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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, Oak Forest Canyon Homeowners Association, 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.

The Oak Forest Canyon Homeowners Association represents over 500 residents in Sherman Oaks. When the FAA changed flight departure patterns out of BUR and VNY, numerous Sherman Oaks residents experienced firsthand the degradation of tranquility in what should be sacrosanct public parks and protected open space (many of them located in and near Sherman Oaks, in the Eastern Santa Monica Mountains) such as:

- Franklin Canyon Park,
- Longridge Park,
- Upper Franklin Reservoir,
- Lower Franklin Reservoir,
- Bette B. Dearing Mountain Trail,
- Cross Mountain Trail,
- Barbara A Fine Overlook,
- Nancy H Pohl Overlook,
- Dixie Canyon Park,
- Sheila Agnes Nature Preserve,
- Charles & Lotte Melhorn Overlook,
- Fossil Ridge Park,

- Deervale Stone Canyon Park,
- Stone Canyon Overlook,
- Upper Stone Canyon Reservoir,
- Stone Canyon Park,
- Beverly Glen Park,
- Robert Davenport Open Space,
- Sepulveda Pass Open Space,
- Encino Reservoir,
- Groves Overlook,
- Westridge Canyon, and
- San Vicente Mountain Park

The low altitudes and concentrated flight patterns of departure jet traffic out of these two airports — over an area spanning approximately 10 miles from Laurel Canyon Boulevard & Mulholland to Calneva Drive & Mulholland and approximately 10- 20 miles from Ventura Boulevard to the North and Sunset Boulevard to the South — are so low and constant as to be assaultive in character for those residents unfortunate enough to be subjected to them. Residents throughout the area report the presence of black plane soot on their plants and trees, and in their yards, soot that has been positively identified by a UCLA Environmental Health Sciences professor as particulate matter from plane exhaust

due to the presence of low flying jets from VNY and BUR over these areas since the FAA implemented new kinds of low and concentrated departure and arrival flight procedures in this area.

Fire is an increasing danger in the state. Most of the newly impacted area qualifies as Very High Fire Hazard Severity Zones under CalFire and Los Angeles Fire Department guidelines. The cumulative impacts of low altitude jet traffic from two airports — sometimes only several hundred feet above impacted areas and flying toward each other — present new and unknown risks of possible collisions, aviation accidents, and the disturbing of trees and power lines in the same area that was devastated by the Getty Fire in 2019. These are new hazards that were not considered by the FAA prior to their implementation of these changes.

Maps of the impacted area are attached for your reference.

The Oak Forest Canyon Homeowners Association 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.

Thank you for your consideration.

Sincerely,

s/ Douglas Carstens

Douglas Carstens

Attorney for Oak Forest Canyon Homeowners

Association

Attached:

Exhibit A - Mountains Recreation Conservation Authority Map of Impacted Parks, Trails & Open Spaces, see also <https://mrca.ca.gov/parks/interactive-map/>.

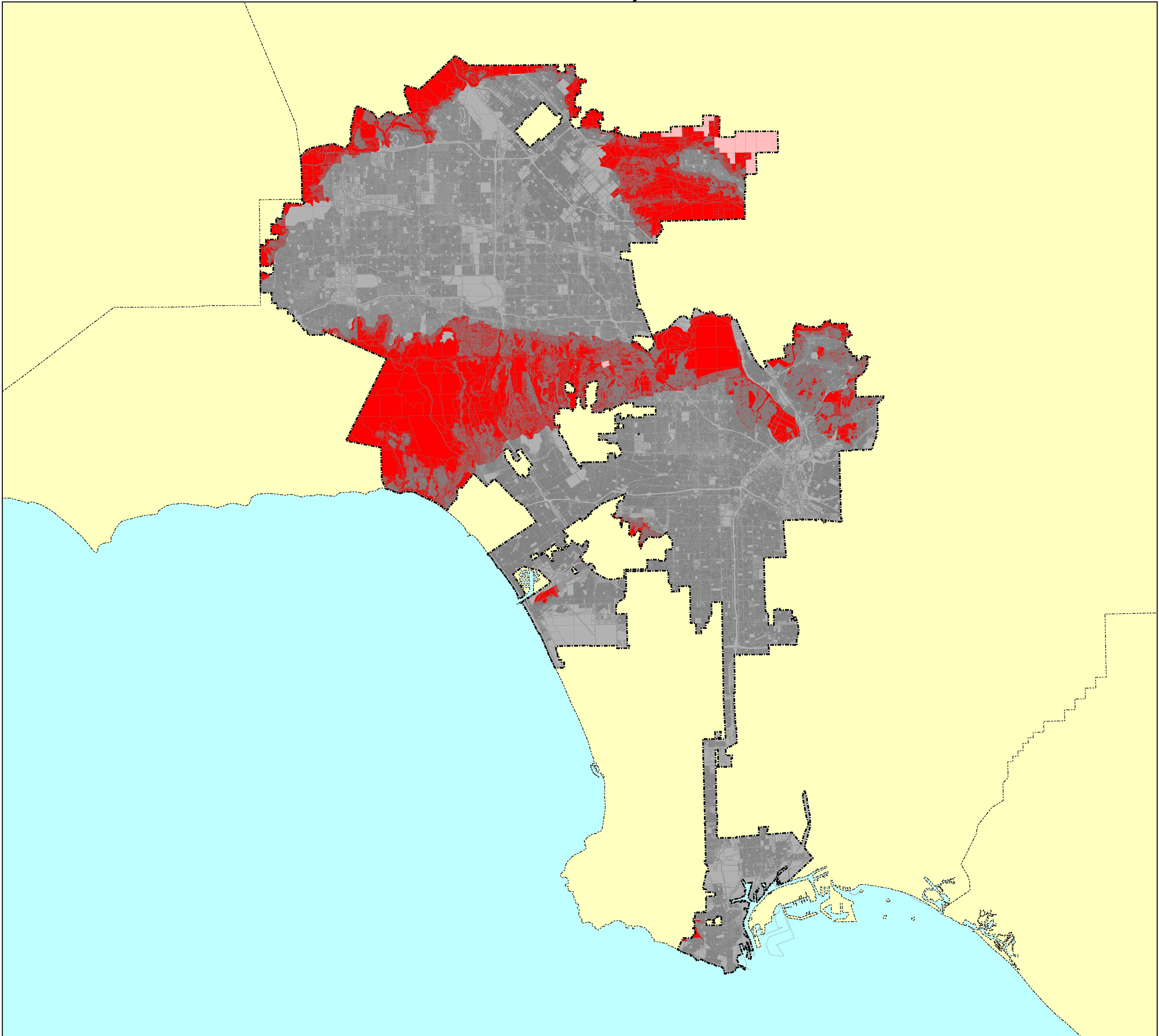
Exhibit B - CalFire's VHFHSZ Map for LA Exh C-LAFD VHFHSZ Map, also available at https://osfm.fire.ca.gov/media/5830/los_angeles.pdf.

Exhibit C -LAFD VHFHSZ Map, also available at <https://www.lafd.org/fire-prevention/brush/fire-zone/fire-zone-map>.

EXHIBIT A

EXHIBIT B

Very High Fire Hazard Severity Zones in LRA As Recommended by CAL FIRE



Fire Hazard Severity Zones	
Local Responsibility Area	State or Federal Responsibility Area
■ VHFHSZ	■ VHFHSZ
■ Non-VHFHSZ	■ Non-VHFHSZ
<ul style="list-style-type: none"> City Boundary Parcels County Boundary 	

Government Code 51175-89 directs the California Department of Forestry and Fire Protection (CAL FIRE) to identify areas of very high fire hazard severity zones within Local Responsibility Areas (LRA). Mapping of the areas, referred to as Very High Fire Hazard Severity Zones (VHFHSZ), is based on data and models of potential fuels over a 30-50 year time horizon and their associated expected fire behavior, and expected burn probabilities to quantify the likelihood and nature of regulation the exposure (including firebrands to buildings). Details on the project and specific modeling methodology can be found at <http://frap.cdf.ca.gov/projects/hazard/methods.htm>. Local Responsibility Area VHFHSZ maps were initially developed in the mid-1990s and are now being updated based on improved science.

In late 2005 to be effective in 2008, the California Building Commission adopted California Building Code Chapter 7A requiring new buildings in VHFHSZ to use ignition resistant construction methods and materials. These new codes include provisions to improve the ignition resistance of buildings, especially from firebrands. The updated very high fire hazard severity zones will be used by building officials for new building permits in LRA. The updated zones will also be used to identify property whose owners must comply with natural hazards disclosure requirements at time of property sale and 100 foot defensible space clearance. It is likely that the fire hazard severity zones will be used for updates to the safety element of general plans.

This specific map is based on a geographic information system dataset that depicts final CAL FIRE recommendations for Very High PHSZ within the local jurisdiction. The process of finalizing these boundaries involved an extensive local review process, the details of which are available at <http://frap.cdf.ca.gov/projects/hazard/docs/> (click on "Continue as guest without logging in"). Local government has 120 days to designate, by ordinance, very high fire hazard severity zones within its jurisdiction after receiving the recommendation. Local government can add additional VHFHSZ. There is no requirement for local government to report their final action to CAL FIRE when the recommended zones are accepted. Consequently, users are directed to the appropriate local entity (county, city, fire department, or Fire Protection District) to determine the status of the local fire hazard severity zone ordinance.

This map was developed using data products such as parcel and city boundaries provided by local government agencies. In certain cases, this includes copyrighted geographic information. The maps are for display purposes only - questions and requests related to parcel or city boundary data should be directed to the appropriate local government entity.

California Teale Albers, NAD 1983
Scale 1: 100,000
at 36" x 42"
September 2011

The State of California and the Department of Forestry and Fire Protection make no representations or warranties regarding the accuracy of data or maps. Neither the State nor the Department shall be liable under any circumstances for any direct, special, incidental, or consequential damages with respect to any claim by any user or third party on account of, or arising from, the use of data or maps.

Obtain FRAP maps, data, metadata and publications on the Internet at <http://frap.cdf.ca.gov>
For more information, contact CAL FIRE-FRAP, PO Box 944246, Sacramento, CA 94244-2460, (916) 327-3939.

Jerry Brown, Governor,
State of California
John Laird, Secretary for Resources,
The Natural Resources Agency
Ken Pimlott, Director,
Department of Forestry and Fire Protection

Map ID: Los_Angelos

DATA SOURCES
CAL FIRE Fire Hazard Severity Zones (FHSZL08_1)
CAL FIRE Very High Fire Hazard Severity Zones in LRA - Los Angeles (c19fhsz106_5)

EXHIBIT C



FIRE ZONE MAP

