

Evan Wasserman

From: Garcia, Faviola (FAA) <Faviola.Garcia@faa.gov>
Sent: Tuesday, August 27, 2019 3:48 PM
To: Mary-Lynne Bernald; scscroundtable@gmail.com
Cc: Chapman, Karen; Lee, Kathleen; 'Pyke, Tom'; Steven Alverson; Evan Wasserman; Girvin, Raquel (FAA); Swann, Tamara A (FAA); Andi Jordan
Subject: FAA Response Letters to Various Inquiries
Attachments: 08.23.19 FAA Response to Superisior Coonerty letter dated 07.08.19.pdf; 08.23.19 FAA Response Bruce McPherson letter dated 07.08.19.pdf; 08.23.19 FAA Response to Bruce McPherson letter dated 05.17.19.pdf; 08.23.19 FAA Response to Supervisor Ryan Coonerty letter dated 05.17.19.pdf; 08.23.19 FAA Response to Ms. Cynthia Mathews letter dated 05.17.19.pdf; 08.23.19 FAA Response to Mayor Martine Watkins letter dated 05.17.19.pdf; Final Response AWP-1-20190711-Mary-Lynne Bernald-Alastair Fyfe.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Mary-Lynne,

As previously agreed, we are forwarding you these letter responses for distribution. The letters were recently re-assigned to our office for signature by the Regional Administrator and were signed late last week while I was out. Since these letters got ahead of me and were signed, I took Steve's suggestion to forward them to you with a cover letter/email.

In the future we will continue to acknowledge the letter from the originator and let them know they will be hearing from us through the Roundtable Chairperson, as previously coordinated with you. If you need a formal transmittal cover letter from the Regional Administrator, please let me know. We'd be happy to provide it.

The last letter in this transmittal is a response to Mr. Fyfe's inquiry, dated Aug. 6th. I wasn't sure if you'd received it since Steve inquired about the status.

Please let me know if you have any questions and we'll see you tomorrow.

Favi-
Faviola Garcia
Senior Advisor
Federal Aviation Administration
Office of the Regional Administrator
(424) 405-7006



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

AUG 23 2019

The Honorable Ryan Coonerty
Santa Cruz County Supervisor, 3rd District
701 Ocean Street, Suite 500
Santa Cruz, CA 95060-4069

Dear Supervisor Coonerty:

Thank you for your co-signed July 8, 2019, letter regarding the scope of the National Environmental Policy Act (NEPA) review, the collection and analysis of noise data, and the possibility of public meetings in regards to the SERFR flight path. Below are your questions, followed by the Federal Aviation Administration (FAA) responses:

Question 1: Will the FAA conduct a full NEPA review?

FAA Response: The FAA is unclear as to what you mean when you state “full NEPA review.” The FAA will evaluate all major Federal actions and comply with NEPA and FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, before implementing any proposed action.

FAA Order 1050.1F provides the FAA’s policies and procedures to ensure agency compliance with NEPA (42 United States Code [U.S.C.] §§ 4321-4335), and the requirements set forth in the Council on Environmental Quality (CEQ), Title 40, Code of Federal Regulations (CFR), parts 1500-1508, *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act* (CEQ Regulations). The CEQ Regulations establish procedures for complying with NEPA. In accordance with 40 CFR § 1507.3 of the CEQ Regulations, FAA Order 1050.1F contains the FAA’s implementing procedures, which supplement those regulations.

NEPA and the CEQ Regulations establish a broad national policy to protect and enhance the quality of the human environment, and require Federal agencies to develop programs and measures to meet national environmental goals. Section 102(2) of NEPA provides specific direction to Federal agencies, sometimes called “action-forcing” provisions (see 40 CFR §§ 1500.1(a), 1500.3, and 1507, CEQ Regulations) on how to implement the goals of NEPA. The major provisions include the requirement to use a systematic, interdisciplinary approach and develop implementing methods and procedures. Section 102(2)(C) requires detailed analysis in the form of Environmental Impact Statements (EISs) for proposed major Federal actions significantly affecting the quality of the human environment.

The CEQ Regulations additionally provide for Environmental Assessments (EAs) to assist agencies in determining whether potential environmental impacts are significant and Categorical Exclusions (CATEXs). CATEXs are categories of actions that the FAA has determined, based on previous experience, do not have significant individual or cumulative impact on the quality of

the human environment except in extraordinary circumstances. The presence of extraordinary circumstances would preclude the use of a CATEX and would merit additional review in an EA or EIS. In addition to NEPA and the CEQ Regulations, other laws, regulations, and Executive Orders address aspects of the environment and require compliance by Federal agencies. The CEQ Regulations direct Federal agencies to list all Federal permits, licenses, and other approvals that must be obtained in implementing the proposed action, and, to the fullest extent possible, integrate compliance with such requirements with the NEPA process. We would comply with NEPA again.

Question 2: Will the FAA collect and analyze field data of the noise impacts of the proposed amendments prior to permanent implementation?

FAA Response: In accordance with NEPA, the CEQ Regulations, and FAA Order 1050.1F, the FAA will prepare the appropriate level of environmental analysis for any proposed future Federal action.

FAA Order 1050.1F states “For air traffic airspace and procedures actions where the study area is larger than the immediate vicinity of an airport, incorporates more than one airport, and/or includes actions above 3,000 feet AGL [above ground level], an FAA-approved model must be used.” The Aviation Environmental Design Tool (AEDT) is the approved and nationally-recognized computer model used to determine aircraft noise. FAA Order 1050.1F further states that “Noise monitoring data is not required for FAA noise analyses, but may optionally be included in a [NEPA] document. Noise monitoring data should not be used to calibrate the noise model.”

Question 3: Will the FAA conduct one or more public information meetings to educate the community regarding amendments prior to implementing them?

FAA Response: In accordance with NEPA, the CEQ Regulations, FAA Order 1050.1F, and FAA community engagement guidance, the FAA will determine whether to undertake specific community outreach efforts and what the appropriate level of community outreach will look like.

The FAA is mindful that all arrival and departure procedures within the Northern California (NorCal) airspace are interconnected, interdependent, and designed to improve safety and efficiency within the National Airspace System (NAS). We will continue to work to ensure safety and efficiency within the NAS, while being cognizant of potential environmental impacts to communities and being transparent with the communities about airspace changes.

I would also like to take this opportunity to convey that the FAA recognizes that airspace procedure changes should take into account shifting potential environmental impacts from one community to another. Hence, the FAA encourages all potentially-affected communities to collaborate through groups such as noise roundtables to consider relevant stakeholder concerns. If and when the FAA determines the new procedure meets safety criteria and is operationally feasible, the FAA will consult with elected representatives and airport roundtables about next steps.

Finally, I would like to note the mischaracterization in your letter that FAA officials gave “testimony” during the June 26, 2019, Santa Clara/Santa Cruz Counties Airport/Community

Roundtable (Roundtable). The FAA participation at the Roundtable should not be construed as providing testimony. Rather, FAA officials presented technical information such that the Roundtable can make future recommendations. Testimony implies a judicial or quasi-judicial proceeding in which a witness is sworn in and expressly agrees to testify under oath. The June 26, 2019, Roundtable meeting did not constitute a judicial or quasi-judicial function, nor were any of the FAA participants given an opportunity to be sworn in under oath prior to their public remarks. If future Roundtable meetings will include such judicial or quasi-judicial proceedings, please provide the FAA with timely notice such that it can determine its appropriate level of participation.

Thank you for this opportunity to review and respond to your concerns. An identical response has been sent to the co-signer of your letter. If we can be of further assistance, please contact Philip Newman, Assistant Administrator for Government and Industry Affairs at (202) 267-3277.

Sincerely,

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Raquel Girvin
Regional Administrator



U.S. Department
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**Federal Aviation
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Western-Pacific Region
Office of the Regional Administrator

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

AUG 23 2019

The Honorable Bruce McPherson
Santa Cruz County Supervisor, 5th District
701 Ocean Street, Suite 500
Santa Cruz, CA 95060-4069

Dear Supervisor McPherson:

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circumstances would preclude the use of a CATEX and would merit additional review in an EA or EIS. In addition to NEPA and the CEQ Regulations, other laws, regulations, and Executive Orders address aspects of the environment and require compliance by Federal agencies. The CEQ Regulations direct Federal agencies to list all Federal permits, licenses, and other approvals that must be obtained in implementing the proposed action, and, to the fullest extent possible, integrate compliance with such requirements with the NEPA process. We would comply with NEPA again.

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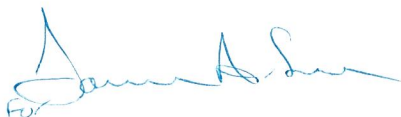
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Thank you for this opportunity to review and respond to your concerns. An identical response has been sent to the co-signer of your letter. If we can be of further assistance, please contact Philip Newman, Assistant Administrator for Government and Industry Affairs at (202) 267-3277.

Sincerely,



Raquel Girvin
Regional Administrator



U.S. Department
of Transportation

**Federal Aviation
Administration**

AUG 23 2019

Western-Pacific Region
Office of the Regional Administrator

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

The Honorable Bruce McPherson
Santa Cruz County Supervisor, 5th District
809 Center Street, Room 10
Santa Cruz, CA 95060

Dear Supervisor Bruce McPherson:

Thank you for your May 17, 2019, letter regarding the Congressional Select Committee on South Bay Arrivals' (Committee) recommendations in association with movement of the SERFR flight path to the BIG SUR (BSR) track and your request that the Federal Aviation Administration (FAA) attend all Santa Clara-Santa Cruz Community Roundtables (Roundtable) meetings. The FAA appreciates your concerns and advocacy on behalf of your constituents.

The Phase Two Report categorized Committee recommendation 1.2 R1 (that the SERFR flight path be moved to the BSR track) and Committee recommendation 1.2 R2 (that nine specific criteria be considered with the movement of the SERFR flight path to the BSR track) as "Feasible And Could Be Implemented In The Long Term." This characterization is the result of the Committee's 8 to 4 vote to approve its recommendation 1.2 R1, and the FAA's determination that such a procedure was initially technically feasible. As noted in the Phase Two Report, Appendix C, 1.2 and 1.3, the FAA is willing to consider the nine criteria that the Committee has identified and recommended. However, the design of the new procedure is ultimately subject to the FAA's design criteria and safety/operational requirements. Further explanation of the design criteria for the creation of an instrument procedure can be found on page eight, paragraph one of the Phase Two Report.

A Full Working Group was convened on June 4-5, 2019, and included all affected stakeholders with regard to this procedure. If and when the FAA determines the new procedure meets safety criteria and is operationally feasible, the FAA will consult with elected representatives and airport roundtables about next steps.

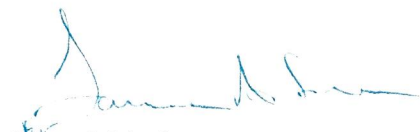
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This communication does not constitute either a final decision of the FAA or a reopening of the FAA's August 7, 2014, final decision for the Northern California (NorCal) Optimization of Airspace and Procedures in the Metroplex (OAPM).

We have sent a similar letter to each of the cosigners of your letter.

Thank you for this opportunity to review and respond to your concerns. Our mission is to provide the safest, most efficient aerospace system in the world. We will continuously strive to improve the safety and efficiency of flight in this country.

Sincerely,



Raquel Girvin
Regional Administrator

cc: The Honorable Jimmy Panetta
The Honorable Anna Eshoo
The Honorable Jackie Speier



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AUG 23 2019

The Honorable Martine Watkins
Mayor of Santa Cruz
809 Center Street, Room 10
Santa Cruz, CA 95060

Dear Mayor Martine Watkins:

Thank you for your May 17, 2019, letter regarding the Congressional Select Committee on South Bay Arrivals' (Committee) recommendations in association with movement of the SERFR flight path to the BIG SUR (BSR) track and your request that the Federal Aviation Administration (FAA) attend all Santa Clara-Santa Cruz Community Roundtables (Roundtable) meetings. The FAA appreciates your concerns and advocacy on behalf of your constituents.

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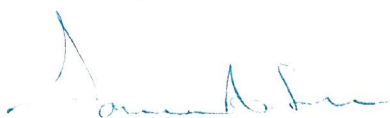
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Thank you for this opportunity to review and respond to your concerns. Our mission is to provide the safest, most efficient aerospace system in the world. We will continuously strive to improve the safety and efficiency of flight in this country.

Sincerely,

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⁰⁵
Raquel Girvin
Regional Administrator

cc: The Honorable Jimmy Panetta
The Honorable Anna Eshoo
The Honorable Jackie Speier



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Western-Pacific Region
Office of the Regional Administrator

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

AUG 23 2019

The Honorable Cynthia Mathews
Santa Cruz City Councilmember
City of Santa Cruz
809 Center Street, Room 10
Santa Cruz, CA 95060

Dear Cynthia Mathews:

Thank you for your May 17, 2019, letter regarding the Congressional Select Committee on South Bay Arrivals' (Committee) recommendations in association with movement of the SERFR flight path to the BIG SUR (BSR) track and your request that the Federal Aviation Administration (FAA) attend all Santa Clara-Santa Cruz Community Roundtables (Roundtable) meetings. The FAA appreciates your concerns and advocacy on behalf of your constituents.

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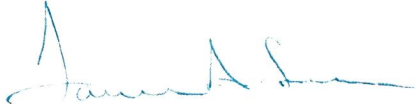
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For
Raquel Girvin
Regional Administrator

cc: The Honorable Jimmy Panetta
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AUG 23 2019

The Honorable Ryan Coonerty
Santa Cruz County Supervisor, 3rd District
809 Center Street, Room 10
Santa Cruz, CA 95060

Dear Supervisor Ryan Coonerty:

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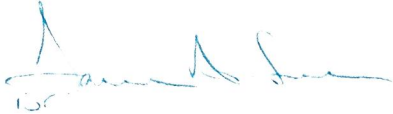
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777 S. Aviation Blvd., Suite 150
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August 6, 2019

Mary-Lynne Bernald
Chairperson
Santa Clara/Santa Cruz Counties Airport/Community Roundtable
PO Box 3144
Los Altos, CA 94024

Dear Ms. Bernald:

Thank you for the email regarding a letter the Santa Clara/Santa Cruz Counties Airport/Community Roundtable received on June 25, 2019, from a member of the public, Mr. Alastair Fyfe. His letter addressed recommendations made in the 2016 Select Committee Final Report and nine criteria in designing the new route, and you asked for the Federal Aviation Administration's (FAA) position on these nine criteria and the development of the BIG SUR (BSR) Overlay.

The Phase Two Report recommended that the SERFR flight path be moved to the historical path flown to BSR. The Select Committee approved with an eight to four vote. The FAA initially determined that such a procedure was operationally feasible. However, the design of the new procedure is ultimately subject to the FAA's design criteria and safety/operational requirements. A Full Working Group convened June 4-5, 2019, and included all affected stakeholders with regard to this procedure. If and when the FAA determines the new procedure meets safety criteria and is operationally feasible, the FAA will consult with elected representatives and airport roundtables about next steps.

Thank you for this opportunity to answer your inquiry.

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