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sunshinehillresidents.org

December 17, 2021

Molly Dwyer, Clerk of Court
Office of the Clerk
U.S. Court of Appeals for the Ninth Circuit
P.O. Box 193939
San Francisco, CA 94119-3939

Re: *Save Our Skies LA v. Federal Aviation Administration, et al* (9th Cir., Case No. 20 -73314) Amicus Letter Per Federal Rules of Appellate Procedure Rule 29.

Dear Chief Judge Sidney R. Thomas and Clerk Molly C. Dwyer,

All parties have consented to the filing of the instant amicus joinder letter at this time. This letter meets the requirements of Federal Rules of Appellate Procedure 29 and the Circuit Court Rules. Please accept this amicus joinder letter.

Pursuant to Rule 29(a)(8), amicus curiae requests permission of the Court to participate in oral argument for the purpose of explaining the significant and extraordinary impacts on residences and protected open space caused by the FAA's changes to the HARYS and SLAPP departure procedures, and requests to be allocated five minutes time for this purpose.

Sunshine Hill Residents Association (SHRA) is a California nonprofit public benefit corporation working to protect native woodlands in the Eastern Santa Monica Mountains to ensure safety and quality of life for all our hillside residents, including wildlife.

We are emphatic that the overflights out of BUR and VNY are unbearable and negatively impact quality of life on a daily basis since the FAA implemented new kinds of low and concentrated departure and arrival flight procedures over our community. Residents report health impacts caused by the persistent noise from low flying aircraft above their homes, and the local parks (Fryman Canyon Park, Wilacre Park, Coldwater Canyon Park) they use for relaxation and recreation.

We are acutely aware of the adverse impacts noise has on wildlife at sound levels less than 50 dBA. The City of Los Angeles Biodiversity Report states that the Santa Monica Mountains is one of three land masses that holds the highest concentration of biodiversity (aka nature) in the City and is home to sensitive, rare and endangered species. We have documented noise in excess of 70 dBA,

sometimes noise registering dB levels in the 90s. Noise at these levels can degrade habitat to such a degree that sensitive species are eliminated. Further, our natural community is home to rare plant species and sensitive natural communities that are threatened by the appearance of black soot on the surface of leaves on the plants around our homes. After learning about the UCLA Environmental Health Sciences professor who has positively identified soot on samples of plant leaves as fuel from plane exhaust, we are convinced that the soot we have been observing on our plants are fuel from the low flying planes concentrated over our neighborhood, too. According to the certified horticulturist who sits on our board of directors, plane fuel is harmful to plants. Also, leaves coated with plane fuel are bitter poison to the wildlife that consume the leaves for food.

Lastly, we reside in a State and City designated HIGH FIRE HAZARD SEVERITY ZONE. The persistent presence of fuel from low altitude planes presents new and increased wildfire ignition risks that are adding to fire hazards of our zone and resident anxiety.

SHRA concurs with the characterization of facts and conclusions regarding the environmental impacts of the Federal Aviation Administration's (FAA) actions implementing new departure flight procedures SLAPP at Burbank Airport and

HARYS at Van Nuys Airport, as stated in the opening brief of SAVE OUR SKIES

LA.

Sincerely,

s/ Stephen Arkle

President, Sunshine Hill Residents Association