

Update by Friends of the East Hampton Airport, Inc.

November 5, 2014

On October 30, 2014, the Town's counsel, Peter Kirsch, and its contractor, Young Environmental Sciences, presented the "Phase I Noise Analysis Interim Report" at a special Public Meeting. Representatives from FOEHA and its legal counsel attended the meeting. The Noise Report was deeply flawed and inaccurate in several respects. For example:

- It relied on analytical statistical modeling rather than actual noise measurements in order to be less expensive and to be produced in a shorter timeframe.
- It calculated total noise complaints, but did not take into account that multiple complaints were repeatedly made from the same households.
- It erroneously calculated noise mitigation compliance rates by failing to account for changes in the numerous changes to noise mitigation routes.
- It concluded that every single aircraft operation (including single engine piston aircraft, helicopters, and jets) "exceeded" the Town's noise ordinance and presented inflammatory totals of "millions" of exceedances by aircraft operators.

The Town immediately touted the results and findings of the Noise Report as validating the need to impose use limits on the Airport. *The Town has stated that it intends to impose limits on airport usage by January 1, 2015 that will take effect by the start of the summer season.*

In response, FOEHA and its supporters issued several press releases explaining the significant inaccuracies.

FOEHA has met with representatives of NBAA and AOPA, both of whom are supportive of our legal strategy and have reviewed the drafts of the Part 16 Complaint and federal court filing.

Several individual supporters have agreed to be included as Complainants on the FAA Part 16 Complaint. FOEHA's counsel has finalized the last details of the Part 16 Complaint and it is ready to be filed. Immediately after filing the Part 16 Complaint, counsel plans to file a request for declaratory judgment in U.S. Federal District Court to determine the legal effect of the 2005 Settlement between the FAA and David Gruber, et al, and to determine the applicability of all of the FAA Grant Assurances.

These filings will begin the legal process which is expected to be lengthy and complicated. A typical FAA Part 16 proceeding takes two years for the FAA to issue a decision. Obviously we cannot wait that long and we cannot endure arbitrary and unreasonable limits on use of the Airport in the meantime. The federal court filing is intended to prevent harmful Town-imposed limits taking place while the FAA proceeding plays out. Filing and defending the federal district court action will require significant time and effort by legal counsel.

Maintaining the right to use the federally-funded East Hampton Airport by all aeronautical users, without unreasonable and arbitrary limits, will require continued and substantial financial support. Your continued financial support is critical to this effort.