

**MEETING MINUTES  
OAKLAND AIRPORT-COMMUNITY NOISE MANAGEMENT FORUM**

**October 21, 2015**

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## 1. INTRODUCTIONS

The October 15, 2015 meeting of the Oakland Airport-Community Noise Management Forum was called to order at 6:31 p.m. by the Forum's Facilitator, Michael McClintock. Mr. McClintock welcomed the Forum members and guests. He asked the Forum members and advisors to introduce themselves for the benefit of the audience:

### **Forum Members/Alternates Present:**

Benny Lee, Co-Chair, Elected Representative, City of San Leandro  
Walt Jacobs, Co-Chair, Citizen Representative, Alameda  
James Nelson, Citizen Representative, Berkeley  
Greg Jones, Elected Representative, City of Hayward  
Edward Bogue, Citizen Representative, Hayward  
Kathy Ornelas, Alternate, San Leandro  
Subru Bhat, Citizen Representative, Union City  
Pat Gacoscos, Councilmember, Union City  
Matt Davis, Acting Assistant Director of Aviation

### **Staff Members/Advisors/Guests:**

Larry Galindo, Noise Abatement/Environmental Affairs Supervisor  
Jesse Richardson, Jr., Noise and Environmental Affairs  
Christian Valdes, Acoustical Consultant, Landrum & Brown  
Gene Reindel, Harris Miller Miller and Hansen, Inc.  
Harvey Hartmann, Consultant to the Port  
Tony DiBernardo, FAA, Sierra Pacific District Manager  
Don Kirby, FAA Air Traffic Manager, Northern California TRACON  
Carole Lozito, FAA, Oakland Air Traffic Manager  
Jim Baas, FedEx Flight Operations  
Sean Moran, Noise Analyst, Hayward Executive Airport  
Bert Ganoung, Aircraft Noise Abatement Manager, San Francisco International Airport  
Valerie E. Jensen Harris, CSR, Stenographer  
Mike McClintock, Forum Facilitator

## 2. ANNOUNCEMENTS

### **A. Deborah Ale-Flint Appreciation**

The facilitator said that at its July meeting it was pointed out that Deborah Ale-Flint had left the Port of Oakland to take on the position of executive director of the Los Angeles World Airports – LAWA. At this meeting the Forum directed me to prepare a suitable expression of our appreciation for Ms. Ale-Flint's contributions to Forum and the Forum communities, and I think she did an excellent job for us, and will do the same for LAWA. In Deborah's absence, McClintock made the presentation to Acting Assistant Aviation Director Matt Davis. He asked that it be forwarded to Deborah along with a card signed by Forum members. McClintock read from the crystal award: "Awarded in appreciation to the Port of Oakland Aviation Director, Deborah Ale-Flint, for leadership, dedication and commit-

ment to the success of the Oakland Airport-Community Noise Management Forum from August 2009 to June 2015.” He said we wish her the best in her new position.

## **B. Larry Galindo Retirement**

Facilitator McClintock asked Co-Chairs Lee and Jacobs to present Larry’s retirement award. Walt Jacobs said that he was involved in Larry’s hiring process. He said that it was a good decision because Larry has done an outstanding job in his position. He said Larry excelled in terms of responding to issues and in cooperating with the Forum member communities. Walt said the first thing he did when he heard Larry was retiring, was to pick up the phone and say, “What the hell are you retiring for? You're a young guy.” In any event, he said Larry’s leaving will be a big loss for all of us. Benny Lee said when he was first appointed to the Forum he met with Larry, who showed him the ropes and the ins and outs of the noise management system. He said Larry’s biggest contribution was in successfully dealing with all the issues and community concerns. So, he said, my hat is off to Larry for his professionalism. His departure will be a big loss to the Forum. This does not take away from the dedication and professionalism of his staff, but his leadership will be hard to replace. Pat Gacoscos said she remembered Larry best for his professionalism and prompt response to a complaint that she had received in Union City. Matt Davis said he concurred with all that had been said. Larry has a difficult job and he does it well. What Larry does and the image he projects and what he gives to his staff is the sense of caring and ownership of the noise program, is extremely important.

## **C. Acceptance of 2<sup>nd</sup> Qtr. 2015 Noise Report (Receive and File)**

The facilitator said that the last item under announcements was the second quarter 2015 noise report. Typically, this is received and filed unless there are questions or discussion. Co-Chair Benny Lee asked why the compliance rate for Runway 12 departures had declined. Larry Galindo replied that operations had decreased for that procedure and that with more operations the compliance rate is typically higher statistically. Co-Chair Lee asked if there were any noise complaints based on the lower level of compliance. Galindo said there were none. McClintock asked if there were any other questions. There were none. In the absence of any objections the report was received and filed.

## **3. CORRESPONDENCE**

### **A. Outgoing CLASS President/New President**

The facilitator announced that Forum Members received a copy of a letter from Red Wetherill, the long-time president of CLASS, stating that he was stepping down and that he was being succeeded by Dr. Matt Pourfarzaneh. The Facilitator said that the Forum wished to recognize Mr. Wetherill for his contribution to CLASS and the City of Alameda. Co-Chair Walt Jacobs said that he had a Certificate of Appreciation that he would like to present to Red. It read: *The Oakland Airport-Community Noise Management Forum awards this certificate of appreciation to CLASS President Red Wetherill in recognition of his technical expertise and other significant contributions to the Forum on behalf of the Citizens' League for Airport Safety and Serenity and the residents and the citizenry in Alameda.*

Mr. Jacobs stated that he had been involved with both CLASS and the Forum for a very long time. Under the leadership of Red and Barbara Tuleja, CLASS and the Port were able to work through some very difficult issues and, as a result, Alameda's relationship with the Port is much, much better and, certainly, not adversarial, and we try to work together to accomplish our goals. Jacobs said that Red Wetherill has done an outstanding job and he's a great citizen. He added that for all those people who volunteer and help with the Noise Forum and with their own community, whether they're an elected official or an appointed official, these are the kind of people that we need in this world. Mr. Wetherill thanked Mr. Jacobs and the Forum and expressed his appreciation.

Matt Davis thanked Red on behalf of the Port and noted that his technical expertise was greatly appreciated. Benny Lee said he recalled meeting Red just after he became the Forum's elected Co-Chair a couple years ago. He said it takes people like Red to speak up and talk about some of the issues. Basically, it's the voices of the people that really propel us. We are inspired by folks like Red. This Forum started as a result of the concerns of the residents and citizens of Alameda, as well as San Leandro, but then also crossed down the East Bay corridor. And now we're again working on some across the bay. The efforts and the work you put together with all the other individuals who participate in this process is the reason why we're here today. Thank you very much for your work. Red said that he had learned to appreciate the people he had worked with at the Port; Deborah Ale-Flint, Kristi McKenney and Larry Galindo, among others. He said he learned to respect these people because they are good and straightforward and they're easy to work with. Walt Jacobs introduced Dr. Matt Pourfarzaneh, the new president of CLASS. He said he looked forward to working with him as there will be challenges ahead, but the Forum is a very active group and will work with CLASS through the Port.

#### **4. APPROVAL OF MINUTES (JULY 15, 2015)**

Facilitator McClintock noted that this item was for the approval of the draft minutes of the July 2015 Forum meeting. The facilitator noted that Forum members had received a copy of the draft minutes of the April meeting with their agenda packages. He asked if there were any comments, questions, or corrections. Co-Chair Lee asked that the number of homes that were insulated in San Leandro be corrected. There were 154 homes soundproofed with 46 remaining for a total of 100. The facilitator said that with this correction he would entertain a motion for approval of the draft minutes. Co-Chair Lee Moved approval. Seconded by Co-Chair Jacobs. Motion approved.

#### **5. PUBLIC COMMENT**

The facilitator announced that this was the time for members of the public to speak on issues not on the agenda but relevant to airport noise and air quality at Oakland International Airport. The facilitator said that this is an opportunity for members of the public to speak on issues not on the agenda, but nonetheless relevant to airport noise and air quality at Oakland International Airport. Red Wetherill brought up the subject of drones and the FAA. He said he was speaking as a citizen of Alameda, not a CLASS representative. He expressed the concern of he and his wife that a recent news article said that over one million drones would be sold over the Christmas holidays and that they were not being registered. He said that where he lives there is a potential conflict between business jets taking off from North Field and kids flying

drones in the same area. His concern was that it would only take one pilot who says, "I'm going to do it my way" and one knucklehead who gives his son a drone, and hundreds of people could be wiped out on Bay Farm Island. He asked the Forum to urge the FAA to take immediate action to at least register newly purchased drones [As of December 21, 2015 the FAA requires every drone owner to register drones weighing over .55 lbs. and each drone must have a compliant label for identification].

Mr. Wetherill continued on behalf of CLASS. He said that CLASS is very concerned about the attrition in the Noise Office. It has taken more than a year to interview candidates, and the position remains unfilled. He said, also, that the Noise Office can't stand to be without a supervisor. He urged the Port to move quickly to find Larry's successor and fill the position and return to full staffing. He commented on items that had come up in the North-South Field Working Group. He said that the FAA has agreed to extend quiet hours for the Salad procedure until 7 a.m. rather than 6 a.m. That, he said, should be helpful to Alameda residents. He thanked the FAA and the Noise Office staff for guiding that change. He expressed concern over the ability of the Noise Office to maintain access to the FAA radar data. This is very problematic, as you can't analyze noise events with no or incomplete data. He said CLASS was awaiting noise data at the west end of Alameda where a portable noise monitor was about to be installed. He offered that it would be good idea for the Port to have another Noise 101 session for the community.

Lastly, he said it is time for the Port to update its noise exposure maps. It was his understanding that there are two such maps: one for existing conditions; and one for five year forecast conditions. Walt Jacobs said he concurred with everything that Red said about the staffing situation in the Noise Office and offered that the Co-Chairs should be involved in the interviews, as was the case when Larry Galindo was hired. He expressed great concern over the new Metroplex flight procedures and how they were affecting Alameda. He asked Matt Davis if the problem was not related to the concentration of aircraft along a narrower flight path. Mr. Davis said that, yes, this was part of the problem. Walt said that this has become a nightmare and that it is affecting the quality of life for people in Alameda. He said he would like to see the Forum get involved in this issue, and that it should be included in the 2016 Forum Work Plan. Mr. Davis responded that "Larry's position will be filled as quickly as we can fill it," and that the Co-Chairs will be involved in selecting the new supervisor. He said the Port continues to work with the FAA and that it is monitoring the Metroplex procedures as they affect the East Bay.

Sandra Harrison asked if the FAA changes the flight patterns in the fall of the year because it seems like, sometime starting after September, there are many more planes flying over her house again. She said she knew this occurred occasionally during bad weather, but now it happens all the time. Matt Davis replied that this condition is most often associated with wind and rain; but not always. We've had a lot more cloudy, humid days than normal, and we've seen some odd wind patterns as well. He said he thought it was the winds that were causing this condition more than anything else.

Harold Perez addressed the Forum concerning overflights from San Francisco International Airport. He said they fly over his house every five minutes from morning until 10:00 p.m. These are large aircraft and the noise is horrendous. He said the Blue Angels were a big problem, flying low over his neighborhood constantly for the 5 days they were here. He said this

was no way to treat people. Waafa Aborashed, with the Davis West Neighborhood Group, expressed her disgust with the Forum for not doing anything to help improve the quality of life in the Davis West neighborhood area. She said the neighborhood had become acclimated to some of the aircraft on the South Field and North Field, but now they have to deal with San Francisco airplanes coming over their houses every five minutes. She expressed similar concerns over military activities at the airport. She said the Forum is not giving us anything that makes our quality of life better, and that it is getting worse with the planes from San Francisco affecting the Oakland Hills and Walnut Creek. So we need some accountability from the Forum on this, not just for the business and commercial aircraft, but from the military as well. We don't want them. Tell them to go.

The facilitator said that if there was no one else on the Forum who wished to comment, he wanted to say, with respect to Ms. Aborashed's comments, that by now it should be common knowledge that the Forum is an advisory body only; it does not have any accountability. To blame the Forum for the Blue Angels, or to blame the Forum for what's happening at San Francisco International Airport, is misplaced. But there is the Forum, meaning a place to come and be heard, to give people an opportunity to raise these kinds of issues, just like Harold has done and Mrs. Harrison has done. The Forum and the Port will help out to the extent we can, but the Forum's capabilities to do anything substantial are limited to the extent that we can only advise the Executive Director of the Port of Oakland and request that the Port staff look into these issues and report back to the Forum. The facilitator closed the public comment period.

## **6. STATE AND FEDERAL NOISE METRICS—COMMUNITY SIGNIFICANCE**

Christian Valdes of Landrum & Brown noted that at the last Forum meeting questions were raised with respect to what constitutes a significant impact, especially with respect to noise. Mr. Valdes said his presentation would hopefully bring some context to how noise metrics and regulations are used to define significant impact. He provided examples of how terms differ between various agencies. For example, the State of California uses the term "acceptable" to refer to noise levels acceptable to people, while the FAA uses the terms "compatible" and "non-compatible." The National Environmental Policy Act (NEPA) uses the terms "significant" or "not significant" with respect to project induced changes in noise levels with respect to land uses.

In California, the State Noise Standards are set forth in Title 21, California Code of Regulations. Valdes quoted "The level of noise acceptable to a reasonable person residing in the vicinity of an airport is established as a community noise equivalent level (CNEL) value of 65 dB for purposes of these regulations." The document also says that the state has no role in regulating air traffic or airport operations. Any county at any time can declare an airport to be a noise problem airport based on complaints or litigation or performing its own investigation. Once an airport receives a noise problem airport label, the airport needs to do certain things. It needs to establish a noise program to validate the noise impact area of 65 CNEL on a quarterly basis, every three months, to prepare a noise report, to prepare a contour, submit it to the county – to Alameda County, in the case of Oakland Airport – for review, and then the county submits that to the state. Again, like the state, the county has no overall role in regulating the airport or airport procedures. On the other hand, counties and cities have the sole responsibil-

ity to regulate land use around an airport. And airports try to work with these agencies to allow only noise compatible uses within the designated noise impact areas.

At the federal level, Congress adopted noise limits for aircraft manufacturers, and they told the FAA to adopt noise compatibility programs, to implement NEPA, to set noise metrics, and to establish a system to determine noise exposure. Congress also told local jurisdictions they cannot adopt new regulations that limit access to airports based on noise—ANCA—the Airport Noise and Capacity Act of 1990. In response, the FAA determined that DNL-- the day-night average sound level was the best metric because of recommendations by the EPA. The FAA established this measure as a community noise exposure metric to aid airport noise analyses under Federal Aviation Regulations (FAR) Part 150. The FAA says that a maximum day-night average sound level of 65 dB (decibels) and above is incompatible with residential communities. Communities in affected areas may be eligible for mitigation such as soundproofing. To implement the requirements of NEPA, the FAA developed Order 1050.1 “Environmental Impacts: Policies and Procedures.” This order states “for a project or any change to existing conditions, the impact is significant if noise increases 1.5 dB inside the DNL 65 dB noise contour. Of equal importance is the fact that, because any noise increase, however big it may be, is not significant if it happens outside of the DNL 65 dB noise contour. ANCA also stated that airports cannot create access restrictions, i.e. cannot prevent aircraft from using the airport due to noise. Curfews or regulations limiting access to the airport were able to be grandfathered in if they were established before 1990, but after 1990, airports could no longer impose them. Last of all, he said, if changes are desired it is important to gather information and organize into groups like the Forum, and develop working relationships and develop clear and practical goals like the Forum has in its Work Plan.

## **7. NOISE OFFICE REPORT**

### **A. OAPM Noise Claims**

The facilitator called on Larry Galindo to talk about the Metroplex or OAPM noise claims, and Harvey Hartmann to give an update on the east end of Alameda change to Quiet hours. Galindo said the Metroplex issue has led to litigation, and here in the Bay Area, the Port of Oakland has received seven claims filed with the Port of Oakland for noise disturbance related to flights that depart Oakland and fly over the Santa Cruz and Los Gatos areas. The Port has determined that it will reject these claims. There is also one lawsuit that names the FAA, all three major Bay Area airports -- San Jose, San Francisco and Oakland. The claimants have 6 months in which to decide to file a lawsuit against Port of Oakland. Galindo used a graphical exhibit to show the flight paths associated with the Santa Cruz and Los Gatos claims. He said this is a complex noise issue for the FAA and for the airports because the subject aircraft are flying at altitudes of 20,000 to 30,000 feet. However, they are highly concentrated and frequent in this area. He said we will see what transpires as we go forward with this unusual, new noise issue. He noted that when he said it's unusual and new, the purpose of our program tonight was to get the Forum familiar with what is really the standard for significant impact, and that's the noise measurement relative to the CNEL and DNL 65 dB areas.

These complaints are coming from far outside of the statutory noise impact area of CNEL/DNL 65 dB, and the areas defined in Title 21, the state noise standards, as well as federal law. So the FAA is in a situation, where in following the law, they have managed to upset a lot of people. There is no

required metric to assess this type of impact. Only time will tell how far the federal government is willing to go in considering a supplemental metric or deciding they're going to maintain the status quos. The final decision may lie with the federal courts. Larry said it was his hope that the Forum will continue to be proactive, cooperative and do all it can to try to represent to the FAA what works for, and benefits our constituency. He said he certainly appreciates the input and the time of our elected and community reps and the public in dealing with these issues.

## **B. East End Alameda Noise Concerns—Change to Quiet Hours**

Harvey Hartmann reviewed the evolution of the quiet hours noise abatement procedures for North Field. He said, while he was with the FAA he was asked by community representatives to come up with a new departure off the North Field that would make an immediate right turn to provide noise relief from early a.m. departures. As a result the “Salad” procedure was created, and was in effect until 6:00 a.m. Today, through the efforts of Larry and the FAA at both Oakland towers and Northern California TRACON, the Salad departure has been extended to 7:00 a.m. Hartmann said this was a win-win situation for everyone. Don Kirby, FAA NorCal TRACON, said Larry came to the FAA about 4 months ago with this concept. He worked with Don, Carole Lozito, and the union reps. It was not a difficult fix and Larry and Jesse Richardson are to be commended. Larry commented that the pilots are also doing a good job in complying with the procedure. Grant Weseman of Santa Cruz interjected that he wanted everyone to know that on October 15 the FAA was sending all southbound departures from SFO and OAK out over the ocean. He said he did not know why this happened, and, of course, the problem was solved for Santa Cruz County. He said he would like to know how that happened. Don Kirby said it was the result of thunderstorms in the Los Angeles area, so they had to use the offshore route.

## **8. SUPERBOWL 50 UPDATE**

Matt Davis provided the Forum with an update on the Super Bowl. The primary issue for the Forum is the number of private business jets that will use the airport. Some 1,200 private jet aircraft will be arriving in the Bay Area during Super Bowl Week. Limited space at San Jose and San Francisco Airports for private aircraft means a lot will land in Oakland. Departure operations are expected to start around half-time and continue into Monday. Typically, all departures of jet aircraft occur off of Runway 30. However, due to the high volume of traffic anticipated after the game, heavy usage of Runway 28L and 28R is anticipated for these departures. This is in part because of safety concerns and just the high volume of anticipated aircraft. The FAA is looking at this as a regional airspace utilization issue because an aircraft departing OAK has to mix with traffic leaving San Francisco and other airports in the area, and the airspace can't be saturated. So the actual numbers of departures out of Oakland has not been decided yet. Hopefully, we'll have those numbers within the next couple weeks and we'll talk about it in the technical working group and then he will report back to the Forum. He said the Port would continue its outreach efforts. Walt Jacobs asked that the Harbor Bay Isle board be briefed on this matter. Davis said that could be arranged. Kathy Ornelas said that San Leandro needed to be briefed as well. Benny Lee asked about risk mitigation. Davis replied that this was part of the overall operational package. Walt Jacobs asked if the private jets would be landing on North Field. Matt said, yes, they'll land on the North Field, consistent with the noise procedures. Jacobs said they will be taking off from North Field, as well. Davis said only during the period with the highest concentration of operations, not

throughout the whole week. Red Wetherill said he would vote for moving the Super Bowl elsewhere. James Nelson said good luck with that.

## **9. TECHNICAL WORKING GROUPS REPORT**

### **A. Runway Safety Area Project Update**

Darron Evans gave the report on the current status of the RSA project. He reported that they were into the last phase of the project. He said the project should be substantially complete by November 21. Right now most of the civil work has been completed, and they are doing mostly electrical and striping work now. The facilitator asked if this means, with respect to the RSA project, at our January meeting, he will be able to report, barring any unforeseen circumstances, that the project will be complete. Mr. Evans replied that "We will be complete and fully compliant with the mandate for RSA by the FAA." McClintock Thanked Mr. Evans and said that the Forum would look forward to hearing his next report.

### **B. Runway 30 Departures Noise Monitoring**

Mr. Evans reported that on Wednesday, October 14, 2015 Larry, Jesse and Kurt Peterson and his wife surveyed three potential locations to put a portable noise monitor. Those locations included 1150 Balena Boulevard, Alameda Encinal boat ramp and Crab Cove Museum. On, October 22 Jesse and Larry will do a site visit with the Harbormaster to investigate the 1150 Balena Boulevard location. To date, a specific site has not been chosen. He said he would report back when they have actually chosen a site to have the noise monitor. McClintock thanked Mr. Evans for his presentation. He noted that he had received an e-mail from the Peterson's, as follows: "Forum members, this letter is to once again request a noise monitor be placed on the west end of Alameda. On Wednesday, October 14, Larry Galindo and Jesse Richardson joined my wife and I on a quest to find an ideal location for this monitor. We visited the Encinal boat launch, Encinal High School and Balena Bay commercial park and Crab Cove Regional Park. We all felt that the Balena Bay commercial site would be the best. It is close enough to show the noise levels that may (\*) but it may interfere with both student and residential life. Management appeared to be in favor of it. We suggest this site be adopted as soon as possible as a location for monitoring for at least six months -- (\*) -- hopefully, longer. We encourage the Forum to vote to request the Port of Oakland approve such an action at the October 21st meeting." McClintock said that since staff is still investigating sites for the best location, no action is necessary. He noted also that two new monitors will be installed: one on the east end, the other on the west end. Larry Galindo said that Matt Pourfarzaneh has offered his home and backyard, which are secure, and we'll be recommending this location to our senior staff. Walt Jacobs asked for confirmation that these would be portable monitors. Galindo so confirmed. Discussion continued on the efficacy of portable monitors over permanent monitors in this situation.

## **10. OAPM DISCUSSION—PROJECT OVERVIEW/PROCEDURES**

Harvey Hartmann provided the Forum with an overview of the Metroplex, or OAPM, and procedures. He discussed the HUSSH procedure as it was developed for Oakland International Airport departures. He said this procedure was developed, basically, to duplicate the Silent and Quiet departures off of Oakland and San Francisco. He showed a graphic depicting the RNAV, or satellite-based departure route, which takes the departing aircraft over the middle of the bay, right over Treasure Island and out to Richmond. The departure procedures that this was based on, the Silent and Quiet, were developed many, many, many years ago, when they used land-based navigation, which means it was a lot less precise back then. He next

discussed the CANDL procedure, which duplicates two departures off Oakland -- the Skylight departure to Los Angeles and the Coast departure to Southern California and Phoenix. This procedure has been around for a long time also and was originally implemented as a land-based procedure, which lacks the precision of a satellite based procedure. When the FAA undertook to develop these new satellite-based procedures they basically looked at all the land-based flight track procedures, the vectors the controllers were issuing aircraft and duplicated those flight tracks and controller vectors with these new satellite-based procedures. Utilizing satellite navigation, they would go direct to a number of places where, in the old days, they had to vector them. Hartmann discussed the "Catfish" departure procedure which duplicates the Skyline departure procedure used in Southeast Plan operations. He said it was virtually identical to the original land-based navigation departure procedure, but is now based on satellite-based navigation.

Harvey next described changes to the Standard Terminal Arrival Route (STAR) procedures for Oakland. Again, these routes have been in place for a long time as land-based navigation procedures, and are now based on satellite navigation. FAA's purpose in updating these procedures was to "smooth" out the departure profile and create more precise flight tracks. Among these was the "Windsor," which comes from the northwest. Basically, this places the aircraft going to Oakland over the East Bay hills before making a right turn into Oakland. He noted that although the FAA is upgrading the approaches and departures to satellite-based navigation, the old, legacy procedures are still in effect. There are a number of aircraft that still do not have the capability to use the satellite-based procedures. Harold Perez asked why no one from the FAA asked the people living under these flight tracks what they thought about these changes. Hartmann replied that, as he understood it, what the FAA did was take all the existing flight tracks that have been around for a long time and overlaid them with the new technology.

Mr. Perez asked if there was anything the residents could do about it. Harvey said that representatives of the FAA were present and had heard his concern. Co-Chair Jacobs said that the issue was not so much the change to the new satellite-based procedures, but the fact that the flight tracks were now more precise and narrowed down, which was subjecting certain areas to constant and direct overflight. He said this was becoming a major problem all over the country where OAPM and Metroplex projects are being implemented. Jacobs said this all may be OK for rural areas, but when you're in metropolitan areas, the problem becomes focused, and people are complaining and suing all over the place. Matt Pourfarzaneh said that the flight track diagrams are nice, but they do not reflect reality. The fact that more people are complaining, and even suing airports, is an indication that things are not still the same. Red Wetherill commented that the planes, have in fact, been coming closer to the East Bay communities, and the graphics do not adequately show this condition. He said he thought it was time the FAA started to level with us. "We're not dumb nuts entirely." "We deserve better than this for an area that is as concentrated with aircraft and housing as the Bay Area." Debbie Bakewin (sp?) from Bay Farm Island asked when the Metroplex project started. No one had a specific answer, but Gene Reindel suggested it could be found on the internet.<sup>1</sup> Howard Hindermeister (sp?) from Bay Farm Island said he noticed that there is an obvious difference

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<sup>1</sup> See [metroplexenvironmental.com](http://metroplexenvironmental.com)

On September 9, 2009, RTCA issued the NextGen Mid-Term Implementation Task Force Report, which, in part, directed the FAA to undertake planning for the implementation of Performance-Based Navigation (PBN) procedures on a metroplex basis, including Area Navigation (RNAV) and Required Navigation Performance (RNP). Based on this recommendation, the FAA began the nationwide OAPM initiative.

between the daytime and nighttime flight patterns. As for the San Francisco departures, they do not come over the airport at night, but they do start coming over at 7:00 a.m. at about 5,000 feet minimum, and it is a constant drone every 5 minutes.

### **A. Finding of No Significant Impacts**

Gene Reindel of HMMH reviewed the Nor Cal Metroplex FONSI, or a Finding of No Significant Impact, which was the result of the environmental analysis done for the Metroplex. He said he wanted to inform the Forum about what exactly a FONSI is, but first needed to review the nature of the Metroplex and OAPM, as well as some definitions. He discussed the recommendations for the NextGen air traffic control system, which came from the Radio Technical Commission for Aeronautics (RTCA). The RTCA is chartered by the FAA to operate federal advisory committees. The RTCA recommended Metroplex airspace studies to “optimize flight paths and climb and descent profiles, institute collaborative teams to broadly proliferate existing performance based navigation experience and expertise, promote air navigation everywhere and required navigational performance where beneficial, integrate airspace and procedure design, decouple operations arriving and departing adjacent airports and use the three nautical mile and terminal separation rules wherever possible.” Gene described the goal of the Metroplex projects as an optimized approach to integrate airspace and procedure projects and to implement the performance-based navigation procedures and the airspace design. The purpose of these programs is to improve airspace efficiency and reduce complexity. The airspace and procedures solutions are typically limited to those that can be achieved without producing significant noise impacts, which are noise impacts assessed and reported in an environmental assessment. He described the major Nor Cal Metroplex airports as Oakland, San Francisco, San Jose and Sacramento. Qualitative benefits of the Metroplex were summarized as reduced air traffic control task complexity, reduction of communications between the pilot and controller - air traffic controller -- some reduced phraseology, reduced frequency of congestion, reduced pilot workload, repeatable, predictable flight paths, accurate fuel planning and laterally or vertically segregated flows. He discussed some of the definitions used in the Metroplex study.

The next part of his presentation focused on the FONSI for the Metroplex project. He said the National Environmental Policy Act (NEPA) of 1969 defines the environmental responsibility of federal agencies. The FAA has two internal documents they use for guidance in these matters: Order 1050.1f—Environmental Impacts: Policies and Procedures and Order 5050.4b-- National Environmental Policy Act (NEPA) Implementing Instructions for Airport Actions. So what is a “FONSI?” Simply stated, it is the result of a federal environmental study conducted under NEPA guidelines that concludes that the selected alternative would not cause any significant environmental consequences. It is one possible outcome from FAA completion of the NEPA process for a proposed action, which was the case with the Metroplex EA (environmental assessment). In the FAA’s Metroplex EA, the FAA used the aircraft noise impact assessment criteria set forth in Order 1050.1f. According to 1050.1f, if you have a noise exposure level in DNL of 65 dB and higher, a 1.5 dB or greater actual increase in the noise level exceeds the threshold of significance. The Order also goes on to state that, in the areas of DNL 60 to 65, 3 dB or more is a reportable noise increase and within the DNL 45 to 60 dB, a 5 dB or greater increase is a reportable noise increase. Walt Jacobs asked if an increase of DNL 1.5 dB within the DNL 65 dB noise contour would be considered significant. Reindel said, “Yes, if you get a change in DNL in that area of 1.5 dB or more, you exceed the

threshold of significance.” Co-Chair Lee asked if increases of DNL 3dB within the 60-65 dB noise contours were considered significant. Gene said, “No, it would only be a reportable increase. It would not exceed the level of significance.”

Mr. Reindel explained further that when the FAA compared the proposed action (the Metroplex project) to the no action (do nothing to change things) it determined that there were no populations exposed to noise that exceeds the threshold of any of those criteria, including the DNL 1.5 dB within the 65 dB noise contours. Finding no exceedances, there were no significant noise impacts, which is why they came out with a finding of no significant impact. Walt Jacobs questioned why no independent authority verified this determination. Reindel said that there is no requirement in the law for such independent verification. The FAA filed its Record of Decision on August 7, 2014. Benny Lee asked where he could find the EA documentation. Larry Galindo said he would get that information to him. Larry also commented that he felt it was extremely important for the Forum to know and understand that the FAA operated within the guidelines set forth in existing regulations, even though some may not be satisfied with the outcome of the process. Larry said that he and his staff had gone through all of the publicly available documents, and looked at the EA very carefully including the noise analysis. They could find no information that would show the FAA exceeded a significant threshold anywhere in that document. If there was such information, he would have reported it to the Noise Forum as a basis for a challenge to the EA and require more environmental study. In addition, Gene Reindel showed graphical illustrations of the OAK CNEL 65 dB noise contour before and after Metroplex implementation. There was no evidence of any increase in noise above the 1.5 dB criterion for either arrivals or departures.

Benny Lee said what's also missing from this are the impacts from the Metroplex. He said he knew the focus was on Oakland, but impacts have occurred as a result of SFO's changes, which have directly impacted Bay Farm Island, Davis West, and even San Leandro. Waafa Aborashed asked about the cumulative impact of noise that is coming towards us. Reindel said that one of the reasons the FAA wanted to put things into a Metroplex, besides the fact that the RTCA recommended it, was they did want to make sure that by putting together all the operations in the Metroplex that they would not exceed the level of significance that was just discussed. So this is a cumulative analysis. Facilitator McClintock asked if DNL was the only metric used by the FAA in its analyses. Reindel said it was. McClintock suggested a more thorough analysis might have included time-above or respite analyses based on the complaints about quality of life that we are hearing. James Nelson added that speech interference was another supplemental metric. These metrics are not, however, required by law. Carmen Borg, representing CLASS, said she was under the impression that the FAA had a policy of not shifting noise from one group of people to another. She said CLASS made this comment on Metroplex when the environmental assessment was issued, and they never got a satisfactory answer about this. CLASS' concern was primarily with the HUSSH procedure as it affected Alameda. The flights are now closer to Alameda, and the noise has shifted from people near San Francisco to people in Alameda. She said that was a noise shift that is against the FAA policy, and we never received a response on that. Walt Jacobs asked for clarification of the HUSSH procedure. Harvey Hartmann explained that it was a nighttime procedure which replaced one of the Silent procedures. Matt Pourfarzaneh offered that the HUSSH procedure actually keeps planes closer to Alameda than the older procedure. Discussion continued as to the exact location of the HUSSH flight tracks and what to do about it. Walt Jacobs said the effectiveness of the Noise Forum has always been rooted in the concept of coop-

eration. We know we can't compel somebody to do anything. So their cooperation, understanding of what the nature of the problem is paramount to resolving it. He said we need to have a conversation with the FAA and advise them that people are complaining because things have gotten worse, not better. We need to ask the FAA how we can resolve this problem. Is there a way for the FAA to solve this problem in the big picture of traffic in the Bay Area? We know the takeoff paths are narrower now, but if we move them out a little, would that bring it back to a more tolerable noise level.

The facilitator asked Larry Galindo if he had looked at the differences between the old and new procedures. Galindo responded that his office has begun to run the flight tracks to compare the Silent 8s to the HUSSH. He said he did not have enough data yet to report back, but felt that what Walt Jacobs has suggested is on the right path. We're not going to hear something overnight on these types of issues. It will take a while, but by providing clear identification of issues as a community, and as an airport, to the FAA, that's the best path to have our voices heard. Benny Lee thanked the members of the audience for their comments and input, as well as Larry for pointing out the fact you'll be installing a portable noise monitor in the Bay Farm Island area. He said altitude should be considered in any noise assessment.

## **B. FAA Legal Issues—Phoenix/Metroplex**

Christian Valdes addressed the Forum on issues related to Phoenix RNAV procedures and the Phoenix Metroplex. He gave an overview of the Phoenix area and its land use in relationship to Phoenix Sky Harbor Airport (PHX). He showed graphical exhibits depicting the departures from PHX prior to September 2014 and afterwards. The differences were that with RNAV the flight paths were more concentrated. This is what RNAV does; it concentrates many aircraft in one small area. So the City of Phoenix, as the airport owner, was very upset that the FAA didn't contact decision-makers at the city throughout the design process. For two and a half years, airport staff was involved in the design process and presentations were given to airport staff members, but that information never got carried upstairs to the city administration. The administration was very upset. The PHX RNAV procedures were the first in the country to receive an automatic Categorical Exclusion (CATEX) from FAA environmental regulations. A CATEX is defined as having no significant impact, no extraordinary circumstance and is not highly controversial. Christian showed the CNEL 65 dB noise contour, which was determined not to exceed the DNL 1.5 dB level of significance—hence, by definition, they don't have a significant impact. But as you may think, the folks living in these areas, i.e. the new areas where aircraft didn't fly before have experienced significant impact. This happened because there was a clear communication breakdown between the City of Phoenix and Sky Harbor, and there was a general lack of communication between the FAA and the decision-makers at the city. The City of Phoenix tried to work with the FAA asking the FAA to go back to the old procedures. The FAA rejected the city's request. On June 1 of this year, the City of Phoenix sued the FAA for denying its request to change the newly implemented RNAVs and failure to conduct an environmental review of alternatives. Unfortunately, these new procedures negate hundreds of millions of dollars of land use compatibility planning the airport had done for numerous years in the '80s and '90s.

So how does this affect Nor Cal Metroplex? The FAA has had to undertake an environmental assessment (EA) and the FAA administrator was quoted as saying "Public 'negation' of the participation in the Southern California Metroplex is critical. We take public input very seri-

ously, and I strongly encourage people and agencies and officials to learn about and weigh in on this (Metroplex) proposal. U.S. Senator John McCain (R-AZ) asked the administrator the following questions: (1) Was there formal notification to the city; (2) How was the FAA's community outreach efforts for new RNAVs at PHX different from its outreach effort at other airports; (3) How did the airport representatives participate in this process and meet best practices identified in the NextGen advisory committee; (4) What are the FAA's plans for outreach related to the September 14 RNAVs; and (5) How will the public airport and stakeholders' engagement in the upcoming Phoenix Metroplex project differ from what took place in Phoenix prior to the September 14 RNAV implementation? The FAA administrator has yet to answer these questions.

#### **11. 2016 WORK PLAN (JANUARY MEETING)**

The facilitator provided the Forum members with a copy of the 2015 Work Plan and asked that they review it and offer any changes or addition for the 2016 Plan. He said a draft Work Plan for 2016 would be presented at the January Forum meeting.

#### **12. NEXT MEETING – January 20, 2016**

#### **13. NEW BUSINESS/ADJOURNMENT**

Benny Lee addressed the Forum with respect to a meeting he attended in the Davis-West neighborhood. He said that what was great about that meeting was the fact there was a diverse crowd with non-English-speaking individuals who had come to complain about noise. The noise was not centered only on aircraft; it was centered on the impact from the freeway and construction. Co-Chair Lee said the Port and the Forum should start to consider how we can provide an opportunity for the non-English speaking minorities to voice their concerns about aircraft noise.

Facilitator McClintock thanked all those who came to tonight's meeting. There being no additional new business the meeting was adjourned at 9:19 p.m.

END