



U.S. Department
of Transportation
**Federal Aviation
Administration**

Western-Pacific Region
Office of the Regional Administrator

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El Segundo, CA 90245

FEB 21 2020

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 your letter dated January 17, 2020, in which the Santa Clara/Santa Cruz Counties Airport/Community Roundtable (SCSC Roundtable) requests additional information regarding the PIRAT Standard Terminal Approach Route (STAR).

We look forward to attending the upcoming SCSC Roundtable meeting on February 26, 2020. In addition to the items outlined in my letter dated January 21, 2020, the Federal Aviation Administration (FAA) will provide a briefing on the San Francisco and Oakland oceanic arrivals and a historical review of the PIRAT STAR, including the following:

- summary information for San Francisco (SFO) and Oakland (OAK) airports to include oceanic and total arrivals;
- track information for oceanic arrivals;
- comparison of the use of Pacific 2 Tailored Arrivals (TA), non-Pacific 2 TAs, and the PIRAT STAR; and
- information on the development and benefit of the PIRAT STAR.

We are also providing electronic files containing a number of data spreadsheets for your review and analysis. The contents of the electronic files are found in the attachment to this letter.

As to the remaining requests in your most recent letter, you are essentially asking the FAA to provide additional environmental analysis beyond that which is required under the National Environmental Policy Act of 1969, 42 U.S.C. § 4321 (NEPA). While the FAA remains committed to providing technical information to the SCSC Roundtable, your three requests with their subparts impose substantially greater requirements than applicable Federal law and FAA policy.

Your letter poses questions about the FAA's noise analysis conducted as part of the categorical exclusion of the proposed amendment of the PIRAT STAR. The FAA Air Traffic Organization established a process to help determine the need for detailed noise analysis of air traffic actions. The FAA conducted a noise screening for this action and determined that

potential impacts were not expected, due to the nature of the action and the amount of change; therefore, further noise screening was not required. The screening was conducted in accordance with FAA Order 1050.1F, and is consistent with both NEPA and the Council of Environmental Quality regulations (40 C.F.R. Parts 1500-1508).

The Federal Aviation Act of 1958, 49 U.S.C. § 40101, recognized that the U.S. Government possesses exclusive sovereignty of U.S. airspace. That Act delegated, to the FAA, control over the use of the nation's navigable airspace and regulation of domestic civilian and military aircraft operations to ensure operations are safe and efficient. Using this authority, the FAA publishes air traffic control procedures for use by aircraft operating at airports in the U.S.

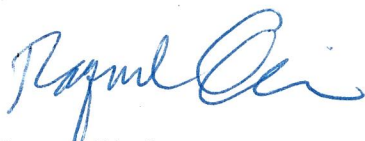
Given that the PIRAT STAR is an airspace procedure within U.S. airspace, the FAA appropriately used the Day-Night Average Sound Level (DNL) noise metric when it analyzed potential noise impacts from aircraft. The standards in *Airport Noise Compatibility Planning*, 14 C.F.R. Part 150, define the levels of noise increase requiring further action under NEPA, using DNL to establish the relevant thresholds. The FAA, therefore, reviewed anticipated noise impacts using the DNL metric through the application of its noise screening tables. You have not identified any error in the methodology used to establish DNL as a metric, nor provided any alternative analysis (besides the Community Noise Equivalent Level [CNEL] noise metric, as discussed below) to establish that the use of DNL somehow understates or misses noise impacts of this project.

You also ask that the FAA conduct noise modeling by applying CNEL. CNEL is required by the State of California for many projects undergoing environmental review under the California Environmental Quality Act (CEQA), the State's analogue to NEPA. Because many airport development projects require approval under both NEPA and CEQA, the FAA may allow the use of CNEL for those airport development projects in California. However, the use of CNEL is never required by the FAA, though the FAA accepts CNEL when the State of California requires that metric to assess noise effects, as stated in FAA Order 5050.4B. With regard to PIRAT STAR, this project took place completely within U.S. airspace and is not an airport development project. Consequently, the FAA did not use CNEL or conduct additional noise analyses for the existing PIRAT STAR.

Your letter also asks the FAA to validate assumptions made in its categorical exclusion of the proposed procedure amendment to ensure the noise analysis conducted matches reality. However, your letter does not identify any FAA assumptions that were unreasonable. The FAA followed the NEPA process, which requires Federal agencies to assess the environmental effects of a proposed action before deciding to proceed. In assessing potential environmental effects, a Federal agency is allowed to make reasonable predictions. This response does not constitute a final agency action or an "order issued by the Secretary of Transportation" under Title 49, United States Code, § 46110.

We remain committed to addressing community concerns and working collaboratively with all stakeholders to improve the safety and efficiency of the National Airspace System. We look forward to the upcoming February 26, 2020, SCSC Roundtable meeting and providing a briefing regarding the PIRAT STAR and the SUNNE ONE Standard Instrument Departure procedures.

Sincerely,



Raquel Girvin
Regional Administrator

Attachment:
List of Items Provided Via Electronic Transfer

Items Provided to SCSC Chairperson via Electronic Transfer

Oakland (OAK) and San Francisco (SFO) Traffic count for years 2013 -2019
Oakland (OAK) and San Francisco (SFO) Traffic count for May-August 2013 -2019
OAK Oceanic arrivals for May-August 2013-2019
SFO Oceanic arrivals for May-August 2013-2019
**List of OAK and SFO aircraft that pass with 1 Mile and 3 miles of Woodside VOR (OSI)
for dates requested**
**List of OAK and SFO aircraft that pass with 1 Mile and 3 miles of ARGGG waypoint for
dates requested**
List of aircraft that pass within 1, 3, and 5 miles of MENLO and SIDBY waypoint
Weight Class of Oceanic arrivals into OAK and SFO
**Flight Tracks from ARGGG waypoint to ILS at OAK and SFO for the years of 2013,
2018, 2019 spectrumized by altitude**