

No. 15-1285

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

CITIZENS ASSOCIATION OF GEORGETOWN; BURLEITH CITIZENS ASSOCIATION;
FOXHALL CITIZENS ASSOCIATION; HILLANDALE CITIZENS ASSOCIATION;
COLONY HILL NEIGHBORHOOD ASSOCIATION;
PALISADES CITIZENS ASSOCIATION; FOGGY BOTTOM ASSOCIATION;
GEORGETOWN UNIVERSITY;

Petitioners,

v.

FEDERAL AVIATION ADMINISTRATION;
MICHAEL HUERTA, Administrator,
Federal Aviation Administration

Respondents.

PETITIONERS' STATEMENT OF ISSUES TO BE RAISED

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Pursuant to the Court's August 28, 2015 Scheduling Order, Petitioners submit this Statement of Issues that may be raised in this review of Respondents' final order implementing new flight procedures and routes at Ronald Reagan Washington National Airport ("DCA").

Petitioners seek the Court's review of the Federal Aviation Administration's ("FAA") (i) final decisions to permanently implement certain new flight departure routes and procedures at DCA and (ii) failure to conduct an adequate environmental review of alternative flight departure routes that would have fewer significant adverse impacts on Petitioners and their residents. The failure of FAA to meet its responsibilities under the National Environmental Protection Act ("NEPA") and the National Historic Preservation Act ("NHPA") has led to significant adverse impacts to Petitioners, residents of neighborhoods now experiencing flight activities and noise at unprecedented levels.

Petitioners submit the following issues to be raised in reviewing the FAA's decisions:

1. Did the FAA violate NEPA by preparing an environmental assessment and Finding of No Significant Action based on inadequate and incomplete information?

2. Did the FAA violate NEPA by failing to take into account all past, present and reasonably foreseeable future actions, as required by 40 C.F.R.

§1508.7?

3. Did the FAA violate NEPA by refusing to modify or adjust implementation of its new procedures and routes despite knowing that noise impacts were far greater than expected?

4. Was the FAA's reliance on a model that did not reflect actual noise impacts from the new routes and procedures arbitrary and capricious?

5. Did the FAA violate the NHPA by failing properly to consult with and provide accurate information to local and state officials?

6. Did the FAA violate Section 4(f) by failing to undertake an analysis of (a) whether the agency's new routes and procedures would impact the use of historic resources and public parks and (b) whether prudent and feasible alternatives exist?

Dated: September 28, 2015

Respectfully submitted,

DENTONS US LLP

By /s/ James W. Rubin

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CERTIFICATE OF SERVICE

I certify that on this 28th day of September, 2015, I electronically filed this *Petitioners' Statement of Issues to be Raised* with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit by using the appellate CM/ECF system. Counsel for all parties are registered to use that system and, to my knowledge, will receive copies of this document upon its filing.

/s/ James W. Rubin

James W. Rubin