



# TOWN OF EAST HAMPTON

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## FREQUENTLY ASKED QUESTIONS: EAST HAMPTON AIRPORT

**Q: What is the Town Board's plan related to the East Hampton Airport?**

A: The Town Board has voted to close the East Hampton Airport (the "Airport") and open a new, private use airport ("New Airport") on the site of the deactivated Airport. The New Airport will be subject to a prior permission required ("PPR") framework to ensure that the Town Board can exert local control over operations at the New Airport. The initial PPR framework will be in place prior to the 2022 Season.

**Q: Why did the Town Board wait until now to do this?**

A: Prior to September 26, 2021, the Town was unable to close the Airport due to federal obligations that attached when the Town accepted federal money in 2001. The Town was unable to exert local control while the grant obligations were in effect.

**Q: Does the Town have any obligations related to taking federal funds related to the Airport?**

A: No, the Town's grant assurances expired on September 26, 2021. Any remaining federal obligations will extinguish upon closure of the Airport.

**Q: Why won't the Town take federal funds to use at the Airport?**

A: Taking federal funds would re-obligate the Airport and prevent the Town from exercising local control over operations occurring at the Airport.

**Q: Does the Town have any obligations related to taking state funds related to the Airport?**

A: No, the Town has not taken any state funds for Airport purposes in the past 20 years.

**Q: Is the Town allowed to close the Airport?**

A: Yes. The Town's grant assurances expired on September 26, 2021, at which time the federal obligation to keep the Airport open expired. The Town has worked closely with the FAA over the past year and received a letter from the FAA in November 2020 that set forth different options the Town can pursue in considering the future of the Airport. Two of these options suggested by the FAA involve closure of the Airport.

**Q: Will the Town engage in SEQRA review?**

A: Yes, the Town will be relying on permissible segmentation of its environmental review. The Airport deactivation and opening of a New Airport will be evaluated under SEQRA to

determine whether a negative or positive declaration is warranted. The long-term operation of the New Airport will be the subject of a Positive Declaration and assessed in a draft GEIS. For the 2022 summer season, a PPR framework will be used to study the environmental effects of changes to airport operations seeking to reduce or eliminate sources of noise. The draft GEIS will reflect these studies and be available for public comment. A final GEIS will respond to public comments and guide the Town Board's final decisions.

**Q: When will the Airport close?**

**A: The Town Board originally voted on January 20, 2022, to close the Airport on February 28, 2022. However, throughout January and February 2022, the Town has on several occasions met with the FAA to discuss logistics regarding the deactivation and activation process. During a meeting with the FAA on February 16, 2022, the FAA advised the Town that delaying deactivation until 11:59 p.m. on May 17, 2022 and activating the private-use airport at 9:00 a.m. on May 19, 2022 would enable the FAA to complete several ongoing internal processes, including the Aeronautical Study that is already underway. It also coincided with FAA charting cycles which permits the FAA to incorporate the new airport into its air traffic network. The Town decided to pursue this option in a good faith effort to work cooperatively with the FAA and ensure that the status change is as least disruptive to aviation as possible. Therefore, the Town Board voted to close the Airport on May 17, 2022.**

**Q: What is the process for closing the Airport?**

**A: The Town Board provided notice to the FAA on January 20, 2022, through FAA Form 7480-1. Then, the Town Board agreed with the FAA to postpone deactivation until May 17, 2022. The Town is working with the FAA to resolve any logistical issues related to the deactivation of the Airport.**

**Q: As a practical matter, how do you close an Airport?**

**A: Large yellow "X" signs will be placed at the end of each runway and taxiway. Notice will be provided to all stakeholders, including through emails, FAA publications, automated message recordings, and publications at and around the Airport. Moreover, the remaining "air navigation facilities" will be closed. This includes other infrastructure directly associated with aeronautical activities (e.g., no fueling, etc.).**

**Q: Will Airport tenants have access to the Airport during the closure period?**

**A: The Town will only close the "air navigation facilities." This includes runways, taxiways, runway end lights (REIL), navigation aids, the automated weather reporting service (AWOS), the instrument approach lighting, and any other "building, equipment, and systems dedicated to the national airspace system." Tenants and licensees will be able to access the Airport and any property they have at the Airport, but they will not be permitted to use the air navigation facilities. Employees should expect continuity of their duties and no change in employment with the Town per the above.**

**Q: Does any action we are taking extinguish or impact the contracts or rights of FBOs that are at the Airport?**

**A: With respect to the Airport agreements and licenses, including FBO leases, those contracts are with the Town, not the Airport. As a result, the contracts and leases should remain effective notwithstanding the closure of the Airport and opening of a New Airport because the Town will be the sponsor of the new private airport as well.**

**Q: Will the Airport be available for emergency use during the closure period?**

A: When the Airport closes, no use will be authorized. To the extent emergency operations are required, the emergency pilots have authority to land anywhere they deem appropriate and safe (e.g., football field, parking lot, highway, etc.). If the emergency pilots deem the deactivated Airport a safe and appropriate place to land, that is their prerogative and consistent with federal aviation regulations. But the Town will not authorize use of the closed Airport or otherwise permit its use during that time.

**Q: When will the New Airport open?**

A: The private airport was scheduled to open on March 4, 2022. However, as noted above, the Town has been working closely with the FAA to discuss logistics regarding the deactivation and activation process and the FAA advised the Town that delaying deactivation would enable the FAA to complete several ongoing internal processes. The FAA also requested that the Town coincide opening of the new private-use airport with FAA charting cycles. The FAA issues new navigational charts on 28- and 56-day schedules. According to the FAA, the first applicable charting cycle date to occur after the FAA will have all of its internal processes completed for activation of the new private-use airport is May 19, 2022. By coinciding activation with the FAA's charting cycle, it will facilitate clearances to and from the new private use airport by air traffic controllers, allow flight plans to be filed by pilots, and allow the FAA to circulate notices to air missions and other FAA publications related to the new private-use airport. Therefore, the Town agreed to delay activation of the New Airport until May 19, 2022.

**Q: Will the New Airport look different?**

A: Although the facilities, infrastructure, and key personnel are expected to remain substantially the same, the level of activity and impact on the Town is expected to change, especially as it pertains to noisy, environmentally unfriendly, and/or unsafe aircraft.

**Q: Will the New Airport have the same capabilities?**

A: Upon completion of the Aeronautical Study, the FAA anticipates that the air navigation facilities currently available at the Airport will be available upon activation, with the caveat that instrument flight procedures may not be immediately available. Specifically, all weather, navigation, and communication aids should be operable and available; the private air traffic control tower will be in place consistent with how and when it has operated in the past; new agreements with TRACON will be entered into; the Town will obtain its own Ground Communication Outlet ("GCO") for real-time communication with air traffic controllers and the airport will be available for safe use by operators. Regarding instrument procedures, the Town will work with a qualified third-party vendor that has been approved by the FAA to design and implement Special Use Procedures. The Town is optimistic that the Special Use Procedures can replicate the public use instrument procedures already in place and, in any event, that instrument procedures will be available at some point during the 2022 Season.

**Q: What airspace designation will the New Airport have?**

A: When the airport is uncontrolled—meaning that the Tower is not currently operating—the airspace will be Class E. When the airport is controlled, the airspace will be Class D.

**Q: What is the process for opening the New Airport?**

A: The Town filed a separate Form 7480-1 informing the FAA that a new, private airport will be opened at the site of the deactivated East Hampton Airport. The Town and FAA are

working together to address any logistical issues prior to the New Airport opening on May 19, 2022. Upon opening, the Town will implement a system of authorized rights or Prior Permission Required (“PPR”) at the New Airport. The Town will adjust the PPR as needed to address community concerns.

**Q: What is the difference between a public-use and private-use airport?**

A: The main difference is that a public-use airport is open to the public while a private-use airport is for private use by its owner, or whoever has permission from the owner, and is not presumptively open for use by the public. Pertinent here, a private use airport permits the Town to address community concerns regarding noise and frequency of operations by limiting or eliminating problematic aircraft. The Town will allow the public to access the New Airport, but will put rules in place to ensure the community’s concerns are addressed regarding noise, safety, and environmental impact.

**Q: What is PPR?**

A: The FAA defines PPR as “prior permission required to have full operational use of a runway, taxiway, apron, or airport facility/service.” It effectively means that an operation cannot occur unless and until the owner (here, the Town) provides permission for that operation.

**Q: Why is a PPR framework advantageous?**

A: This provides maximum flexibility to the Town moving forward, including because the permissions to land can be changed or removed at any time.

**Q: How will the PPR framework be determined?**

A: The PPR framework for 2022 will be implemented as a study mechanism under the State Environmental Quality Review Act (“SEQRA”) to gather information on environmental impacts resulting from a variety of measures in an effort to reduce negative impacts associated with noise, environmental, and/or safety concerns at the New Airport, for inclusion in the draft Generic Environmental Impact Statement (“GEIS”) being prepared by the Town. After public comment on the draft GEIS, a final GEIS will be prepared that will guide future PPR implementation by the Town.

**Q: What is the Town considering for the PPR framework?**

A: The Town is considering all options, but it expects the initial PPR framework to include one or more of the following:

- Time-based permissions (e.g., curfew)
- Aircraft-based permissions (e.g., reduction or elimination of jets, helicopters, and/or seaplanes)
- Noise-based permissions (e.g., reduction or elimination of aircraft that have a noise signature that exceeds a defined threshold)
- Operator-based permissions (e.g., reduction or elimination of commercial operators)
- Environmental-based permissions (e.g., reduction or elimination of leaded fuel consuming aircraft)

- The Town can also address historically problematic operations, such as special VFR, through a series of permissions targeted at weather conditions and aircraft capabilities.

**Q: Why doesn't the Town just eliminate all commercial helicopters?**

A: The Town is considering all options regarding the PPR rules and expects to announce the initial PPR framework before the Season starts in summer 2022. Elimination of one or more type of aircraft or operators is within the Town's discretion but will need to be reviewed as part of the draft GEIS to ensure all stakeholder's interests are considered and balanced. The public and stakeholders will be involved in the process, including through work sessions and public comment.

**Q: Will the Town Code need to be updated as a result of the PPR framework?**

A: Yes, Chapter 75 will be updated to incorporate the PPR framework. The specific restrictions will not be listed in the Code and instead will be available through several public resources, such as the New Airport's Rules and Regulations, the Town Website, FAA publications, and other applicable sources. The revisions will be consistent with SEQRA's requirements, to the extent they apply.

**Q: Does the New York State Department of Transportation ("NYSDOT") Aviation Bureau require anything of the Town to complete this process?**

A: The Town has been coordinating with the NYSDOT Aviation Bureau throughout this process and will continue to do so until this process is completed. NYSDOT has confirmed that they do not need to be involved in the process so long as the FAA is being consulted and federal regulations are complied with. As noted above, the Town has been working closely with the FAA throughout this process.

**Q: Will the New Airport be subject to FAA oversight?**

A: Generally, no. The Town will have control over the New Airport and can determine who, if anyone, can use the New Airport. The Town can also close the New Airport at any point. However, the FAA will retain authority over airspace as well as certain safety aspects (e.g., if a structure would threaten safe takeoffs or landings).

**Q: Does the New Airport need to have a Master Plan?**

A: No, private airports are not required to maintain or update Master Plans.

**Q: Does the New Airport need to have an Airport Layout Plan?**

A: No, private airports are not required to maintain or update Airport Layout Plans.

**Q: Will any obligations apply to the New Airport?**

A: No federal grant or statutory obligations will apply to the New Airport.

**Q: What about Montauk Airport?**

A: The Town recognizes that Montauk Airport remains open pursuant to the rules enacted by its current owners. Part of the testing period this summer will consider what impact, if any, PPR rules at the New Airport have on Montauk.