

The Logan Airport Community Advisory Committee, INC.

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"We're Stronger Together."

September 25 , 2008
Terry English, Project Manager
Boston Logan Airport Noise Study
Federal Aviation Administration
Eastern Service Center Air Traffic Organization
11 Murphy Drive
Nashua NH 03062

Dear Ms. English:

The Logan Airport CAC has received your letter of August 13, 2008, which raises some items and questions, which we discussed at the Logan Airport CAC meeting of September 11, 2008. We will attempt to address as many items as possible as well as raise some others.

Regarding Tasks to Be Completed, the CAC has the following responses:

1. In order to finalize the Level 1 Screening Report, we find that we cannot allow the report to be completed without excluding those alternatives that we, the Logan Airport CAC, have already voted down to be permanently removed from further consideration. To put the onus on our organization to define why they are unacceptable is in itself unacceptable.

The CAC strongly suggests that the FAA use the clear language explaining our vote in the summary by Jon Woodward dated May 28, 2008. A lay, volunteer organization should not be expected to craft legal language acceptable under the carefully defined parameters of an FAA study. The CAC believes that to be outside our purview.

2. After months of meetings and work, CAC met our responsibilities by convening and voting on January 23, 2008 and, as directed by the FAA, citing the reasons for those decisions and, as recorded in the paper by Mr. Woodward, told the FAA which alternatives we wanted to see go forward and which we did not.

3. The alternatives submitted for late Phase 1 to be incorporated into Phase 2 by Representative Frank Hynes of Marshfield, should be at FAA's discretion. CAC believes that they should be subject to the same screening criteria as have all others and that once you have determined their safety and operational feasibility, then they

should come up for our votes as have all other alternatives you have placed before us.

September 25, 2008

Bernice Mader, Logan CAC to Terry English, FAA

Re: Terry English Letter of August 13, 2008

Page 2

4. Regarding the September 8, 2008 PMT call, and your and Steve Smith's question regarding what tool we suggest for Phase 2 alternatives evaluation process, we will consult with Jon Woodward and our members and we will have a reply for you when we have completed discussions.

5. Regarding the FAA's request that the Logan CAC craft its own version of a Purpose and Need (P&N) statement, we see by your new usage of the terminology "Goals and Objectives" that you thereby acknowledge that the CAC's providing a P&N statement for a Federal EIS is not something ever required of any community group nationwide. To even ask a lay advisory group to fulfill that request, would have set a national precedent and would not have come under either the purview or expertise of any community organization involved in any FAA EIS.

I have attached here a letter of May 12, 2003 from James L. Connaughton, then President of CEQ, to then U.S. Secretary of Transportation, Norman Mineta. In it, Connaughton outlines exactly the parameters and timing of a Purpose and Need statement as part of any Federal study. While not directly applicable given that the CAC is not a state or federal "cooperating agency" (a specific status and responsibility defined under the CEQ regulations) for NEPA purposes, in this situation we are an equal and cooperating partner. Connaughton's clear definition of the process has led CAC to expect that FAA will present a draft version of the Purpose and Need to us for our input which, in turn, we will provide to you as an equal working partner in this process.

Regarding CAC's overall Goals and Objectives, we will continue discussion begun at the September 11, 2008 meeting at the next CAC meeting, scheduled for October 23, 2008. At that time, many in our group felt that the Runway 14/32 Record of Decision objectives should have already pointed the FAA in the proper direction.

6. As the FAA drafts its interpretation of CAC's Goals and Objectives, our hope is that the language will be kept broad in order to avoid any wording that could specifically prevent the CAC from accomplishing its intent with any particular alternatives as the analyses progress through the screening process. As Phase 2 evolves, the CAC does not want to be unfairly constrained by finalized P & N language should we find a need to alter that language. This must not be seen by FAA as "arbitrary and capricious" but as a laypeople's group attempt to work logically on an evolving process. Our understanding is that the P & N need not be finalized until Phase 3 of the NEPA EIS.

September 25, 2008

Bernice Mader, Logan CAC to Terry English, FAA

Re: Terry English Letter of August 13, 2008

Page 3

7. You have mentioned budget and scheduling numerous times in your letter. We have several questions regarding those items. Nowhere are we able to find specific funding set aside for the writing of your Purpose and Need (P & N) document. In addition, there is no mention in the Scope of Services (SOS) for the preparation of a P&N. Although you as project manager have stated that FAA order 1050.1E requires such document, it appears that through some oversight, the FAA forgot to include it in the current executed Phase 2 Scope of Service (SOS). If this is true, then the FAA needs to admit to this omission and explain to the CAC where the FAA will acquire the additional funding for that task.

8. In the first paragraph of your letter, you talk about schedule and budget. Our understanding is that the current agreement signed by the FAA, Massport and the CAC for the Phase 2 BLANS project as defined by the Scope of Services dated August 16, 2006 states that the effort will be concluded in 36 months at a total budget of \$5.3 M. We assume the FAA agrees that time is money and therefore it is impossible to extend the schedule without adding more budget.

9. Under Project Status and Accomplishments, you state that FAA allocated to Massport \$4.6M with a contract expiration date of June, 2009. However, the CAC has data that show that Massport issued a contract to the PC for \$3,690,328 and a contract to the IC for \$1,638,841 for a total of \$5,329,169. Also according to the First Amendment to the Financial Agreement for the Boston Logan International Airport Over flight Noise Study (BLANS) the effective date for the Phase 2 effort was July 1, 2006 and not October, 2006 as stated in your letter. Financially, it appears that Phase 2 should be two-thirds through the study at this time.

Your letter makes no specific mention of any particular task being behind schedule or that either the PC or IC are spending at a faster rate than planned. However, you state that the Phase 2 schedule has been extended by two years. To our knowledge, the CAC has no written record of ever being informed of this extension. When did it occur? Where is it documented? Exactly who among the PMT was informed in writing of this extension and changes in the Scope of Services?

10. We note that although the Phase 2 contract is a 36 month effort under Task 1.1 (Project Administration and Coordination) both the PC and IC were directed to only budget for 24 months of effort. This appears to be a built in overrun. What is the explanation for that?

Also in this SOS section, you state that the accomplishments have occurred amidst the challenges that the CAC faces as a volunteer organization. What specific challenges are you referring to? How has this impacted the Phase 2 effort? Has the FAA

September 25, 2008

Bernice Mader, Logan CAC to Terry English, FAA

Re: Terry English Letter of August 13, 2008

Page 4

had any problems that affected Phase 2? If so, it should be formally noted for the record as well.

11. In the "Tasks to be Completed", you make reference to nine tasks. I was able to identify seven of these to specific tasks contained in the PC/IC Phase 2 Scope of Services. The remaining two tasks, namely: Establish clear CAC noise abatement goals and objectives for Phase 2 and collect and analyze data on departures and arrivals in the vicinity of the DRUNK intersection for the Marshfield measures appear to be outside the Scope of Services dated August 16, 2006. If these are new requirements then they must be added to the Scope of Services by contract modification along with agreed to schedule extension and additional budget. Is this correct? If these two tasks are currently identified, please indicate where they can be found in order for the CAC to be an informed participant in this process.

12. As for establishing CAC Goals and Objectives, their required production does not appear to be found anywhere in the SOS or in the funding schedule.

13. Where did the requirement to collect and analyze data on departures and arrivals in the vicinity of the DRUNK intersection originate? When? Where is it included in the Phase 2 SOS? Where is the type of evaluation tool used to test the effectiveness of the early alternatives testing listed?

14. If the FAA has overall responsibility for the management of the BLANS project, then what is the FAA rationale for continuing some tasks and calling a halt to others?

15. You state that the BLANS SOS assumes eighteen measures will be evaluated in the Level 2 Screening. Twelve of these measures were the result of the Phase 1 effort. When will the FAA, Massport and CAC identify what the other six measures are? At what point will the PC/IC have to re-do their analysis/documentation if there is a delay in notifying them of additional measures to be included in the study?

16. Regarding FAA's position, why does the FAA not anticipate additional funding if the Scope seems to have expanded from what was planned for Phase 2? Why does the FAA state that the only problematic issue affecting the program schedule is the CAC's establishment of clear noise goals, especially since they are not even mentioned in the SOS? There seem to be other outstanding issues that also affect the schedule. When and by what means did the FAA notify the CAC that this type of

document was required and where is this depicted on the project schedule? What document would the FAA use if the CAC did not exist?

September 25, 2008

Bernice Mader, Logan CAC to Terry English, FAA

Re: Terry English Letter of August 13, 2008

Page 5

In closing, the CAC does not have to remind the FAA that this entire noise abatement project is legally mandated as mitigation in the Record of Decision for Logan Airport's Runway 14/32. To threaten the CAC with BLANS's funding cut-off seems inappropriate and unnecessary.

Yours truly,

Bernice Mader

President

Logan Airport Community Advisory Committee

Jerome Falbo

Vice President

Logan Airport Community Advisory Committee