate

Hon. Anna G. Eshoo, U.S. House of Representatives

Ivar C. Satero, Director of San Francisco International Airport

Bryant L. Francis, Oakland International Airport