

Dear Members of the SFO Roundtable,

In your [letter](#) to the House Aviation Committee on Transportation and Infrastructure, you offered some recommendations under a title that states "*NEPA needs to consider environmental noise as well as the environment,*" including that "*the FAA Office of Environment and Energy be reinstated.*"

The Chief Scientist at the FAA's Office of Environment and Energy (OEE) Jim Hileman presented to you on October 2, 2019. OEE is the FAA's research and policy office. Another office is in charge of doing NEPA or Environmental Review which is within the Air Traffic Organization, the same group as Air Traffic Control (which I believe causes conflicts of interest). OEE will for example produce the rules and policy manuals on how to do a review, but ATO does the actual "reviews."

Your recommendations about NEPA could cause some misunderstanding about OEE, or that NEPA doesn't consider noise at all. The following are some items which I hope can clarify *FAA NEPA reviews*, and lead to possibly other ideas to achieve your goals,

- NEPA is national policy and guidance. California CEQA for example passed shortly after the United States federal government passed the National Environmental Policy Act, which is *policy and guidance*. **To comply with NEPA, Federal agencies have the privilege and discretion to set their own rules and policies.** Thus, when speaking about FAA actions, what is applicable is not "NEPA" generally but specifically FAA's NEPA policies.
- FAA's rules and policy to comply with NEPA is [FAA Order 1050.1F](#). All federal actions are subject to NEPA; therefore, all actions by the FAA are subject to FAA Order 1050.
- Your recommendation for NEPA to consider "environmental noise" suggests that NEPA doesn't consider noise but the FAA has a *noise* policy to comply with NEPA. The current policy is however informed by 1983 views and capabilities to understand noise.
- To change how the FAA follows NEPA, the change happens **with the FAA** not by changing NEPA. NEPA and 1050.1F were discussed in the recent [Government Accountability Report](#), on how the FAA addresses noise with Precision Based Navigation.
- The GAO report, the FAA [NES](#) study, and community outcry around the country do point to a need for the FAA to update their rules. With an FAA NEPA process done right - all environmental issues would be a first order priority to assess and consider before taking final actions.
- Everyone, including the FAA will concede that NEPA is a DISCLOSURE process, yet it has been used more like a tool to hide impacts for a variety of reasons metrics, and also political - about when and how consultation and public notification happens. One particular tool to hide actions is CATEX.
- As was explained in a FAA NEPA training in 2020 at the UC Davis Symposium, a CATEX level review is for the equivalent of buying office supplies, not the type of actions that the FAA and RT are used to approving. Some of the members of the SFO RT attended the March 1, 2020 workshop titled [FAA Environmental Reviews 101](#). One presenter was an FAA Environmental Protection Officer (not the research and policy person, but the person who follows the policy)

and the other presenter was from MITRE, the contractor who has advised the FAA on their NEPA practices.

- My hope is that any review in the future should not be left to a contractor. Especially how consultation and notification should happen for a significant change where NEPA guidance calls for considering *context*. It is clear from Nextgen implementation that FAA's thresholds for significance are insensitive to context.
- **What the GAO did not study is the problem of CATEX which has been a very big problem in the Bay Area.** The FAA uses a combination of non-objective criteria (such as getting Roundtable support to run with an action) along with a never disclosed 'noise screen' and calls some of these steps an "Internal Environmental Review IER." The noise screen for a CATEX appears to be wholly inadequate, and the non-objective is completely unfair. A more recent example of this problem are the GBAS overlays.
- As mentioned above, the Office of Environment and Energy exists. **Kevin Welsh, who leads the OEE testified at the March 17th Hearing.** Mr. Welsh mentioned they are considering various issues for changes in policy. The FAA has heard from thousands of citizens via their NES Federal Register and the GAO study that did extensive interviews of how the FAA considers noise. This is just *unreasonably* slow because the FAA is aware of the need for change for at least a decade that I am aware of.

If you are serious about addressing FAA NEPA for communities, it would be most important to ask the FAA to explain their "pre-screening" and "noise screening" process in detail.

As a matter of background:

Upon Jim Hileman's presentation in 2019, I spoke at three points during public comment. Already in 2019, there was a need to look at CATEX - my comments included the following:

- environmental review is the main place where communities get to be stakeholders
- during environmental review is when communities get to communicate our concerns
- the timeline for research is different than for environmental review, research can take decades
- the research on AEDT has yet to produce a map or noise baselines for the public to look at
- coordination among communities to "speak with one voice" is impossible without objective criteria
- there is no restriction for communities to use any and all metrics to talk amongst ourselves, why aren't we using more metrics
- I suggested (then 2019) to do a case study of CATEX

Jennifer