

Notes from Phone Conversation with Matt Adams - 12/19/19 at 11 a.m.

(People present included Mayor Matta, Brian Wilson, Councilmember Nancy Tosta by phone extension, Lisa Marshall; and Quiet Skies Coalition members: Larry Cripe, Debi Wagner, Walt Bala, Jeff Harbaugh, Terry Plumb, and Sharyn Parker)

Opening question directed to Matt by telephone participants: "Are you going to be sending a letter to FAA that includes our expectations in the aftermath of the 9th Circuit Court's decision? We believe the automated turn had safety implications. We expect that you will analyze the cumulative impacts of its (Court's) decisions." Matt Adams' response: The FAA has 45 days (until January 9?) to seek or to request a rehearing *in banc*¹; however, he doesn't think there will be another hearing. There is no hearing unless one is requested. 'Sequence of the mandate' takes it out of the court's jurisdiction back to the agency, moving responsibility back with the FAA. FAA could do a minimal turn somewhere over Burien. The LOA should be withdrawn and then find out if the turn has been removed from it. The LOA contains multiple procedures; but the current 'turn' procedure should be removed from it." (Ask for evidence that the "automatic turn" had been removed?) Matt didn't know whether or not the FAA will do the "turn" again. If they want to re-adopt, FAA would have to respond to questions based on the cumulative operations contained within the SAMP.

Matt agrees that cumulative CATEX projects should be included in future analyses because the 9th Circuit agreed with that conclusion. If FAA tries again, there will be another opportunity for all the projects that should be included from SAMP and others; but now there will be another round of decision-making by the FAA. Matt was asked whether we should send a letter to FAA since it's still with the 9th Circuit and DOJ? Matt responds that no one is forcing us to do anything now. "The burden is all on the FAA." Do we have the expectation of a statement from the FAA? Matt responded, "no"; beyond that no one should call people at the FAA, DOJ, or contact the court.

Nancy asks questions regarding an EA versus an EIS: Given the amount of SAMP developments, wouldn't the cumulative number of projects require an EIS? Do we have leverage if we document the amount of development that has occurred to force an EIS as part of the SAMP process? Matt responds that "nothing in this decision on the 250 degree turn could be read as granting us an EIS on the SAMP". However, he continued, "I do think that the 'cumulative' argument, if comprehensive, is a good one for an EIS for the SAMP and should be submitted to FAA before the SAMP comment period deadline." A comment was made that a FOIA request should be made to make cumulative argument comprehensive, send some letters to FAA and ask all our questions in advance of the Port's environmental deadlines.

Nancy also asks Matt about CEQ oversight: "Is there any way that we can raise the question of doing an EIS with EPA now?" Matt's response was that, "There needs to be some background work with the FAA first." (Meaning a better relationship.) Once the facts are in, then think

¹ In banc, means with all the judges of a court present; as a full court: a hearing in banc.

PL 2 of L&D 2/25/2020 @ 11:20 am e: BAC

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move

and slide to 3.4 = 2 / 1 DC

new print. of the letter spec

1. M/W
2. Brian
3. Matt
4. FAA

- 1.
2. Not a call (i) 9 - Matt needs to follow-up?

new NEPA
redefines cumulative

holy rate x amt of time

1507.8
P/B/P x

Brian's update in the limited Update - Matt who plans to contact DOT. 1 1/2 yr "cumulative updates"

FAA's 3 yr per 1 sample 16 yr 1 sample
1. 1 1/2 yr 2 yr 1 sample
sample

22



January 5, 2020

Washington State Department of Commerce
Sea-Tac Airport Impact Study Technical Advisory Committee
P.O. Box 47308
Olympia, WA 98504-7308
via email

Dear Washington State Department of Commerce and Sea-Tac Airport Impact Study Technical Advisory Committee,

You have been tasked with completing a comprehensive study documenting the current and ongoing effects of Sea-Tac Airport operations.¹ To do so, you must ensure that the study considers Sea-Tac's climate impacts and the reality that airport operations physically and economically hurt, rather than benefit, neighboring communities.²

Aviation emissions are a devastating climate impact that we cannot afford to ignore. This week alone, while dozens die of flooding in Jakarta, a thousand miles of Australia's coast is on fire. According to King County's 2017 greenhouse gas emissions inventory, that year's emissions from Sea-Tac and King County International Airport, based on total fuel used, totaled 7,168,000 MgCO_{2e}, or nearly a quarter of the county's emissions.³ Moreover, the climate impact of aviation emissions is double to quadruple that of the measured carbon dioxide, making them vastly more harmful than other types of emissions.⁴

Research has shown the disruption the climate crisis is causing, and will continue to cause, Pacific Northwest communities, including those participating in this study. From depleting the snowpack we rely on for energy and agriculture, to flooding, droughts, loss of salmon and shellfish species, wildfires, air quality decline, and decimation coastal habitats—the list goes on and on. Since aviation is one of our region's largest contributors to the climate crisis, this study must include all available research

¹ Quoting the Department of Commerce website, at <https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/sea-tac-airport-impact-study/> (last visited January 1, 2020).

² Total commercial aviation operations in 2018 resulted in 918 million metric tons of carbon dioxide. That's more than all but 5 countries in the world. See <https://theicct.org/publications/co2-emissions-commercial-aviation-2018>. Sea-Tac operations also have no economic growth impact on neighboring communities and are actually an economic detriment to these communities. See Cidell, J. (2015) The role of major infrastructure in subregional economic development: an empirical study of airports and cities. *Journal of Economic Geographic* 15: 1125-1144, available at <https://doi.org/10.1093/jeg/lbu029>.

³ "GHG Emissions in King County – a 2017 update," pp. 10 and 29, available at <https://your.kingcounty.gov/dnrp/climate/documents/201907-KingCounty-GHG-Emissions-Analysis.pdf>.

⁴ U.N. International Panel on Climate Change, "Aviation and the Global Atmosphere," available at <http://www.grida.no/climate/ipcc/aviation/index.htm>. This is due, in part, to non-carbon emissions, soot (contrails), and other factors, which magnify the warming effect beyond what just the effect of carbon emissions. And since these emissions and soot are occurring directly into the upper atmosphere, the climate effect is still greater.

Coalition's Response to 9th Circuit Court of Appeal's Favorable Decision for City of Burien

1. What can be gleaned from the December 2019 9th Circuit Court of Appeals' favorable decision on behalf of the City of Burien's case against the FAA?

The FAA's April 2018 Categorical Exclusion of the 250-degree turn over Burien did not properly include simultaneous incremental and segmented growth and expansion underway by Sea-Tac Airport; therefore, FAA failed to conduct critical and mandated environmental analyses that would measure the full range of negative environmental impacts on Burien and surrounding areas.

2. How can the regulatory framework for environmental justice be improved in light of the Court's recent decision and SAMP planning at Sea-Tac Airport?

The newly created State Aviation Citing Commission should begin to build a regulatory framework for development and expansion of airports in Washington State—but particularly in the replacement of its primary commercial hub airport (aka Sea-Tac Airport)—that provides guidance so that noise and emissions do not cause the same environmental damage to urban populations that occurs in South King County. This guidance would also address transportation options to newly identified airport locations across the state.

3. Federal and state environmental agencies need to be engaged at a more significant level in order to monitor, identify, and avoid the catastrophic effects that are occurring in communities surrounding Sea-Tac Airport.

The Department of Ecology (DOE) and the Environmental Protection Administration (EPA) should be deeply involved in decision-making oversight to avoid the historical lapses of environmental rigor witnessed by South King County residents from Sea-Tac Airport. Specifically, these agencies need to interact more aggressively with the FAA so that the "cozy" relationship between the regulator (FAA) and the regulated (Sea-Tac Airport) are exposed for all to recognize how unbridled growth has occurred simultaneous to weak—nearly absent—regulatory oversight and mitigation of the ill effects of continued and planned expansion.

4. At a King County and regional regulatory level, practically no exposure or consideration have been afforded priority status to examine the fate of urban populations disproportionately affected by deteriorating health conditions, poor educational performance of low-income, minority, and senior residents in South King County.

After the decision to build the third runway was approved by the Puget Sound Regional Council (PSRC), South King County was abandoned to fend for itself. No meaningful follow-up on environmental justice issues has occurred; and the Port of Seattle justifies

LINKS TO ARTICLES AND STUDIES

(Hard copy or .pdf versions can be provided upon request.)

Local Greenhouse Gas Emission Inventories:

- <http://www.seattle.gov/environment/climate-change/climate-planning/performance-monitoring>.
- <https://www.kingcounty.gov/services/environment/climate/actions-strategies/climate-strategies/strategic-climate-action-plan/emissions-inventories.aspx>.
- <https://ecology.wa.gov/Air-Climate/Climate-change/Greenhouse-gases/Greenhouse-gas-reporting/inventories>. (Washington state's 2017 Greenhouse Gas Emission Inventory available upon request.)

Aviation and Greenhouse Gas Emissions:

- <https://web.archive.org/web/20180204182448/http://climatecare.org/wordpress/wp-content/uploads/2013/07/Calculating-the-Environmental-Impact-of-Aviation-Emissions.pdf>.
- <https://www.kingcounty.gov/services/environment/climate/actions-strategies/climate-strategies/strategic-climate-action-plan/emissions-inventories.aspx>.

Impacts of the Climate Crisis on the Pacific Northwest:

- https://19january2017snapshot.epa.gov/climate-impacts/climate-impacts-northwest_.html.
- <https://nca2018.globalchange.gov/chapter/24/>.
- <https://cig.uw.edu/learn/climate-impacts-in-brief/>.
- <https://www.seattletimes.com/seattle-news/environment/how-climate-change-threatens-our-health-in-the-pacific-northwest/>.
- <https://www.ecowatch.com/climate-change-salmon-pacific-northwest-2627366428.html>.

Impacts of the Climate Crisis Beyond the Pacific Northwest:

- <https://www.ipcc.ch/2018/10/08/summary-for-policymakers-of-ipcc-special-report-on-global-warming-of-1-5c-approved-by-governments/>. (Related article available at <https://www.theguardian.com/environment/2018/oct/08/global-warming-must-not-exceed-15c-warns-landmark-un-report>.)
- <https://www.nature.com/articles/d41586-019-03595-0>.
- <https://www.theguardian.com/environment/2019/nov/05/climate-crisis-11000-scientists-warn-of-untold-suffering>.

Debunking the Myth of Economic Benefits on Communities:

- <https://doi.org/10.1093/jeg/lbu029>. (Numerous studies cited herein.)

about what you want to do with them (meaning the FAA). CEQ is an under-staffed executive agency that does not have the resources to do what it needs to do, especially with this agency. Matt didn't seem entirely receptive to the message being sent here.

Debi interjected that it didn't sound like a promising effort; and continued, that the EPA is our best agency and hope for environmental assistance. FAA has an abysmal record of this type of comprehensive environmental analysis; and she reported that she had recently put together their record on this. (On referral to CEQ, NEPA outlines the referral process usually after an EIS. see NEPA chapter 1504.1.) She posited that FAA might be doing the same thing again. She continued that there are regulatory restrictions that an agency can take that preclude foreseeable alternatives; consequently, we need an interim plan."

Nancy returned to the issue of an EIS versus an EA for SAMP projects: Should we consider sending FAA our list of cumulative developments that total the equivalent of a new runway, or is it too late to get assurances from the FAA prior to SAMP deadlines since projects from 1996-2014, as well as the turn procedure, have not been considered—or their impacts—in an appropriate CATEX? Matt responds with "Take a close look at the regulations while an environmental review is running. The precursor to spend \$10 million on design work means they have already precluded alternative impacts. Someone comments that the Port's decision about design work on the SAMP means they have already decided against alternative options. A clear list of what has occurred since mid-1990s needs to be created. Matt mentions a 2018 case of hydropower facility in the south (American Rivers vs. FERC (Federal Energy Regulatory Commission) from the DC Circuit—see <https://law.justia.com/cases/federal/appellate-courts/cadc/16-1195/16-1195-2018-07-06.html>. Matt added that no one has looked at this issue in 50 years but there have been these fresh, new claims, where a federal agency did not look at the environmental problems over the past 50 cumulative years. The federal agency (FERC) lost the case because of lack of proper consideration by the agency. Consequently, Matt thought this would not be our last opportunity to address the MA (Master Agreement?).

Footnote:

Prior to our telephone conversation, several Quiet Skies Coalition members met in advance to discuss the upcoming conference call. Some of the points raised included necessary follow-up on the these topics:

- Identified ongoing safety issues;
- An EPA meeting;
- Court affirmation and FAA's upcoming decisions;
- Data deficiencies;
- All the incremental build-outs in recent history;
- A listing of cumulative impacts, including other CATEX projects.

PoS Aircraft Flights by Altitude (in feet) for July 2019¹

Noise Monitors			Altitude in Ft					Total No. Flights	
Relation to Airport ²	Site	#	2000 or less	2001-2500	2501-3000	3001-3500	3501-4000		4000+
NW	C Blain School, Seattle	#4b		4	12	54	11	11	92
	Hamilton View Park, SW, Seattle	#6		2	12	15	5	33	67
	Beacon Hill Reservoir	#9	632	10,542	2,453	338	663	2,553	17,181
	Beverly Pk School, SeaTac	#11	14,287	1,646	2,212	623	109	23	18,900
	Cedarhurst Middle Sch, Bruien	#13	11,265	1,190	112	10	5		12,582
Mid-North	Maple Leaf Reservoir, Seattle	#3			3	45	48	492	588
	Central Area Sr Center, Seattle	#7		1	71	123	19	940	1,154
NE	Median Ele, Medina	#5	3	1	1	7	5	1,231	1,248
	Mercer View Community Center	#8					1	20	21
	Brighton Playfield, S Seattle	#10	326	222	96	37	67	104	852
	S 126, Burien	#12	4,025	2,776	355	25	7	6	7,194
	N Clear Zone, SeaTac	#14	13,222	171	12			5	13,410
Air Cargo 4, SeaTac	#1	6,856	168	27	4		5	7,060	
Center W	Sylvester Mid Sch, Burien	#15	151	18	3	1			173
SW	S 207th St, SeaTac	#17	16,965	2,041	163	28	9	5	19,211
	S 226 St, Des Moines	#18	7,320	9,162	1,854	233	41	9	18,619
	Woodmont Ele, 16 Ave S, Des Moin	#28	4,642	488	4,309	5,225	2,691	695	18,050
	Sacajawea Jr H, FW	#22	36	3,091	1,797	998	4,245	5,896	16,063
	Twin Lakes Ele, 42 Pl SE, FW	#25	2	1	2	7	10	344	366
SE	Chinook Mid Sch, SeaTac	#16	202	19	1				222
	Midway Ele, 24 Ave S, Des Moin	#19	3,116	9,453	1,883	209	37	14	14,712
	Parkside Ele, S 247, Des Moin	#20	966	4,176	6,731	2,089	411	96	14,469
	Mark Twain Ele, Star Lake, FW	#21	401	37	1,325	4,942	3,601	1,893	12,199
	Meredith Hills Sch, S300, Auburn	#23	1		3	9	31	174	218

1 - Number of flights as measured by PoS Noise Monitors; there may be a small percentage of over counting flights (< 4%)

2 - Area in relation to airport, see location on Noise Monitor Locations map.

Data from dataset available on PoS public website through July 2019. See www.portseattle.org/page/aircraft-noise-monitoring-system?fbclid=IwAR1BWOsbyJTclZfBabmEkey0desqB2zsOpK8XTI0DJsKXT7rIJoKK4b2_Y

all its actions by a “demand-centric economic model” that ignores all the concomitant societal ills for the residents of South King County to absorb. *(footnote 350 Seattle letter)*

5. Two large coalitions of South King County residents (Quiet Skies of Burien and Puget Sound Quiet Skies) have become the backbone for raising the public’s consciousness of existing environmental damage occurring in South King County; however, without professional staff and “public” funding, volunteers are left to confront the Port of Seattle as it continues undeterred and with full support from King County Councilmembers, *including districts 5 & 8.*

Public officials elected to respond to emerging health concerns—especially environmental and social justice issues—need to be held accountable for their lack of involvement or interest in what is occurring to residents in South King County. A substantial public relations outreach effort needs to occur that is sponsored either by the State or King County that provides current facts and data so that residents are aware of the effects of aviation expansion and negligible mitigation provided from Sea-Tac Airport, or its Port Commissioners.