

Brian Wilson

From: Brian Wilson
Sent: Thursday, July 11, 2019 11:30 AM
To: 'Tranter, Emily J.'
Cc: Mark Hoppen; 'Carl Cole'; 'Michael Matthias'; 'j.allerdice@abcx2.com'; 'j.schwartz@abcx2.com'
Subject: RE: SAMP Consultants - Review of Recent Port of Seattle Presentation (6/17/2019)
Attachments: SEA Presentation to Burien City Council Review Comments07112019.docx

Ms. Tranter (Emily):

Thank you for the review.

I have made some comments/questions in **RED** included on the attached document.

Some additional prospective would be appreciated.

Thanks in advance.

Brian J. Wilson
City Manager

City of Burien
(206) 248-5503 office
(206) 376-7102 cell
BrianW@burienwa.gov
Burienwa.gov

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From: Tranter, Emily J. [mailto:ejtranter@locklaw.com]
Sent: Wednesday, July 10, 2019 12:31 PM
To: Brian Wilson <BrianW@burienwa.gov>
Cc: Mark Hoppen <mhoppen@normandyparkwa.gov>; 'Carl Cole' <ccole@seatacwa.gov>; 'Michael Matthias' <MMatthias@desmoineswa.gov>; 'j.allerdice@abcx2.com' <j.allerdice@abcx2.com>; 'j.schwartz@abcx2.com' <j.schwartz@abcx2.com>
Subject: RE: SAMP Consultants - Review of Recent Port of Seattle Presentation (6/17/2019)

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Brian and all:

Please see our team's review of the Port's June 17th presentation to the Burien City Council. Please let us know if you need further information or clarification-or if you would like to schedule a call to discuss.

Thank you and speak to you all soon.

Emily

Emily Tranter | Federal Relations
LOCKRIDGE GRINDAL NAUEN P.L.L.P.
415 2nd Street NE | Suite 210 | Washington, DC 20002
V: 202-378-7147 www.locklaw.com

From: Brian Wilson <BrianW@burienwa.gov>
Sent: Monday, July 8, 2019 7:28 PM
To: Tranter, Emily J. <ejtranter@locklaw.com>
Cc: Mark Hoppen <mhoppen@normandyparkwa.gov>; 'Carl Cole' <ccole@seatacwa.gov>; 'Michael Matthias' <MMatthias@desmoineswa.gov>
Subject: RE: SAMP Consultants - Review of Recent Port of Seattle Presentation (6/17/2019)

Ms. Tranter (Emily):

I hope you and your family had a good July 4th Holiday.

I appreciate you and your team reviewing the SAMP EIS presentation that was made to the Burien City Council on June 17, 2019. In addition to reviewing the PowerPoint presentation, I believe it will be of great value to listen to the recorded presentation by Arlyn Purcell with the Port of Seattle.

I wanted to inquire as to how much time you will need for this review. We are scheduling meetings with our partner agencies and our respective airport committees in July. Your review will be helpful as we determine our next steps in this process.

Let me know when you believe this review could be completed.

Thanks in advance for your efforts.

Brian J. Wilson
City Manager

City of Burien
(206) 248-5503 office
(206) 376-7102 cell
BrianW@burienwa.gov
Burienwa.gov

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From: Brian Wilson
Sent: Monday, July 01, 2019 6:32 PM
To: 'Tranter, Emily J.' <ejtranter@locklaw.com>
Cc: Mark Hoppen <mhoppen@normandyparkwa.gov>; 'Carl Cole' <ccole@seatacwa.gov>; 'Michael Matthias' <MMatthias@desmoineswa.gov>
Subject: RE: SAMP Consultants - Review of Recent Port of Seattle Presentation (6/17/2019)

Ms. Tranter (Emily):

Attached is the copy of the PowerPoint presentation on the SAMP Near-term Projects Environmental Review Update given to the Burien City Council on June 17, 2019.

I would encourage you to listen to the tape as well regarding the content and how the information was presented by Arlyn Purcell from the Port of Seattle.

Please advise if you have questions. Thank you in advance for the review regarding this presentation and document.

Brian J. Wilson
City Manager

City of Burien
(206) 248-5503 office
(206) 376-7102 cell
BrianW@burienwa.gov
Burienwa.gov

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From: Tranter, Emily J. [<mailto:ejtranter@locklaw.com>]
Sent: Friday, June 28, 2019 6:37 PM
To: Brian Wilson <BrianW@burienwa.gov>
Subject: Re: SAMP Consultants - Review of Recent Port of Seattle Presentation (6/17/2019)

We are on it!

Would you be able to send the PowerPoint presentation so we can review?

Thanks!

Emily

Sent from my iPhone

On Jun 27, 2019, at 8:27 PM, Brian Wilson <BrianW@burienwa.gov> wrote:

Ms. Tranter (Emily):

I have received support from our partner agencies for your assistance to review a Port of Seattle presentation on the SAMP EIS Near Term Projects that occurred on June 17, 2019. This presentation was made to the Burien City Council and is available on-line at the City of Burien website (Meetings, Video, at 45:31 minutes into the meeting).

As is discussed below, the presentation was made by Arlyn Purcell, Director of Aviation, Environment, and Sustainability with the Port of Seattle.

Your team's review and recommendations regarding this presentation are appreciated.

Thank you in advance for your team's efforts in this regard. Please advise if you have questions.

Brian J. Wilson
City Manager

City of Burien

(206) 248-5503 office

(206) 376-7102 cell

BrianW@burienwa.gov

Burienwa.gov

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From: Brian Wilson

Sent: Thursday, June 27, 2019 2:15 PM

To: 'Carl Cole' <ccole@seatacwa.gov>; Mark Hoppen <mhoppen@normandyparkwa.gov>; 'Michael Matthias' <MMatthias@desmoineswa.gov>

Subject: SAMP Consultants - Review of Recent Port of Seattle Presentation (6/17/2019)

City Manager Cole (Carl):

City Manager Matthias (Michael):

City Manager Hoppen (Mark):

Re: Request SAMP Consultant Review of Port of Seattle Presentation (June 17, 2019)

I would like to request that our consultants review the presentation that was provided by Arlyn Purcell, Director of Aviation, Environment, and Sustainability with the Port of Seattle regarding their SAMP EIS near term projects. This presentation was made to the Burien City Council on June 17, 2019 and represents the most recent articulation of their process. This presentation is available the City of Burien website, Council Meetings, video at 45.31 minutes into the meeting.

There were several statements by Arlyn Purcell and changes with this presentation that have occurred over time. Some of these changes include a review of current airport impacts back to 2018 as opposed to 2012, initiating the Part 150 process following the SAMP EIS process as opposed to having it occur prior or concurrently, and the statement that the Part 150 process is voluntary on behalf of the Port of Seattle. The articulation of process and intent on the part of the Port of Seattle were at times stunning and left our Councilmembers and staff with many more questions than answers.

I would like your concurrence to have our consultants review this presentation and provide information and recommendations based on what was presented.

Your support for this review is appreciated. I believe the information obtained would benefit each of our respect cities as we move collaboratively through this process.

Brian J. Wilson
City Manager

City of Burien

(206) 248-5503 office

(206) 376-7102 cell

BrianW@burienwa.gov

Burienwa.gov

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ABCx2 Review of Arlyn Purcell's presentation to Burien regarding SAMP EIS near term projects:

Presentation Noted Changes include:

- *A review of current airport impacts back to 2018 as opposed to 2012*
- *Initiating the Part 150 process following the SAMP EIS process as opposed to having it occur prior or concurrently*
- *The statement that the Part 150 process is voluntary on behalf of the Port of Seattle.*
- *The articulation of process and intent on the part of the Port of Seattle were at times stunning and left our Councilmembers and staff with many more questions than answers."*

A review of current airport impacts back to 2018 as opposed to 2012

The environmental review process under both federal (NEPA) and state (SEPA) regulatory framework are associated with federal/state . As an example, when FAA funds a project at an airport, the funding of the project constitutes a federal action. NEPA requires environmental review for federal actions which may have environmental impacts. The growth in operations (2012-present) does not constitute a federal (or state) action, therefore, it would be inappropriate to conduct a NEPA/SEPA analysis specifically on the growth. The expansion and construction projects and their subsequent (forecasted) impacts are subject to environmental review. *Between 2012 and 2018, there have been significant construction projects at Sea-Tac; specifically the enhanced international terminal and the north satellite area. The number of flights have increased substantially over this time period and these projects and others have been initiated to accommodate this growth. Prior NEPA and SEPA analysis did not consider the growth and enhanced construction projects during this time period. Why would this growth in operations and construction projects not be considered in the current NEPA/SEPA analysis?*

NEPA and SEPA require assessment of existing conditions and a comparison to future conditions based on a preferred alternative or action and an assessment of future conditions based on no-action. The impacts associated with no-action are not significant in terms of NEPA/SEPA. What is significant is the difference in environmental impact. *The impact of growth of operations and projects between 2012 and 2018 come with additional environmental impacts (noise, traffic, environmental concerns). Can this be considered in the current NEPA/SEPA analysis?* In other words, how much (if any) environmental impact will result if

the preferred action or project is implemented? If there is no action, what will the impact level be? Then, how much additional impact will there be, attributed specifically to the project or action. That increased (or decrease) in impact is what the environmental review is intended to identify and quantify. *The growth and construction projects to increase capacity between 2012 and 2018 have not been part of a NEPA/SEPA analysis. Significant runway enhancements have occurred during this period in addition to a different use of the Third Runway. It is now a main runway as opposed to be only used during inclement weather. These runway use changes have not been the subject of a NEPA/SEPA analysis.* Additionally, in the case of an EIS, mitigation strategies are identified to minimize the environmental impacts where possible. Complete mitigation of impacts is not required under NEPA, only identification of mitigation strategies. Limitations or statutory requirements related to environmental impacts may be addressed through federal and state regulations (i.e. Clean Air Act, FAR Part 150, etc.). *Given the growth between 2012 and 2018, it is believed more mitigation strategies are needed given the environmental impacts to residence (noise, increased frequency flights, etc.)*

The growth in operations and impacts will be identified in the existing condition scenario in the NEPA and SEPA assessments. This will be represented in the “current” condition in terms of current noise exposure level, air quality and emissions levels, etc. The change in impact from 2012-present will not be specifically assessed, because the growth in operation does not constitute a federal or state action (??). Growth in and of itself is not subject to NEPA/SEPA. *Does growth, enhanced projects to accommodate growth on Port property, and runway enhancements, all of which have federal funding, trigger a NEPA/SEPA review?*

To some degree, the NEPA process will (can) include consideration or acknowledgement of the growth at SEA and resulting environmental impacts associated with the 2012-2018 increase in operation. *What steps can be taken to ensure consideration of these impacts in the current NEPA/SEPA process?*

CFR Title 40, Chapter V - Council on Environmental Quality § 1508.7 addresses cumulative impacts:

“Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other

actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.”

While this may not address the clients’ desire to specifically quantify the growth in impacts attributed to the growth in operations between 2012-2018, this is all that federal statute requires. Ultimately the core questions are:

1. *What are the impacts today and what will be the additional level of environmental impact if the SAMP projects are implemented?*
2. *What would be the level of impact if the SAMP projects were not implemented?*

As the cities have noted, the Port’s development actions are enabling growth. The growth and impacts associated with that growth (enabled by the SAMP projects) will be identified and described in the environmental reviews.

A specific analysis of the environmental impact attributed to growth (apart from projects of actions that specifically facilitated said growth) is not subject to NEPA/SEPA. Having said that, the environmental impacts in all areas; air quality, water quality, noise exposure, etc., are subject to existing federal and state laws, so if there is a concern or claim that federal or state thresholds are exceeded, this could be subject to enforcement action.

Initiating the Part 150 process following the SAMP EA/EIS process as opposed to having it occur prior or concurrently.

It is at the Port’s discretion as to when they decide to update the Part 150, but most airports would likely choose to not embark to two major environmental review projects at one time, especially when the two will overlap. Noise exposure assessments will be developed as part of the NEPA process. Aircraft forecasts, fleet mix assumptions, etc., will all be required in both the environmental assessment and the Part 150 update. To conduct both studies at one time would introduce unnecessary complexities for the Port, the project teams, and the public.

Securing public participation in these processes is often difficult. Conducting two at one time, would likely reduce public participation in one or both processes. In addition, both efforts require public input opportunities and to some level, public involvement. The SAMP environmental reviews will likely leverage existing committees such as the StART. A Part 150

typically includes a public advisory committee (or similar working group) to help gain input from stakeholders including the affected community. Running these processes simultaneously could overburden both the public stakeholders (as well as the staff from key departments including Environmental, Noise, Public Affairs, etc.

In our opinion, we see little or no downside for the clients, whether the Part 150 is done concurrently to the SAMP environmental reviews or after. If the EA identifies impact levels requiring mitigation under NEPA such as increased noise exposure based on future conditions (existing noise exposure plus additional noise exposure based on forecast operations levels), mitigation elements will be required. This is the functional equivalent (though simplified) to the Part 150 process. And while the Part 150 may result in the development of new noise abatement and mitigation strategies, these may also be explored, designed, and deployed outside the Part 150 process leveraging the StART committee and the environmental reviews for the SAMP. The Part 150 process is yet another opportunity to assess noise exposure levels and to identify mitigation, but it's not the only one. We recommend leveraging all existing opportunities to quantify noise exposure levels, levels of community impact, and opportunities to mitigate those impacts. Additionally, the Part 150 process typically identifies noise abatement and mitigation specific to DNL 65 exposure levels. As we've heard from the clients, many communities and portions thereof are impacted, well below the DNL 65 dBA threshold and industry should acknowledge this. While it is possible, Part 150 is often focused solely on reducing DNL 65 exposure where the NEPA process and the ongoing work by groups such as StART allow the opportunity to look for mitigation of impacts below this federal threshold. *The Port has stated publicly that StART will not be considered as meeting requirements under the NEPA and SEPA process. The goals of StART were to increase understanding, enhance relationships between "airport" communities, and collaborate on ways to address noise and environmental concerns. The Cities supported not having StART being associated with the SAMP EIS requirements. Through StART, we are attempting to get to action on steps to address noise and environmental concerns.*

The statement that the Part 150 process is voluntary on behalf of the Port of Seattle

The Part 150 process is in fact voluntary for airports. Many airports develop noise abatement programs outside the federal process and requirements associated with the FAR Part 150

requirements. Those that do engage in the process may be eligible for federal funding for noise abatement and mitigation elements developed through the process. Once a Part 150 is completed, updates may be mandated by the FAA. Typically, updates are conducted every 5-7 years. The requirement to update the Part 150 can also be triggered based on significant changes in operations, fleet mix, or change in noise exposure levels. In some cases, update of the Noise Exposure Maps (NEM) may be all that is required. In other cases, updates to both the NEMs and Noise Compatibility Program (NCP) may be mandated. This requirement is typically included as a measure within the NCP. The excerpt below is from the SEA Part 150 update completed in 2013 and approved by the FAA in 2014. *In the event the Port of Seattle does not follow through on the requirements in a Part 150 process after receiving federal funds, is there a penalty associated with their noncompliance? Is there a risk for having to return federal funds if the criteria is not met? Are future allocation of funds at risk if abatement/mitigation elements are not met from prior Part 150 processes?*

Measure P-2: Periodically review and, if necessary, update the Noise Exposure Maps (NEMs) and the Noise Compatibility Program (NCP)

The NEMs should be updated every five years or when there are significant changes in operating levels and patterns in accordance with the FAA's guidelines for determining what constitutes a potentially significant increase in operations (1.5 dB DNL increase in the area impacted by 65+ DNL).

The NCP should be updated every five years, or as necessary, to reflect any broader changes in the nature of aircraft noise surrounding the Airport. Should any on-airport development, such as runway extensions or significant modifications to ground facilities, enlarge the area of incompatible use exposed to aircraft noise above 65 Day-Night Average Sound Level (DNL), the NCP should be updated prior to the implementation of those improvements. A full update may not be required, but rather, a targeted assessment of the changes occasioned by specific development projects may suffice to bring the NCP to conformity and to qualify additional areas for NCP programs, if appropriate.

The requirement and timing of updating the Part 150 falls under the discretion of the Federal Aviation Administration and typically, the regional Airports District Office (ADO). With the last Part 150 update being completed in 2013, the Port is still within the typical 5-7 year timeframe for updating the 150. And since making the commitment to update it following completion of the SAMP NEPA and SEPA work, it is likely the FAA has accepted this timeframe.

While the 5-7 year is one trigger for updating a Part 150 study, the significant increase in annual operations at SEA is another justification for update. We recommend the clients track the progress of the SAMP and subsequent planning of the upcoming Part 150 update. However, as noted, the SAMP environmental review process and the StART program are both important opportunities to engage the airport in an effort to acknowledge and mitigation noise exposure and community impacts attributed to the airport. And prior to embarking on the Part 150 process, the clients should take advantage of the flexibility available outside the stringent Part 150 process.

For reference, an overview of the Part 150 Program is available on FAA's website here:

https://www.faa.gov/news/fact_sheets/news_story.cfm?newsId=18114

The articulation of process and intent on the part of the Port of Seattle were at times stunning and left our Councilmembers and staff with many more questions than answers.

We viewed Port presentation, Q&A, and public comments. We are unclear what the specific questions or concerns are but would be happy to provide input based on specific questions or comments about the presentation or the Port's process and intent.

Additional comments after reviewing the video.

During her presentation, Ms. Purcell explained that the Port is limiting the environmental review (NEPA/SEPA) to the near-term projects because those are the projects the Port is able to pursue in consideration of existing airfield, airspace, and financial constraints. Environmental reviews are conducted after a project is scoped and designed. The elements in the "Long-Term" vision exist as concepts only and may or may not come to fruition.

Implementation of the Ground Run-Up Enclosure was under consideration and had been for some time, but according to Ms. Purcell, this facility is no longer under consideration as part of the near-term projects but remains part of the long-term plan. An analysis of ground noise sources was also mentioned. If this analysis suggests engine run-up activity is a significant source of community noise exposure and subsequent impact, prioritization of the GRE should be encouraged. Worth noting, she stated the number of run-ups conducted by the airlines has decreased significantly due to maintenance operations being conducted elsewhere. However, with the continued growth by Alaska Airlines and Delta Air Lines, both of which have maintenance facilities at SEA, engine run-ups, especially overnight when this activity is most common, may be a concern for local communities. *This is an area for us to follow-up on.*

During the Q&A, three studies were mentioned by Ms. Purcell. These included a study by the Port to quantify Greenhouse Gas (GHG) emissions associated with aircraft emissions. She also mentioned the ongoing study by the University of Washington investigating ultrafine particulates (UFP) and the contribution by aircraft operations (versus other sources in the region). And already mentioned briefly, the Port will be hiring a firm to conduct an analysis of ground noise to identify sources which may include engine run-up activity, taxi operations, reverse thrust, and takeoff rotation. The results of this study may identify areas of focus for the clients.

When asked about the use of noise metrics beside DNL, Ms. Purcell noted that the DNL metric and specifically the DNL 65 dBA threshold is currently the only metric approved by the FAA and that if a new metric is adopted into policy with time to be incorporated into the SAMP analysis, it will be. While it is true that DNL 65 dBA is the only noise metric FAA allows for decision-making, FAA has allowed other, so-called, supplemental metrics to be used in environmental reviews as well as Part 150 studies. Metrics such as Number-of-Events-Above (NA) and Time-Above (TA) are commonly used to inform decision-making and to enhance public understanding. DNL is a cumulative metric which averages noise level over time. Clearly, people do not experience noise as an “average”. Metrics such as NA can be used to determine the number of events above a specific level (i.e. 55 dBA or 65 dBA). The TA metric quantifies the amount of time noise exceeds a specified value. For example under the existing conditions, noise at a reference point in the city of Burien exceeds 70 dBA 67 minutes per day. Based on future conditions (i.e. in the SAMP), the amount of time per day (on average) at that same reference point will be 80 minutes per day. These align more closely with what we experience and can provide clarity when comparing existing and future conditions. An example would be advising a community that before NextGen (performance-based navigation) procedures are implemented, they’d experience 10 noise events (overflights) exceeding 55 dBA and after implementation, they will experience 20. This is much more understandable than communicating via DNL (which is typically expressed in a change of 1-2 dBA or a portion of a decibel. In both cases, residents don’t really know what to expect based on forecasted changes in DNL. *Another area for us to follow-up on.*

For key stakeholders such as the local governments and municipal StART members, it is important that they truly understand current and future condition based on the community experience when providing input or making decisions. And while it is true, FAA policy cites DNL as the only acceptable metric, less formal processes and negotiations can incorporate reference to other metrics, though federal funding may not be approved based using metrics beside DNL. We encourage the clients to pursue the use of supplemental metrics in all future noise analyses conducted SEA. Worth noting, SEA incorporated the use of supplemental metrics including TA and NA in the 2013 Part 150 Study.