



KAPLAN KIRSCH ROCKWELL

June 3, 2015

The Honorable Joanna Seybert
United States District Court
P.O. Box 9014
100 Federal Plaza
Central Islip, New York 11722

Re: *FOEHA v. Town of East Hampton*, 15 Civ. 2246 (JS)

Dear Judge Seybert,

We write in response to Plaintiffs' letter dated June 2, 2015, opposing to the Committee to Stop Airport Expansion's request to participate in this case as an *amicus curiae* and, on behalf of the Town of East Hampton, wish to make two points.

First, the Town does not oppose the Committee's request to participate as an *amicus curiae*.

Second, without repeating the arguments of the parties on this issue, the discussion of ANCA and *National Helicopter* in the Plaintiffs' letter highlights what the Town believes is the key point regarding ANCA: Under the plain language of ANCA, ANCA does not preempt or prevent airports that are not grant obligated, or who do not wish to remain grant eligible from adopting noise and access restrictions, so long as they are constitutional, in order to address local noise problems. The sole consequence of adopting noise restrictions is that the proprietor is barred from obtaining additional FAA grants. The Town has made the legislative judgment to accept that consequence and forego future FAA grants in order to protect its citizens from excessive aircraft noise. ANCA does not bar it – or preempt it – from doing so.

Respectfully submitted,

W. Eric Pilsk
Counsel to the Town of East Hampton

cc: Lisa Zornberg, Esq.
Sheila D. Jones, Esq.
Thomas P. Ogden, Esq.