



Chatten-Brown, Carstens & Minter LLP

Hermosa Beach Office
Phone: (310) 798-2400

San Diego Office
Phone: (619) 940-4522

2200 Pacific Coast Highway, Suite 318
Hermosa Beach, CA 90254
www.cbcearthlaw.com

Douglas Carstens

Email Address:
dpc@cbcearthlaw.com
Direct Dial:
310-798-2400 Ext. 1

December 17, 2021

Via CM/ECF

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) Joinder Letter in Lieu of Amicus Brief Per Federal

Rules of Appellate Procedure Rule 29.

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

On behalf of our client, Save Coldwater Canyon (SCC), and pursuant to Circuit Advisory Committee Note To Rule 29-1, we submit to you the following joinder letter in lieu of amicus brief. 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 Ninth Circuit Court Rules. Please accept this amicus joinder letter.

Save Coldwater Canyon represents over 1,500 local residents and is supported by over 5,000 environmentalists globally. It is a 501(c)(3) public benefit organization. Its mission is to preserve and protect the scenic beauty, natural environment, health, safety and welfare of Coldwater Canyon and the Santa Monica Mountains.

Save Coldwater Canyon 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.

Save Coldwater Canyon has a significant interest in this matter since its mission is to encourage and promote those policies and programs which will best preserve and protect the scenic beauty, natural environment, health, safety and welfare of Coldwater Canyon and the Santa Monica Mountains. Acceptance of this letter is desirable and relevant to provide context and background on the environmental impact that the Federal Aviation Administration's actions have had on communities underneath the new SLAPP and HARYS flight paths.

FAA changed the departure patterns from BUR and VNY after the implementation of NextGen -- moving aircraft to low and concentrated paths, starting turns 2.5 miles farther south than the prior, dispersed pattern, severely impacting the quality of life in formerly quiet hillside, canyon and mountain neighborhoods. Since FAA made these very impactful changes, residents have experienced firsthand the destruction of tranquility, not only in their neighborhoods, but in what should be quiet oases of mountain parks and protected open space such as:

- Fryman Canyon Park,
- Wilacre Park,
- Coldwater Canyon Park,
- Franklin Canyon Park,
- Upper Franklin Reservoir
- Lower Franklin Reservoir

These parks are located in LA's urban forest that is the Eastern Santa Monica Mountains. They are enjoyed by hundreds of thousands of visitors every year. In regard to impacts on wildlife, habitat, and park visitors:

In a November 14, 2018 letter to Dan Elwell of FAA, The Mountains Recreation and Conservation Authority (MRCA) which is a joint powers entity that both owns and manages over a dozen natural parkland properties on the north face

of the Santa Monica Mountains in the most affected areas from Studio City to Sherman Oaks, stated:

The MRCA considers quiet to be a critical component of the natural lands visitation experience, . . . , [t]o date the FAA has not adequately weighed the purported operational benefits of the new departure flight path against the indisputable permanent negative impacts to public parkland and natural resources in the Santa Monica Mountains.

These parklands represent a massive investment of public funding that is being undermined and wasted by aircraft noise and pollution, which is degrading wildlife and natural habitat in public parklands.

Thank you for your consideration.

Sincerely,

s/ Douglas Carstens

Douglas Carstens

Attorney for Save Coldwater Canyon