



March 18, 2022

Town of East Hampton Town Board
Town of East Hampton Town Clerk
159 Pantigo Road
East Hampton, NY 11937
Also via email: EHAirportScope@hamptonny.gov

Re: East Hampton Town Airport – Comments on Draft Scoping Document

Dear Supervisor Van Scoyoc and Town Board Members:

This firm represents the **Coalition to Transform East Hampton Airport** (“CTA”), a coalition led by Chairperson Peter Wolf, and Director Barry Raebeck and a 9-person Advisory Committee, **all of whom are East Hampton residents**. CTA is representative of 20 organizations – including Northwest Alliance, Southampton Town Airport Noise Advisory Committee, Noyac Civic Council, Stop the Chop NY/NJ, The Fact Hounds, Riverhead Helicopter Noise Task Force, Climate Reality Project, Shinnecock Nation, Wainscott United, and East Hampton High School Environmental Awareness Club – that are committed to reducing the negative environmental impacts caused by the East Hampton Airport. On behalf of CTA, and the thousands of residents represented by this coalition of organizations, **we thank the Town Board for considering much-needed operational limitations on the East Hampton Town Airport, and for considering permanent closure of the East Hampton Town Airport.**

Adopting a positive declaration under the State Environmental Quality Review Act (“SEQRA”) and requiring the preparation of a draft Generic Environmental Impact Statement (“DGEIS”) is necessary to adequately evaluate the adverse environmental and community impacts of the East Hampton Town Airport, and to give full consideration to the options available to mitigate and eliminate those adverse impacts.

We offer the following comments on the DGEIS Scoping Document (“Scoping Document”) for proposed operational changes at a reopened East Hampton Town Airport (“New Airport”) currently pending before the Town Board. These comments should be incorporated into the final version of the Scoping Document so that the purpose of preparing the DGEIS is not thwarted before it gets started. It is crucial that the Town Board incorporate these comments at

this time in order to avoid the difficulties of introducing additional considerations later in the DGEIS process.

The Scoping Document (p. 1) states that the purpose of the operational changes at the New Airport (“Proposed Action”) is to “reduc[e] noise and other environmental impacts” of the facility. Therefore, all of the potential environmental impacts from the New Airport must be considered through the preparation of the DGEIS, so that these impacts are properly mitigated or eliminated entirely. In addition, all of the impacts from the Proposed Action should be compared with the impacts from the Closure of the New Airport Alternative (Scoping Document, p. 13), thereby evaluating the true range of potential impacts resulting from the opening of the New Airport.

1. Identified Impacts Need Better Analysis

A review of the Environmental Impact Statement, Part 2 (“EAF Pt. 2”) adopted by the Town Board reveals that the Town Board concluded that the New Airport would have a potentially moderate to large adverse impact on the following resources: (1) transportation; (2) noise, odor, and light; and (3) community character. Unfortunately, the draft Scoping Document is inadequate to address the concerns related to these impacts.

For evaluating noise impacts, the Scoping Document must include noise impact analyses that determine the impacts of noise on the neighborhoods, residents, communities that will be the receptors of noise from the aircraft going to/from the New Airport. Maps showing these receptors should be in the Scoping Document, and existing public or published data that is proposed to be used for the DGEIS should be specifically identified in the Scoping Document. Determining the impacts of noise on other receptors from aircraft *diverted from* the New Airport will tell the Town Board nothing about noise impacts on the community as a result of the aircraft that *will be* using the New Airport. Additionally, the analysis should compare the conditions/impacts from implementing the Proposed Action with the conditions/impacts from the Closure of the New Airport Alternative. Clearer descriptions of the noise analysis and/or models that are proposed to be used in the DGEIS must be included in the Scoping Document.

For community character, the Scoping Document (pp. 7-8) should include a description or identification of the “areas affected by the New Airport and the Proposed Action” that will be studied in the DGEIS. There should also be a listing of the community characteristics (e.g., demographics, land uses, natural resources, aesthetic quality, town services, economic drivers, architectural scale and character) that will be described and analyzed. Additionally, the analysis should compare the conditions/impacts from implementing the Proposed Action (the New Airport) with the conditions/impacts from the Closure of the New Airport Alternative.

For transportation, the Scoping Document must include a full traffic impact study (“TIS”) of the current transportation impacts from the East Hampton Town Airport on the key surrounding roadways and intersections. It is imperative to conduct a transportation study of

existing traffic around the East Hampton Town Airport, especially in light of the proposed Wainscott commercial center (which would create 50 new lots on 70 acres of land).¹ Maps showing the intersections proposed to be studied should be included in the Scoping Document.

Notably, the Town’s 2015 review of proposed regulations prohibiting “noisy aircraft from conducting more than one take-off and one landing in any calendar week from May 1 through September 30” found that traffic impacts due to diversion of aircraft to other airports in the area “would not be sufficient to create a significant impact on traffic at or near any of the alternative airports”.² This was explained as follows:

In light of [the] diversity of destination[s], the various pros and cons of the three potential diversion airports and with diverted flights spread over a period of time, it appears unlikely that proposed law 4 would add more than a handful of vehicles per hour to the current traffic on the Montauk Airport and Southampton Heliport access roads. The additional trips would not be sufficient to create a significant impact on traffic at or near any of the alternative airports.³

Reference to the information from the 2015 review of proposed restrictions at the East Hampton Town Airport should be included in the Scoping Document.

2. Additional Impacts Must Be Considered

The Scoping Document fails to properly identify all relevant areas of environmental impacts from the New Airport. Accordingly, we recommend that the following areas of environmental concern be added to the Scoping Document for further evaluation in the DGEIS:

- 1.) **Impacts on Land:** The draft Scoping Document (p. 3) recognizes that the “airport vegetation cover consists of . . . unique ecosystems that support numerous protect plant and animal species”. The impacts of the New Airport on the vegetation cover and the plants and animal species on the airport lands, and the New Airport’s impacts on the recreation and open space lands to the north, east, and west should be evaluated in the DGEIS. There areas of environmental concern plainly need to be included in the final Scoping Document.

In addition, the East Hampton Town Airport “property contains 47 acres subject to Superfund restrictions” (Scoping Document, p. 3) due to contamination from

¹ <http://ehamptonny.gov/675/Wainscott-Commercial-Center> (last accessed March 17, 2022).

² <http://ehamptonny.gov/DocumentCenter/View/1647/Proposed-Airport-Noise-Regulations--Traffic-Diversion-Study?bidId=> (last accessed March 17, 2022), slide 5.

³ Id., slide 38.

polyfluoroalkyl substances (PFAS) as a result of the use of fire-fighting foam at the airport.⁴ PFAS including perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) have been detected in soil and groundwater at the airport, and in off-site private drinking wells near the airport.⁵

Even with new restrictions, the New Airport’s operations will delay, impede or restrict the cleanup of the contamination of this Superfund site, and have the potential to prevent cleanup entirely, as well as to increase the existing contamination. There are questions about the boundaries of the contaminated area, the impacts from the contamination, the reduced ability, or inability, to clean up the site, and the potential for further contamination. All of these concerns and impacts should be considered in the DGEIS. To the extent that the contamination creates limitations on airport operations (such as the runway, buildings or parking areas), that should be included in the DGEIS. As a result, information setting forth the analysis that will be undertaken as part of the preparation of the DGEIS to study the impacts on land from the New Airport must be included in the final Scoping Document.

- 2.) Impacts on Surface Water and Groundwater: The East Hampton Town Airport is located “within the federally designated Nassau-Suffolk Sole Source Aquifer” (Scoping Document p. 3), and Special Groundwater Protection Area. A portion of the East Hampton Town Airport is within a “Town-mapped Priority Groundwater Protection Area” (Scoping Document p. 3) and Water Recharge Overlay District, and is also over the deepest part of the Town’s drinking water reserves (e.g., Magothy and Upper Glacial Aquifers). There is also a Suffolk County Water Authority (“SCWA”) well field in the immediate vicinity of the East Hampton Town Airport (Scoping Document, p. 3). Crucially, SCWA is proposing to construct a 2-million gallon storage tank for its well field, increasing Suffolk County’s (and the Town’s) reliance on this particular well for drinking water supply, and further highlighting the importance of this property and the need to protect it.⁶

⁴ See <https://www.dec.ny.gov/data/DecDocs/152250/Work%20Plan.HW.152250.2021-08-31.Public%20Participation%20Plan%20Revised%20East%20Hampton%20Airport%20Site%20Final.pdf> (last accessed on March 16, 2022).

⁵ Concentrations of PFAS detected at and near the East Hampton Town Airport exceed the United States Environmental Protection Agency’s (“EPA”) levels for safe drinking water. The airport is considered by New York State Department of Environmental Conservation (NYSDEC) to present a significant threat to public health and/or the environment due to PFAS.

A copy of the State Superfund Site Classification Notice can be accessed at the following hyperlink, last accessed on March 16, 2022:

<https://www.dec.ny.gov/data/der/factsheet/152250class2.pdf>.

⁶ See <https://ehamptonny.gov/DocumentCenter/View/9235/East-Hampton-Airport--Draft-Existing-Environmental-Conditions-Planning--Zoning> (last accessed March 17, 2022), slide 18.

Due to the documented contamination of the waters at the East Hampton Town Airport and surrounding areas, allowing the New Airport to operate will have continued impacts on surface water and/or groundwater. These impacts should be considered in the DGEIS. As a result, information setting forth the analysis that will be undertaken as part of the preparation of the DGEIS to study the impacts on surface water and groundwater from the New Airport must be included in the Scoping Document. The protocol for the surface water and groundwater testing and analysis should be approved by the New York State Department of Environmental Conservation (NYSDEC) and/or the Suffolk County Department of Health Services (SCDHS).

- 3.) Impacts on Air: The Town has information about the negative impacts on air quality as a result of the operation of the East Hampton Town Airport, including aviation fuel usage and its associated emissions of carbon, lead and other hazardous chemicals and odors.⁷ This information should be identified in the Scoping Document. In addition to evaluating the change in regional emissions as a result of the Proposed Action, the gross air emissions from the Proposed Action must be analyzed in the preparation of the DGEIS. To our knowledge, a full assessment of air quality impacts from the current Town of East Hampton Airport has never been completed, so it is unclear how the DGEIS will quantify a change in annual emissions (see Scoping Document, p. 9). The analysis to be undertaken should be clearly explained in the Scoping Document.

Failure to quantify the air quality impacts from both the current Town of East Hampton Airport and the New Airport would be a fatal flaw in the DGEIS given that the type of aircraft, and “[a]ircraft emissions during Landing and/or Take-off (LTO) has a large effect on total emissions of CO₂ from the airport and also affects the local air quality for the urban centers near airports.” See footnote 7, p. 7. These are exactly the types of air quality data that should inform the Town in making decisions about operational limitations based on “frequency of flight operations” (Scoping Document p. 3) and “aircraft-based permissions” (Scoping Document p. 1). Therefore, information setting forth the analysis that will be undertaken as part of the preparation of the DGEIS to study the impacts on air quality from the total emissions from the New Airport must be included in the Scoping Document.

- 4.) Impacts on Plants and Animals: The Town of East Hampton Airport is a habitat for several endangered, threatened, or rare plants and animals, including the Black-Fruited Spike Rush, the Northern Long-Eared Bat, and the Coastal Barrens Buckmoth, and over 70 total endangered, threatened, or species of concern. See footnote 6, slide 20. Information setting forth the analysis that will be undertaken as part of the preparation of

⁷ See <http://ehamptonny.gov/748/2020-and-2021-Airport-Re-envisioning-Pro> and <https://ehamptonny.gov/DocumentCenter/View/9119/Air-Quality-Report--Donald-J-Wuebbles> (last accessed March 16, 2022).

the DGEIS to study the impacts on these species must be included in the Scoping Document.

- 5.) Impacts on Critical Environmental Areas: The East Hampton Airport is located within the South Fork Special Groundwater Protection Area, and the East Hampton Town Water Recharge Overlay District both of which are designated as Critical Environmental Areas. Notably, the Town of East Hampton Water Resources Management Plan⁸ recommends that no land uses involving petrochemicals or other chemicals listed as hazardous, flammable, or toxic by the EPA should be permitted in Special Groundwater Protection Areas and Water Recharge Overlay Districts. Information setting forth the analysis that will be undertaken as part of the preparation of the DGEIS to study the impacts of the New Airport on these Critical Environmental Areas, and an analysis of any development or use restrictions (local, state, and federal) on these areas must be included in the Scoping Document.
- 6.) Impacts on Energy: The Town of East Hampton is a designated, bronze-certified Climate Smart Community (<http://ehamptonny.gov/612/Climate-Smart-Communities>). Further, the Town Board recently passed a resolution declaring a climate emergency, recognizing that the Town should act as a “global leader by...advocating for local, regional, national, and international efforts necessary to reverse global warming...”⁹ The climate impacts – including energy consumption for airport operations and the fuel consumption and greenhouse emissions from the aircraft – of the New Airport, and how these impacts effect the Town’s climate goals and status as a Climate Smart Community, must be considered in the DGEIS. Accordingly, information about how these impacts will be analyzed must be added to the draft Scoping Document.

⁸ The Management Plan was created by the Town in 2004 for the purpose of evaluating fresh groundwater and surface water in the town. Recommendations from the Plan begin on page 96. A copy of the Management Plan can be accessed at the following hyperlink, last accessed on March 16, 2022:

<http://ehamptonny.gov/DocumentCenter/View/1044/Water-Resources-Management-Plan-PDF>

⁹ A copy of the resolution declaring a climate emergency can be accessed at the following hyperlink, last accessed on March 16, 2022:

<https://www.ehamptonny.gov/DocumentCenter/View/8256/Resolution-Endorsing-the-Declaration-of-a-Climate-Emergency-Town-of-East-Hampton>. Notably, operating a private-use airport that will solely accommodate private jets and other private aircraft for the less than “1%” is the very antithesis of acting as a global leader in the fight against global warming. <https://ehamptonny.gov/DocumentCenter/View/9119/Air-Quality-Report--Donald-J-Wuebbles> (last accessed March 16, 2022), p. 2.

- 7.) Impacts on Human Health: Given the information above (items 1-3 above) about the PFAS contamination of the East Hampton Town Airport and off-site private drinking wells, in conjunction with the information about the emissions of carbon, lead and other hazardous chemicals from the East Hampton Town Airport, the Scoping Document should include a discussion of the human health impacts of the Proposed Action, the mitigation measures for these impacts, and the human health consequences of the “Closure of the New Airport Alternative”.
- 8.) Consistency with Community Plans: The Town’s Comprehensive Plan prioritizes protection of the environment as an important goal of the town. In fact, the second enumerated goal in the Comprehensive Plan is for the Town to: “[t]ake forceful measures to protect and restore the environment, particularly groundwater. Reduce impacts of human habitation on ground water, surface water, wetlands, dunes, biodiversity, ecosystems, scenic resources, air quality, the night sky, noise and energy consumption.”¹⁰

Further, the 2007 East Hampton Airport Master Plan Report (“Master Plan Report”) examined a number of alternative operational changes for the airport, including an alternative that would “have the least impact on the environment” by downscaling the physical layout of the airport “without regard to operational impact.” Master Plan Report (p. V-241).¹¹ The Master Plan Report (p. II-74) also notes:

“Control of noise and adverse environmental impacts at the airport is consistent with current Town goals for improved quality of life and land and water conservation. These goals recognize that protecting the environment is essential for improving the Town’s seasonal and year round economy”.

The Master Plan Report also contained several recommendations, including recommendations for noise abatement. These alternatives, recommendations, and possible impacts on the Town’s stated goals in its Comprehensive Plan, should be addressed in the Scoping Document and DGEIS.

3. Additional Options for Restrictions Must Be Included

With respect to operation of the New Airport and the restrictions to be evaluated in the DGEIS, the Scoping Document (pp. 1-2) should consider the following:

¹⁰ The Comprehensive Plan can be accessed at the following hyperlink, last accessed on March 18, 2022: <http://ehamptonny.gov/DocumentCenter/View/1319/2005-Town-Comprehensive-Plan-PDF>

¹¹ The Master Plan Report can be accessed at the following hyperlink, last accessed on March 16, 2022: <http://ehamptonny.gov/320/Airport-Final-GEIS>

- 1) Determining restrictions based upon historical complaints is misleading as many residents of the Town and other affected areas do not submit complaints or have stopped submitting complaints because their concerns have not been addressed.
- 2) Curfews will condense the airport's activity into a smaller window of time during the day, and will increase activity during prime time for outdoor activities.
- 3) Limiting loud or commercial aircraft to one landing and take-off per day does not account for operators' ability to utilize a larger number of individual aircraft to maintain the same volume of flights.
- 4) In order to eliminate the environmentally damaging aircraft operations, the maximum takeoff weight for jets should be set to 25,000 pounds, and a maximum should be set for helicopters.
- 5) Create a slot system that will restrict overall traffic at the New Airport on an hour by hour basis. Consider setting a goal for the reduction of overall aircraft traffic by a certain percentage of current traffic (e.g., reduce traffic of certain types of aircraft by certain percentages).
- 6) Impose severe fines for operators who conceal tail numbers or turn off transponders.
- 7) End the sale of all fuel (in addition to the reduction or elimination of lead-based fuel sales) at the New Airport.
- 8) Prohibit the use of lead-based fuel at the New Airport.
- 9) Immediately prohibit (in addition to long-term) jets, helicopters, and/or seaplanes at the New Airport.

These and other alternative restrictions should be listed in the Scoping Document, so that they can be included in the DGEIS and eventually considered by the Town Board as part of this SEQRA process for the long-term planning of the East Hampton Town Airport.

4. Concerns Regarding SEQRA Review

In addition to the above deficiencies of the draft Scoping Document, we are concerned that the Town Board's handling of the SEQRA review of the opening, closing, and operational changes at the East Hampton Town Airport was impermissible. Under SEQRA, agencies are not permitted to segment environmental review of an action or a proposed project into smaller, separate actions. See 6 NYCRR §§ 617.2(ah), 617.3(g). In order to comply with SEQRA, the Town Board is required to "consider reasonably related effects of the action, including other simultaneous or subsequent actions which are...likely to be undertaken as a result thereof or [to be] dependent thereon." Defreestville Area Neighborhoods Ass'n, Inc. v. Town Board of Town of N. Greenbush 299 A.D. 631, 633 (3d Dep't 2002).

Here, it appears that the Town Board has considered the closure and reopening of the East Hampton Town Airport as a single, distinct action that is separate from the proposed New Airport to be considered in the DGEIS. However, the Town Board should undertake a comprehensive review of the reopening of the East Hampton Town Airport along with the

proposed New Airport operational changes because these are essentially simultaneous or subsequent actions that are “dependent” upon each other. Id. As such, once the East Hampton Town Airport closes on May 17, 2022, we respectfully request that the Town Board keep the facility closed until the DGEIS process is complete and the Town Board determines whether to reopen the New Airport, and, if so, under what operational restrictions after fully analyzing all potential impacts.

5. Conclusion

We would appreciate the opportunity for public comment and review on the revised draft Scoping Document after changes have been made as part of this initial review process. The public comment period should be extended to allow for additional public input into this important step of the SEQRA review process.

Finally, pursuant to 6 NYCRR § 617.12(b), we hereby request that you add this firm to the Town Board’s distribution list of all SEQRA-related documents, and we also request a copy of the final Scoping Document once it is approved by the Town Board. Thank you for your consideration in this matter.

Sincerely,



Claudia K. Braymer

cc: CTA
Assemblyman Fred Thiele