



Special SeaTac Airport Committee Summary Minutes

Monday, January 9, 2017

6:00 PM

City Hall - Council Chambers

Committee members present:

Michael J. Siefkes, Chair; Peter Kwon, Erin Sitterley, Craig Baker, Joel Wachtel, Craig Baker, Doris Cassan, Douglas Hill, Tom Dantzler (arrived 6:44 PM)

Absent: Roger McCracken

Staff: Acting City Manager Joseph Scorcio, Acting CED Director Jeff Robinson, Asst. City Attorney Mark Johnsen, Exec. Assistant Lesa Ellis

Councilmembers in the Audience: Rick Forschler

TOPIC	ACTION
Call to Order	Meeting called to order at 6:04 PM.
Public Comment	None
Approval of the November 28, 2016 Minutes	Motion to approve the minutes as written by Craig Baker and seconded by Erin Sitterley.
	Mr. Wachtel reported a Mega Meeting taking place on Wednesday at 7 PM at the Burien Community Center organized by Debra Wagner. Citizens are gathering for a meeting regarding the airport. He and Mr. Baker plan to attend.
Summary and De-brief of Meeting with FAA Deputy Regional Administrator David Soumi	The Councilmembers of the SeaTac Airport Committee along with Mr. Scorcio and Mr. Robinson met earlier in the day with Mr. Soumi for approximately 90 minutes. Mr. Soumi covers a 7-state region. Chair Siefkes and Mr. Scorcio provided an overview of the meeting.
	Highlights included: 1) NextGen – Port, FAA, and City relationship 2) Lines of Authority – No a bright line 3) On-going communications we can have with the FAA Staff will prepare a written summary of the meeting and distribute.
	Mr. Wachtel asked about the re-routing of planes over Burien at a low altitude. Chair Siefkes responded that the conversation didn't get into specifics as it doesn't directly affect our City, however, it demonstrated how the traffic controller's solution to a problem created a noise impact consequence to a community.
	Mr. Scorcio said there was good conversation around NextGen and there is information on the FAA website. NextGen will be discussed further at a future meeting.
	Chair Siefkes reported that the Sea-Tac Airport receives grants from the FAA and the Airport has to fulfill certain grant conditions.
	Ms. Sitterley and Mr. Robinson stated that the FAA set rules and guidelines. The Airport is able to decide how to meet those requirements (ie. reverse thrusters, tree safety corridor). Ms. Sitterley also referenced the Greener Skies Assessment

	mentioned at the meeting; would be good to learn more about the program.
	Chair Siefkes stated that they asked Mr. Soumi who the community can call if they feel the Airport makes a decision that negatively impacts them. He said the FAA is looking at rationale to increase community outreach.
Action Items	Mr. Scorcio reported that the City of Burien is forming an airport committee as well. A letter of invitation was sent to the cities of Burien, Des Moines, and Normandy Park (mayor and city manager) to attend a meeting on January 30 at 6 PM at City Hall to discuss airport issues, the group will be called the Turbulence Council.
	The City will send a letter to the Port regarding opening the access from the south via 28 th Avenue S. through the tunnel for car rental shuttles. This will provide easier access for operators south of the airport and reduce emissions.
	The list of the City's powers over the Port to include authority and responsibility will take some time to prepare.
	Mrs. Cassan said Uber and Lyft remain a problem and don't have to pay at their staging area. Mr. Scorcio responded that the Port and City did find solutions over the holidays for ridesharing (Uber and Lyft); also the City is doing a traffic study with the Port on S. 160 th . The Port was attempting to keep the drivers out of the neighborhoods, but created a traffic problem on S. 160 th . Mr. Scorcio added that the City has funded one additional patrol officer for 2017-2018.
	Staff will prepare a written summary of the FAA meeting and distribute.
Round Robin Comment/Question Opportunity	Mark Johnsen-Experienced the terrible congestion at S. 170 th St. accessing the airport over the holidays. Jeff Robinson-Agrees with Mark's statement. Tom Dantzer-Temporary south entry through the tunnel will provide some relief to traffic. Tour buses use now. Doris Cassan-Has respect for law enforcement officers. They continue to have crime problems at their location. Need tougher consequences for crimes. Craig Baker-ADSB publicly available. Raspberry Pi device unit under \$100 for airport data. Doug Hill-Agreed with Doris. Property crime continues to be an issue. Applauds our officers; maybe we need to look for other solutions as well. Interested in looking at solutions out of the box. Peter Kwon-Found the list of 39 assurances for FAA grants. Asked the committee to direct their attention to #6 and #7 referencing consideration of local plans and interest.
Next meeting	February 13 due to the Presidents' Day holiday.
Adjourn	Meeting adjourned at 7:26 PM

Information e-mailed after the meeting:
 FAA Grant Assurances
 Port of Seattle Connections
 Articles-Past and Present

City of SeaTac / FAA / Port of Seattle Joint Meeting

January 9, 2017

Attendees: Mayor Michael Siefkes; Council members Kwon and Sitterley; Joe Scorcio, Acting City Manager and Jeff Robinson, Acting CED Director/Economic Development Manager
Dave Soumi, FAA Deputy Regional Director and Kimberly Nolan, FAA Staff
Elizabeth Leavitt, Port of Seattle Senior Director, Environment and Sustainability Center of Expertise, Port of Seattle and Jeffrey Brown, Director of Aviation Facilities and Capital Programs

The meeting was centered on discussions surrounding three major topics:

1. "A description of, and rationale for, the NextGen initiative and how it applies to Sea-Tac Airport, including the emphasis on safety and increased departures. It would also be beneficial to hear how the program has been implemented thus far in other airports across the country, including the results, and, if any, reaction from the local communities".
 - NextGen is an initiative that includes a portfolio of projects that will be implemented over the next 5-6 years at a cost of approximately \$1 billion annually.
 - It will provide an information technology backbone that will include applications in all 22 FAA Centers replacing radar with a system called Automated Data Surveillance Broadcast (ASB-B).
 - Other aspects of NextGen include "DataCom" for clearance delivery messaging via text messaging to individual aircraft providing more accuracy with fewer handoffs; Integrated weather reporting for all planes at all times; and Required Navigation Performance (RNP) that can establish arrival approaches at 30 miles instead of 5 and still maintain the 3 mile aircraft separation. This allows for a closer pattern and frequency of flights in one location by creating a constant line while decreasing noise levels by being able to utilize flight idle at the same time.

2. "An overview of the role, scope and authority of FAA review, analysis and approval of airport projects such as the Sustainable Airport Master Plan (SAMP), International Arrivals Facility (IAF) and the Flight Corridor Safety Program. We would like to also discuss FAA's role, scope and authority in addressing the impacts on local infrastructure, traffic, noise and public health. How often are informal and formal reviews provided by the FAA and to what extent the resulting comments must be integrated into final plans?"
 - FAA stated that there is no "bright line" between the agency and the airport.
 - The FAA has a broad oversight of the airport's planning efforts that center on design and certification standards based upon two major variables --- the forecast for operations and a pictorial of the airport's layout plan – both of which are regulatory and are the only components of the airport's master plan that the FAA must approve.

- Other facets of the airport's planning and the relationship with the FAA are based upon a partnership and are not regulatory in nature.
 - The FAA stated that "the local operator most times knows best how to comply" with written standards and procedures and is relied upon to self-report on-going certification.
 - In terms of environmental conditions the FAA is involved in the NEPA process as the lead agency on specific projects -- (as opposed to plans) -- with the Port acting as the lead SEPA agency.
 - About 30% of all FAA operators are "authorities" such as the Port as compared to counties, municipalities or privately run airports which represent the other 70%.
3. How can the City establish an on-going and regular communication with the FAA? What can the City contribute to, and expect from such on-going communications?
- The City and Port should work on establishing better trust and better ways to share information.
 - The FAA doesn't have the capacity to establish direct relationships with communities or to meet with / discuss ideas with local jurisdictions. They support coordination and communication between their partner agencies and the communities that they operate within.
 - They are willing to respond to issues that we bring to their attention but not regularly meet.
 - But, the FAA is continuing an "investigation as to whether there is a rationale for a more robust community outreach effort" across the agency.

There was also a brief conversation regarding the noise issues that Burien has recently experienced

Lesia Ellis

From: Joseph Scorcio
Sent: Friday, February 10, 2017 12:15 PM
To: Lesia Ellis
Subject: FW: Airport Committee - Relaying a question

From: Joseph Scorcio
Sent: Tuesday, February 07, 2017 11:28 AM
To: Lyttle, Lance
Cc: Jeff Robinson
Subject: Airport Committee - Relaying a question

Good morning Lance,

I know we've both had our hands full with weather issues these last few days, but I need to get an issue added to our Director/Manager discussions.

As you know, the City formed a SeaTac Airport Committee in 2016. The nine member committee (3 Council, 3 business and 3 residents) is primarily a forum for discussion of all issues related to "living everyday with an airport in our City". Overall, it's been a very enlightening and engaging process. Not surprisingly, one of the key issues the committee has discussed is access to/from the City streets and the airport drives.

So, I am relaying a question from the Committee for your consideration and feedback.

Apparently, prior to the events of 9/11, public access (including park and fly shuttles) was allowed into the airport from the south on 28th Avenue S. I understand that the tunnel connecting to the parking garage was also accessible at that time.

The question I am pursuing for the Committee and City is whether it might be possible to reopen this access at this time in a very limited capacity to the Port-licensed and transponder monitored shuttles. We understand that tour buses are currently allowed access in this area. By restricting it to tour buses and Port-licensed shuttles, it seems a high level of security could be maintained. Access would increase efficiency for the shuttles, relieve some traffic congestion, and reduce exhaust emissions by shortening the trips and delays. We have a clear understanding that at some point, the whole area will be redesigned under SAMP and to accommodate pending construction.

I hope you understand the gist of my inquiry. Before we go any further with our investigation and potential interim solutions, I'm hoping you can let me know if this is at all viable. If yes, whom on your staff could we further explore this issue/possible solutions.

The next Airport Committee meeting is Monday, February 13th. I can report that I have inquired and would likely relay this email. By the March 20th meeting, I would need to report on the answer to the question.

Thank you for your consideration, Joe

Joseph Scorcio, AICP

Acting City Manager
City of SeaTac
4800 South 188th Street
SeaTac, WA 98188-8605
206-973-4831
Jscorcio@ci.seatac.wa.us

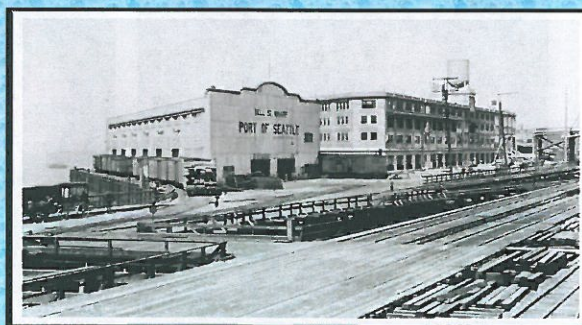
The Port of Seattle: Economic Development in Action

January 24, 2017







Overview

- Introduction
- Economic Development Division
 - ✓ Real Estate Development
 - ✓ Small Business Development
 - ✓ Workforce Development
 - ✓ Tourism
 - ✓ City Partnership Grants
- Soundside Alliance
- Final Thoughts



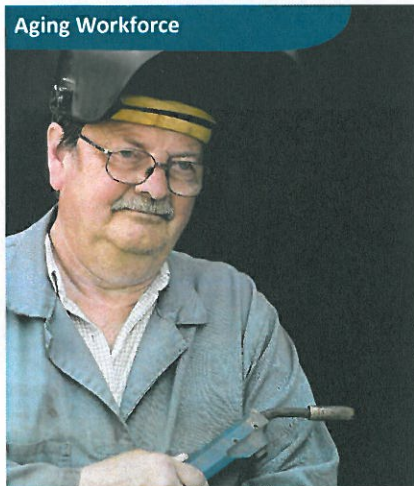
The Port of Seattle has generated jobs and economic activity for over 100 years.

2016: A Big Year for the Port

 Air Passengers	 Air Cargo	 Cruise Passengers	 Sea Cargo <i>with the NW Seaport Alliance</i>
<ul style="list-style-type: none">• +10% Passenger growth	<ul style="list-style-type: none">• +7% in 2016 (by MT)• +15% in domestic freight service	<ul style="list-style-type: none">• Record breaking 984,000 PAX• 9.5% Increase• Double industry average	<p><u>Loaded Containers</u></p> <ul style="list-style-type: none">• +3% Imports YTD• +15% Exports YTD

The Port is Riding the Wage of Our Strong Regional Economy

Challenges Remain



Community and Economic Development as Important as Ever

Economic Development Division

A new Division that brings together traditional and new Port initiatives:

- ➔ Real Estate Development and Management
- ➔ Small Business Development (including incubators and accelerators)
- ➔ Workforce Development
- ➔ Tourism
- ➔ Business Prospecting and Recruitment
- ➔ Other Duties As Designed or Assigned!



200,000+ Jobs – Shared Prosperity – King County & WA State

Port of Seattle Economic Development Opportunities



Des Moines Development Opportunities

SeaTac Development Opportunities

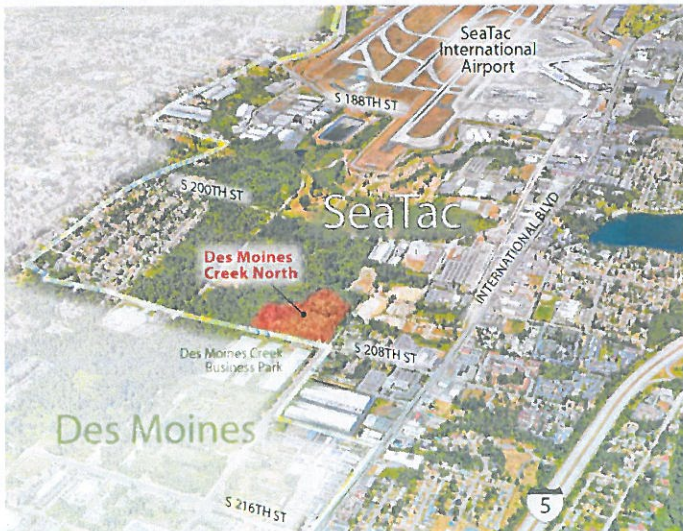
Burien Development Opportunities

Putting a Shovel to Port Properties Around the Airport

Evaluating Our Real Estate Development Options

- **Port Finishes Real Estate Strategic Plan**

- Reevaluated Port properties for highest potential
- Looked at non-Port owned properties for longer term acquisition (or control)
- Study finished in October
 - ✓ the Port is evaluating over \$500 million in development options
 - ✓ We are moving forward on several projects



Des Moines Creek - North RFP

- Moving forward to develop approximately 22 acres
- Proposals due February 10th
- Will likely pick preferred developer by end of March
- Due Diligence period to follow
- Seek Commission approval for ground lease this summer

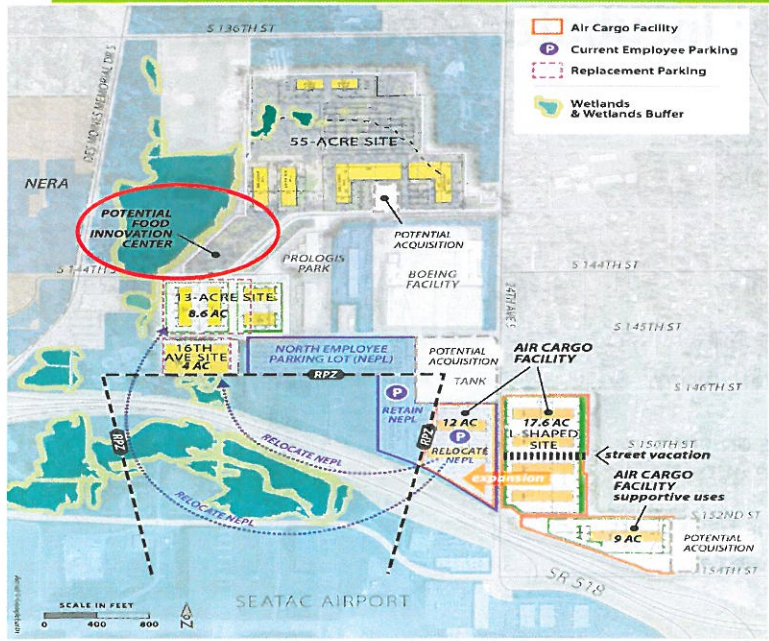
New Development and Jobs for SeaTac

Des Moines Creek - North Possibilities



Distribution – Manufacturing – Business Park

North SeaTac Real Estate Strategy



- Development Alternatives**
- 289,200 SF in new air cargo facilities with some expansion potential (to 375,000 SF).
 - Re-locate employee parking lots
 - Up to 390,000 SF on 55-Acre and 13-acre sites depending on final parking configuration.

- Site Specific Strategies**
1. Support air cargo displacement
 2. Relocate employee parking to make room for air cargo
 3. Facilitate additional development
 4. Explore development of food processing incubator

Recommendations

PROVIDE SPACE, LAND AND OPERATING SUPPORT FOR INCUBATORS...

Maritime Incubator

Utilize Port-owned land at Fisherman’s Terminal or uplands at Terminal 91 to support an incubator focused on the marine industry.

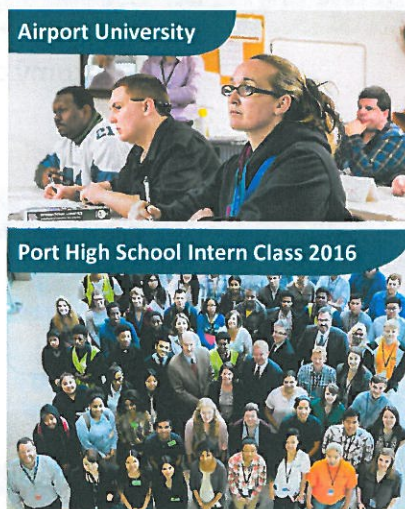
Construction Incubator

Utilize some of the Port’s available building space to develop a one-stop support center for small businesses in construction, architecture, engineering or similar fields.

Commercial Food Processing Incubator

Provide a shared-use, licensed, commercial kitchen that allows entrepreneurs to develop products and enterprises without the high overhead cost of purchasing facilities, equipment, and necessary licensing.

Workforce Development



Placement and Training at SeaTac

Port-Related Workforce Priorities



Airport-Related Occupations

Passenger air, Air cargo, Logistics, Maintenance, Restaurant, Hospitality, Retail



Maritime Occupations

Sailors, Marine Oilers, Ship Engineers, Marine Electricians, Welders, HVAC



Construction Occupations

Trades & Maintenance Laborers, Electricians, Pipefitters, Carpenters



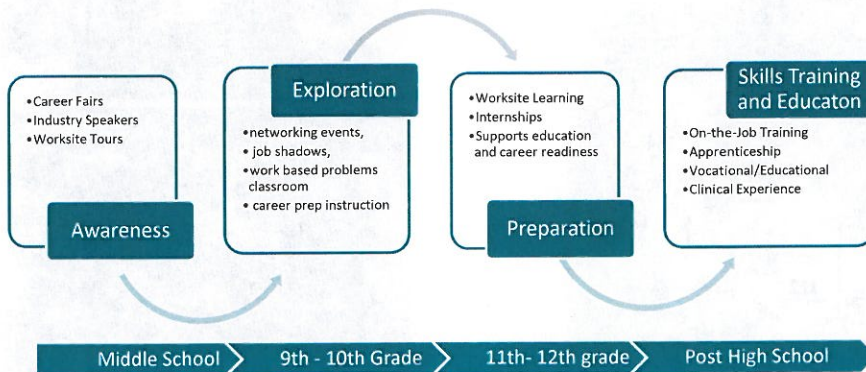
Manufacturing Occupations

Machinists, Assembler, Inspectors, Testers, Welders, Mechanics

Developing a Talent Pipeline

Career Connected Learning Continuum

Anatomy of a Talent Pipeline



Helping Kids Discover and Realize their Potential

Tourism

MISSION

Enhance our region's attractiveness as a tourism destination by promoting tourist options in the state for visitors who use SeaTac, Port cruise terminals or marinas.

GOALS

- Increase international visitor traffic
- Encourage longer stays via Cruise & Stay/Fly & Drive Products
- Institute a small community Tourism Grant Program



International Visitors Stay on Average 18 Nights in USA

Port Leadership in Tourism

Tourism Grant Award Locations



\$150,000 Available for 2017 Grant Program – Applications Accepted Until Feb. 22

2016 Economic Development Grants




The map shows King County, Washington, with a green overlay covering most of its area. Major cities labeled include Shoreline, Bothell, Woodinville, Kenmore, Redmond, Duvall, Kirkland, Bellevue, Sammamish, Carnation, Mercer Island, Newcastle, Issaquah, Burien, Normandy Park, SeaTac, Tukwila, Maple Valley, North Bend, Des Moines, Kent, Covington, Snoqualmie, Federal Way, Auburn, Black Diamond, Pacific, Milton, and Enumclaw. Major highways 405, 90, and 5 are also shown.

- **Nearly \$1 Million in Economic Grants for 31 King County Cities**

Partnerships to Create Jobs & Economic Vitality

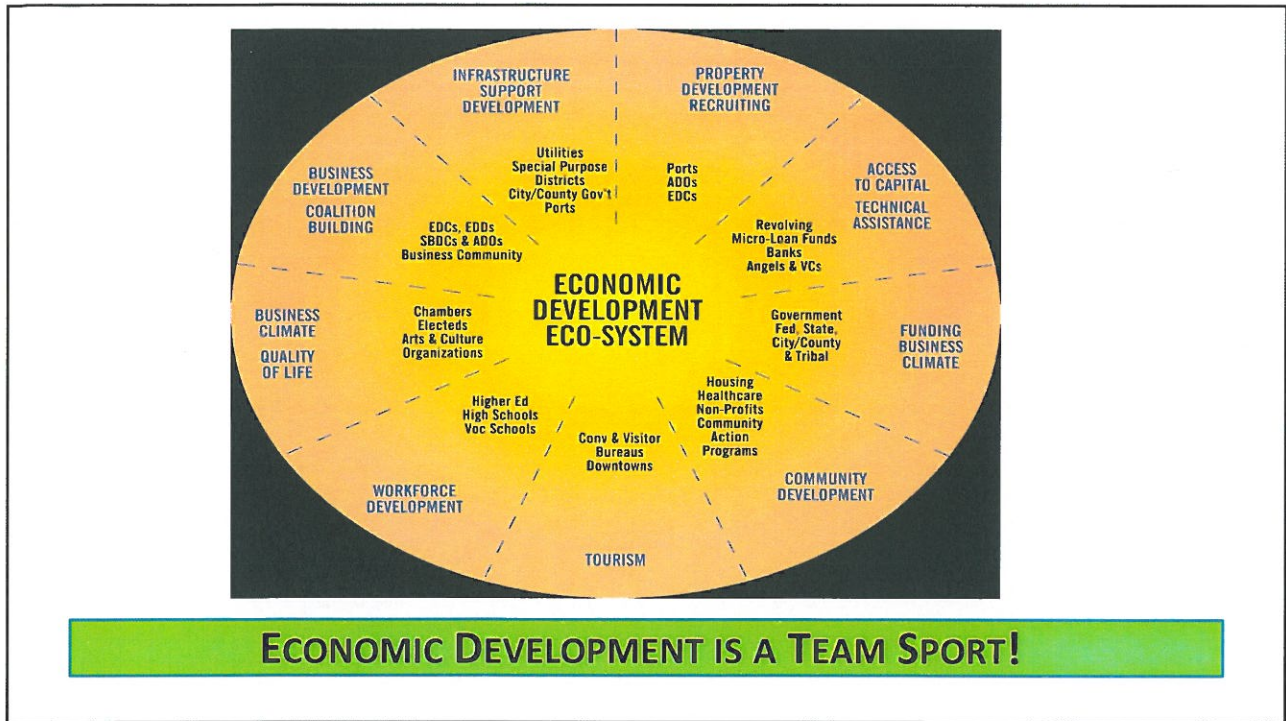
SOUND SIDE ALLIANCE

- Regional Efforts are Important
- Game plan established – May benefit from revisiting
- Port supports staffing the Alliance
- The Innovation Triangle Example
 - Bellevue, Kirkland & Redmond working together



The map shows the Sound Side Alliance region, including Seattle, Burien, Tukwila, Renton, Normandy Park, SeaTac, Des Moines, Kent, and Federal Way. It highlights the Sea-Tac Airport and Highline College. Major highways 98, 5, 520, 167, 169, and 99 are also shown.

Engage Elected Officials and Staff to Keep Vision and Partnership Alive



On the Horizon

- Feb. 1 – Port of Seattle Construction Industry Day, showcasing North Satellite (1 – 3pm)
- Feb. 1 – Open House for Sea-Tac Airport Flight Corridor Safety Program (6 – 8pm)
- Feb. 3 – Groundbreaking for North Satellite Renovation & Expansion
- Feb. 10 – Tourism Marketing Support Program Information Session
- April 8 – Airport Sustainability Tour (Save the Date!)

Stay Informed...

 www.portseattle.org	 facebook.com/portseattle	 linkedin.com/company/port-of-seattle
 instagram.com/portofseattle	 twitter.com/portofseattle	 youtube.com/user/PortofSeattle

SEA-TAC AIRPORT



BY LANCE LYTTLE
Aviation Director,
Sea-Tac International Airport

SUMMARY

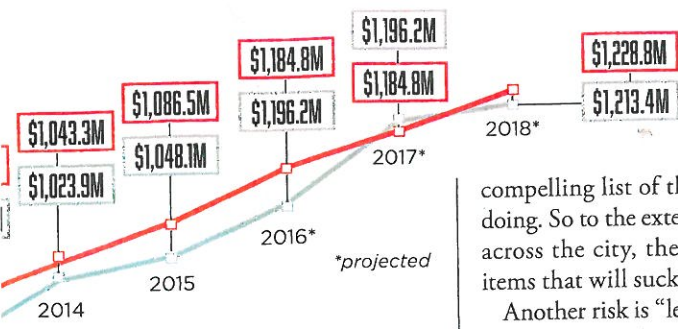
Seattle-Tacoma International Airport, operated by the Port of Seattle, is a reflection of the Puget Sound region's booming economy as we continue to be one of the fastest growing airports in the United States — potentially moving up three spots into the top 10 airports at the end of 2016, with more than 45 million total passengers.

HIGHLIGHTS

In 2017, the Port of Seattle will continue efforts to maintain the high quality of customer service at Sea-Tac as part of \$2.9 billion in near-term capital projects, which will include groundbreaking on the modernization of the north satellite and a new international arrivals facility. Both projects will be dramatic, iconic additions to the passenger experience.

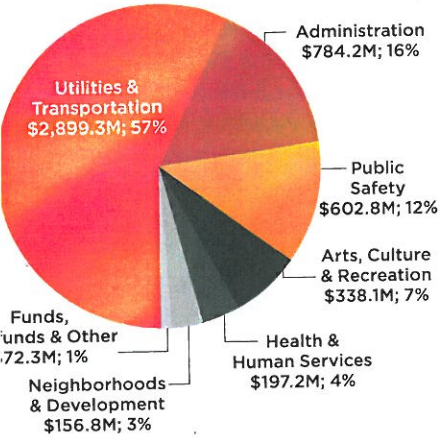
CHALLENGES

Challenges surround us as we continue to grow, yet we find ourselves in one of the smallest footprints for an airport that serves as many travelers as we do. I like to compare it to a person who's having heart surgery while running a marathon. We have to find sustainable, cost-efficient ways to grow by partnering with our neighbors to address impacts, all while maintaining high service for our travelers.



2016 ADOPTED APPROPRIATIONS

ALL FUNDS = \$5.1 BILLION



backfill a deficit if revenues dip too sharply.

If revenues drop more slowly, the city knows how to tighten its belt a notch. In the spring of 2016, Noble's team saw early signs that revenues were weakening. In response, as they began work on the 2017-18 budget, they asked most departments to plan for a cut of either 1 percent or 3 percent. Revenues picked up midyear, rendering the cuts unnecessary, but Noble found it a useful exercise to prove that the city can be flexible when necessary. He also notes that the city typically underspends its approved budget by about 1 percent per year, often in the personnel expenses that make up a large portion of the overall operations budget and are an easy lever to control. Put together, these measures could quickly produce a saving of almost \$50 million.

THE MAYOR has declared that 2017 will be the "Year of Good Governance" for Seattle, as he pushes forward efforts to collect, analyze and use data to improve efficiency of services. Noble, however, doesn't expect those activities to result in additional savings. "I think they will give us more service per dollar," he says. "Not that we aren't trying to save money, but every department has a

compelling list of things they'd like to be doing. So to the extent that we have savings across the city, there are plenty of other items that will suck up that productivity."

Another risk is "levy fatigue," the notion that voters might reach the limit of their willingness to pay more taxes. In recent years, voters have been accommodating in approving and renewing levies, but that trend might not continue. With the Sound Transit 3 levy vote just approved and several other levies up for renewal in the next few years, Noble feels the pressure. "I do worry," he says, "though I've worried about it for 10 years and it hasn't happened yet. There is an informal consensus that ST3 may be the high-water mark for what people are willing to pay. But our long-term strategy does involve renewing the existing levies."

Seattle's 2017-18 budget is a reflection of the pragmatic and incremental nature of the city's current crop of elected officials, and it sets the tone for beyond 2018.

"Our forecast beyond 2018 is long-term growth of 2 percent," says Noble.

That won't be enough to launch big new initiatives, nor will we likely see tax relief. But the trains will keep running, and Noble and his staff will pull the levers necessary to ride through an economic correction — whenever that happens.

Burgess also has confidence in Noble and his team. He points to the consistent approach to budgeting he has seen from the mayor as well as his two predecessors. "I think we've weathered the recession well, and the proof is in the ratings on our bonds."

Moody's gives Seattle general obligation bonds a AAA rating. Noble and Burgess intend to keep it that way. **SB**

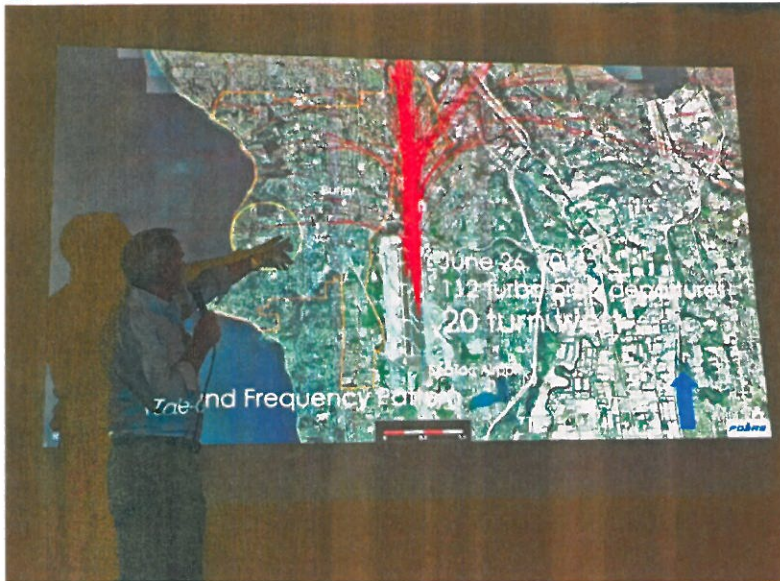


KEVIN SCHOFIELD is the editor of *Seattle City Council Insight* (sccinsight.com), a website devoted to independent news and analysis of the Seattle City Council with daily updates on hearings, pending legislation and current issues and controversies.

com), a website devoted to independent news and analysis of the Seattle City Council with daily updates on hearings, pending legislation and current issues and controversies.

Lawyer tells Quiet Skies that FAA 'failed to comply' with environmental rules

[8 Comments](#)



Lawyer John Parness points to a map showing how many turboprop airplanes turned west over Burien on June 26, 2016.

By [Jack Mayne](#)

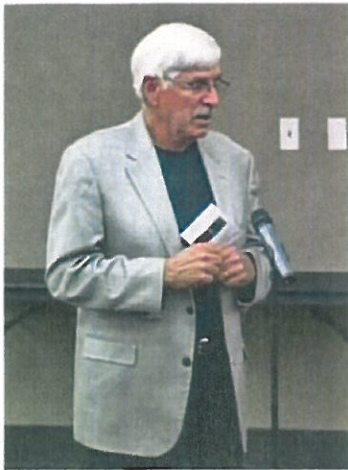
The Federal Aviation Administration “failed to comply” with environmental rules when – without warning – it “began experimenting” with a new procedure that sends noisy prop-jet aircraft at low altitudes over Burien, a “non-confidential memorandum” from an international law firm has told the Quiet Skies Coalition.

The law firm said it appears Quiet Skies and the City of Burien could get the flight paths moderated or changed by challenging the federal agency over failure to conduct environmental studies before such a major change in operations.

“On balance, it appears that a cause of action alleging a violation of the National Environmental Protection Act (NEPA) would be likely to succeed on the merits,” wrote Matthew Adams of the Dentons’ San Francisco office.

“Publicly-available documents (including those obtained from the FAA through the freedom of information act) strongly indicate that the FAA failed to comply with NEPA before approving the controversial New Route.

“And the FAA’s explanation for that failure is arbitrary, capricious, and contrary to available evidence,” Adams wrote.



Quiet Skies Coalition President
Larry Cripe

Aviation experienced

The Dentons law firm is one of the world's largest, and has handled many cases involving the Federal Aviation Administration. Adams was asked by Burien's Quiet Skies Coalition to write a non-confidential memo on the FAA changes so that officials of the city and members of the Burien community could be advised of chances that a legal action could succeed, said Quiet Skies president Larry Cripe. He said the group collected donations to pay Dentons what, in legal firm terms, was an extraordinarily low fee of \$8,500 for the overview.

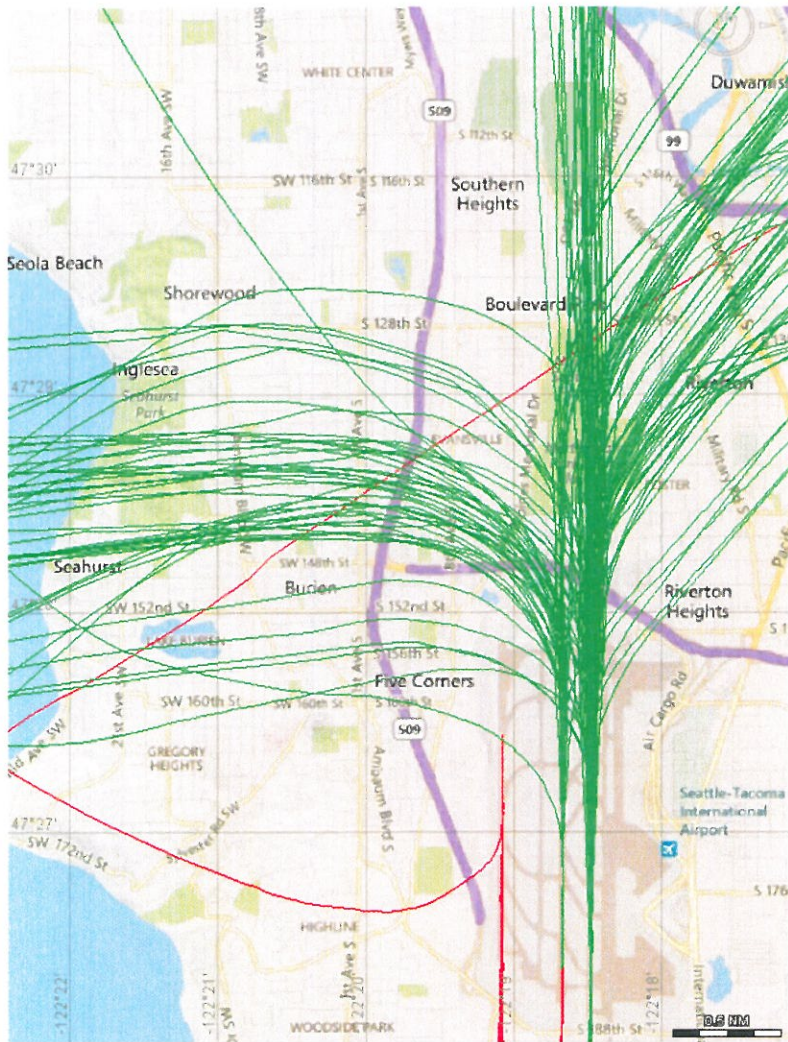
Many large law firms take certain cases on a low fee basis because the research and involvement could assist in future cases with other litigants.

In addition to a Burien City Council appearance on Monday night, Jan. 23, there have been a number of smaller committees considering the new noise from the FAA flight path changes.

State Rep. Tina Orwall has introduced legislation that requires "completion of a study of certain environmental impacts, including ultrafine particulate emissions, associated with aircraft traffic in areas impacted by airport operations." Reps. Joe Fitzgibbon, Mia Gregerson, Gael Tarleton, and others co-sponsored the measure and there is a companion bill in the State Senate.

Download a PDF about attending a House Environment Committee Hearing in Olympia on Tuesday, Jan. 24, 2017 [here](#).

The proposed measure says the state Department of Commerce, in consultation with the Department of Health and the Department of Ecology, "is directed to complete a study by September 1, 2021, regarding air quality, implications of air traffic at the international airport in Washington with the highest number of total annual departures and arrivals."



Flight pattern map for Aug. 24, 2016 shows major increase in airplane traffic over Burien. Click image to view larger version.

Quiet areas impacted

Adams noted that the FAA's "New Route" sends smaller passenger aircraft on a "fixed, consistent path at low altitude over the City of Burien, resulting in significant noise and air quality impacts within that corridor." The specific areas underlying the new route include schools, parks, and otherwise-quiet residential areas.

The lawyer noted members of the Quiet Skies Coalition and Burien residents spent a "considerable amount of time and effort trying to obtain from the FAA information about the New Route, its implementation, and whether/when the agency's decision-making process had been completed.

"I also understand that the FAA did not provide a formal response to these inquiries until Dec. 16, 2016."

Adams wrote that national environmental laws require federal agencies to "identify, evaluate, disclose, and consider reasonable alternatives to the environmental consequences of their proposed actions.

"Those environmental consequences include noise, air pollution, and impacts to historic resources and parklands, among others," he wrote to Quiet Skies.

Public must be informed

The NEPA process "requires that federal agencies both consider and make available to the public a rigorous analytical evaluation of environmental issues."

Adams said there are "only three ways" for federal agencies to comply with NEPA.

The first is that the agency must prepare an Environmental Impact Statement (EIS), which is a "lengthy, comprehensive document that must fully evaluate all reasonable alternatives."

If the FAA decides the proposed action has "no possibility of a significant impact on the environment, the agency may elect to rely on a Categorical Exclusion from NEPA review." In that case, "the agency need not evaluate alternatives."

The third way is for all other proposed actions. Then, "the agency must prepare an Environmental Assessment to determine whether significant environmental consequences are possible," Adams wrote.

If there likely could be significant consequences, the agency must do an EIS.

The FAA must follow one of these three compliance pathways before approving or otherwise committing resources to a proposed project.

EIS not done here

"The FAA does not appear to have done so here," Adams wrote. "We can be certain that the agency did not prepare an Environmental Impact Statement or an environmental assessment because none of the required public notices associated with those documents were ever issued.

The only remaining compliance path involves reliance on Categorical Exclusion.

"For a number of reasons, it appears that a Categorical Exclusion was not – and could not – have properly been used.

"The New Route does not fall within any of the FAA's previously-promulgated categories of actions determined to have no possibility of a significant impact on the environment," Adams wrote.

Therefore Categorical Exclusion was not eligible in this case because the "New Route" directs aircraft over parks, schools, and residential areas at low altitude.

"The FAA's own regulatory orders state that an environmental assessment (rather than a Categorical Exclusion) must normally be prepared for any action that would routinely route aircraft over noise-sensitive areas at less than 3,000 feet above ground level," Adams wrote.

FAA failed to comply

The lawyer also said the FAA's responses to various Freedom of Information Act requests by the Quiet Skies Coalition "fail to provide or disclose any of the analysis or documentation that would normally accompany an agency decision to rely on Categorical Exclusion.

"In other words, there does not appear to be any evidence that the FAA undertook the analysis necessary to determine whether reliance on a Categorical Exclusion was proper. That failure in and of itself is a violation of NEPA.

"In sum, the documentary record appears to confirm that the FAA failed to comply with NEPA before approving the New Route.

Exceeds past Burien fly-overs

Adams said he understands that the FAA is now contending that "due to the historical nature of using the 250 degree heading (the New Route), it was determined that there was no significant impact."

But he says there are problems with this position.

First, in documents FAA staff clearly refers in documents to the New Route as a significant departure from historical north flow departure procedures.

Then, flight tracks confirm that the New Route is not consistent with historical operations.

Also, Burien residents with first-hand experience, "further confirms that the New Route substantially exceeds any previous departure flows over the City of Burien."

"There is no evidence that the FAA actually evaluated whether the New Route might result in significant environmental consequences; on the contrary, it appears that no such evaluation was undertaken.

Adams also writes that while the FAA has a "certain amount of flexibility in documenting its environmental review, it is not the case that the agency is entitled to proceed in reliance on a Categorical Exclusion without any documentation whatsoever."

He notes the FAA has “publicly sought to justify the New Route as necessary to accommodate a 9 percent increase in overall operations at Sea-Tac. That justification is not consistent with the notion that the New Route is a continuation of historical operations.

Pursuing claim against the FAA

Adams said Federal Aviation Administration actions are directly reviewed in the appellate courts.

“It would be permissible to seek judicial review of the FAA’s decision-making in the United States Court of Appeals for the Ninth Circuit (in San Francisco). It may also be permissible to seek review in the United States Court of Appeals for the District of Columbia Circuit. Based on current information, a petition in the Ninth Circuit would appear to be the preferred approach.

Burien residents involved

“The courts generally invalidate and set aside agency action taken without NEPA compliance,” Adams wrote. “In this case, such a remedy would remand the matter to the FAA and set aside the New Route until such time as the agency has completed an appropriate NEPA review.”

Then the aviation administration would need to undertake an appropriate NEPA review.

“While it is premature to speculate as to the precise elements of (or schedule for) such a review, the process would assuredly be open and public,” Adams wrote. “This is important because it confirms that Burien stakeholders will have an opportunity to present alternative procedures by which Q400 aircraft can be dispersed from Sea-Tac.

“My understanding is that there are several such procedures that would have lower overall noise and air quality impacts than the New Route,” wrote Adams. “Under these circumstances, it is reasonable to expect that alternatives to the New Route will receive meaningful consideration. Indeed, failure to provide such consideration would subject the FAA to additional litigation risk.

“A successful litigation outcome would also bring certain long-term strategic benefits for Burien stakeholders,” Adams wrote.

“First, it would effectively assure Burien a seat at the table for any material future changes at Sea-Tac, a material improvement over the current situation. Second, litigation would help prevent the FAA from ‘regularizing’ the impacts of the New Route — that is, making those impacts part of the baseline against which future proposals are measured.”

This may become especially important if, as anticipated, the agency initiates significant changes to Sea-Tac procedures in the medium- to long-term.

Read our extensive previous coverage of this issue [here](#).

21
SHARES



[8 Comments](#)



Posted by [Scott Schaefer](#) on Thursday, January 19, 2017 at 3:36 pm

Filed under [Burien News](#), [Featured Stories](#), [Headlines](#), [Health & Wellness](#), [Life](#), [Politics](#), [Science](#) · Tagged with [airplane noise](#), [Burien](#), [faa](#), [federal aviation administration](#), [flight pattern](#), [new route](#), [news](#), [Port of Seattle](#), [quite skies coalition](#), [sea-tac airport](#)





Comments

8 Responses to “Lawyer tells Quiet Skies that FAA ‘failed to comply’ with environmental rules”

1.  B says:

[January 19, 2017 at 3:52 pm](#)

Thank you Quiet Skies, for fighting for all of us! And thank you b-town blog for covering it in detail!



Well-liked. Like or Dislike:  30  10

[Reply](#)

2.  *odubya23* says:

[January 19, 2017 at 7:57 pm](#)

Try to keep in mind that lawyers tend to get paid whether or not their cases are won or lost. Does Burien really want to blow taxpayer dollars that could be used to house Burien's many homeless or even task additional police coverage to do something about the heroin junkies chasing the dragon behind my family's apartment on litigation that the FAA can easily afford to drag out for possibly decades and place us on the hook for potentially millions of dollars in wasted legal fees?



Hot debate. What do you think?  14  32

[Reply](#)

3.  *DJT2020* says:

[January 19, 2017 at 9:07 pm](#)

Why can't prop planes just fly out of Boeing field if they are slowing down jets taking off from Seatac so much?

Hot debate. What do you think?  22  7

[Reply](#)

-  *Seahurst resident* says:
[January 19, 2017 at 10:44 pm](#)

Like this common sense comment from DJT2020 (even more common sense). Take a deeper looker at the actual issue and propose a solution outside of litigation. SeaTac airport is already too crowded, so diversification needs to happen anyway. This region needs leadership and common sense solutions instead of a bunch of whiners.

Rate:  3  7

[Reply](#)

-  *Retired pilot* says:
[January 20, 2017 at 8:39 am](#)

The passengers are at Seatac, not at Boeing Field. And, Boeing no longer has the capability to handle any significant number of passengers.

Rate:  11  2

[Reply](#)

4.  *jenny* says:
[January 20, 2017 at 10:57 am](#)

Vashon Island residents also might be interested in the Quiet Skies issue.

Rate:  7  5

[Reply](#)



5. *Eagle* says:
[January 20, 2017 at 11:51 am](#)

This is great! Thank you Quiet Skies for standing up for the citizens of our City. If only our elected representatives could take such a data-driven approach to standing up for us. SeaTac needs improved oversight to prevent these kinds of changes from happening in the first place. We need a more democratic process regarding communication and approval of these expansions prior to them taking effect. We should not tolerate such changes that negatively impact our health and quality of life, leaving us to fight to undo the decision after-the-fact.

Hot debate. What do you think? 14 8

[Reply](#)



6. *steve* says:
[January 21, 2017 at 7:47 am](#)

Let me assure you that large commercial jets are using this corridor also. I have witnessed dozens of jets fly over my neighborhood west of Kennedy High School at low altitude and have called noise hot line 3 or 4 times. If you give a mouse a cookie you wont be able to get rid of them! Fight this now or forever be in the flightpath of the future. Thanks Quite Skies!!

Rate: 11 3

[Reply](#)

Share Your Opinion

By participating in our online comment system, you are agreeing to abide by the terms of our [comment policy](#).

...and oh, if you want a picture to show with your comment, go get a [gravatar!](#)

Name (required)

Mail (will not be published) (required)

Website

