

Exhibit 1

 An official website of the United States government [Here's how you know](#) 

 The latest general information on the Coronavirus (COVID-19) is available on [Coronavirus.gov](#). For FAA-specific COVID-19 resources, please visit [faa.gov/coronavirus](#).

[United States Department of Transportation](#)



**Federal Aviation  
Administration**

## FOIA Form

### Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records.

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

May 01, 2022

Federal Aviation Administration  
Federal Aviation Administration  
National Freedom of Information Act Staff, AFN-400

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On or about May 6, 2020, Elliott Black of the FAA (at that time, the Director of Airport Policy (ARP-3)) sent the Town of East Hampton, New York two documents – 1) a 17-page document entitled “PUBLICLY OWNED AIRPORTS that are private-use” and 2) a 1-page document entitled “PUBLICLY OWNED AIRPORTS that transitioned from public-use to private-use”. This is a request for certain additional documents related to them. In particular, I request: \* All documents related to the documents identified above, including but not limited to the email from Black to the Town to which they were attached; related emails between Black and/or others at FAA and the Town which preceded or followed that email; and any related preparatory work or internal FAA emails or other correspondence. \* For the airports identified in the second document (listed below), all documents regarding how, when, why, and by what process they were “transitioned from public-use to private-use”, as asserted therein, and any description of the “PPR” (Prior Permission Required) restrictions asserted to exist therein, as well as any related preparatory work or internal FAA emails or other correspondence related to the document. The specific airports: Yakataga, Alaska (0AA1). Farewell, Alaska (0AA4). Port Moller, Cold Bay, Alaska (1AK3). Shannons Pond, Dillingham, Alaska (AA15). Grapevine Airstrip, Roosevelt, Arizona (88AZ). Moffett Federal Airfield, Mountain View, California (NUQ). NASA Shuttle Landing Facility, Titusville, Florida (TTS). Grand Tower Helipad, Grand Tower, Illinois (3IS9). Liberty-Casey County Airport, Kentucky (53KT). Standard Field, Elton, Kentucky (5KY4). Paintsville-Prestonburg-Combs Field, Kentucky (9KY9). Barnesville Municipal Airport, Minnesota (9MN3). Greeley Municipal Airport, Nebraska (NE46). Myrtle Creek Municipal Helipad, Oregon (OG62).

Bowdle Municipal Airport, South Dakota (5SD3). Harrold Municipal Airport, South Dakota (SD50). Board County Airport, Crowell, Texas (2XA0). Cornell Municipal Airport, Wisconsin (4WI9). \* Finally, all internal FAA emails or other correspondence to or from Black regarding whether he was authorized to communicate with East Hampton about this or any other matter.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith  
Member

Phone: 2029737918  
jsilversmith@kmazuckert.com

Page last modified: October 12, 2012 9:24:22 AM EDT

Exhibit 2

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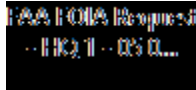
**From:** Jol A. Silversmith  
**Sent:** Monday, June 6, 2022 5:06 PM  
**To:** 9-ANM-FOIA@faa.gov  
**Cc:** Alicia.Vaughn@faa.gov  
**Subject:** RE: ANM: Request under the Freedom of Information Act, 5 U.S.C. § 552

Dear Ms. Cummins:

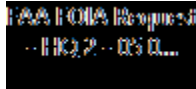
Supplementing my prior correspondence, I have confirmed that the payment for the prior request was cashed on May 26.

Additionally, although I have received acknowledgment of certain FOIA requests that were submitted to the national FOIA office, I have not received acknowledgement of others. I would therefore like to ask for a status update on the following requests:

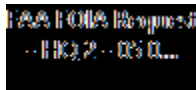
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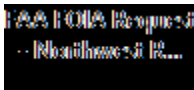
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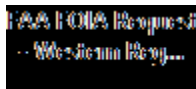
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- A request addressed to the Northwest Region dated May 1, specifically requesting records related to the Myrtle Creek Municipal Helipad.



- A request addressed to the Northwest Region dated May 1, requesting records related to Grapevine Airstrip and Moffett Federal Airfield.



Best regards.

Jol

**Jol A. Silversmith**

Member  
KMA Zuckert LLC  
888 17th Street, NW, Suite 700  
Washington, DC 20006  
+1 (202) 973-7918 Direct  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)



---

**From:** Jol A. Silversmith [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
**Sent:** Wednesday, May 4, 2022 5:02 PM  
**To:** [9-ANM-FOIA@faa.gov](mailto:9-ANM-FOIA@faa.gov)  
**Subject:** RE: ANM: Request under the Freedom of Information Act, 5 U.S.C. § 552

I have been informed that it was initially sent and later re-sent to the address shown on the check (AFN-400), but has not yet been cashed.

Many thanks.

Jol

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**From:** 9-ANM-FOIA (FAA) <[9-ANM-FOIA@faa.gov](mailto:9-ANM-FOIA@faa.gov)>  
**Sent:** Wednesday, May 4, 2022 12:28 PM  
**To:** Jol A. Silversmith <[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)>  
**Subject:** RE: ANM: Request under the Freedom of Information Act, 5 U.S.C. § 552

*Thank you Mr. Silversmith. Can you please tell me where the payment was sent? What you provided was a copy of the check, nothing showing it was cashed or where it was sent. This information will help us locate the payment.*

*Thank you for your help,  
Ms. Cummins*

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**From:** Jol A. Silversmith <[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)>  
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**To:** 9-ANM-FOIA (FAA) <[9-ANM-FOIA@faa.gov](mailto:9-ANM-FOIA@faa.gov)>

**Cc:** Vaughn, Alicia (FAA) <[Alicia.Vaughn@faa.gov](mailto:Alicia.Vaughn@faa.gov)>

**Subject:** RE: ANM: Request under the Freedom of Information Act, 5 U.S.C. § 552

Dear Ms. Cummins:

A payment was sent on April 5, 2022. I understand that it was returned to us because it allegedly did not contain enough information to associate it with a particular request. It has been sent again, with a copy of the invoice attached.

Jol

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**From:** 9-ANM-FOIA (FAA) [9-ANM-FOIA@faa.gov](mailto:9-ANM-FOIA@faa.gov)

**Sent:** Tuesday, May 3, 2022 12:44 PM

**To:** Jol A. Silversmith [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)

**Cc:** Vaughn, Alicia (FAA) [Alicia.Vaughn@faa.gov](mailto:Alicia.Vaughn@faa.gov)

**Subject:** FW: ANM: Request under the Freedom of Information Act, 5 U.S.C. § 552

*Good Morning Mr. Silversmith:*

*We have received your requests regarding various airports across the United States. However, our records indicate a past due balance for processing FOIA 2022-05052, in the amount of \$89.10.*

*If you have made that payment, please provide verification so that we may update our records. If you have not, please remit payment to avoid any delay in processing your current requests.*

*If you have any questions regarding the payment for this request, please contact Alicia Vaughn at [alicia.vaughn@faa.gov](mailto:alicia.vaughn@faa.gov).*

*Please let our office know when the payment issue has been resolved.*

*Best regards,  
Ms. Cummins*

*National FOIA Management Specialist  
(206) 231-2034*

---

**From:** [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com) <[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)>

**Sent:** Sunday, May 01, 2022 10:05 AM

**To:** 7-AWA-ARC-FOIA (FAA) <[7-awa-arc-foia@faa.gov](mailto:7-awa-arc-foia@faa.gov)>

**Subject:** ANM: Request under the Freedom of Information Act, 5 U.S.C. § 552

*Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006  
May 01, 2022*

*Federal Aviation Administration*

*Federal Aviation Administration – Northwest Mountain Region*

*National Freedom of Information Act Staff, AFN-400W*

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On or about May 6, 2020, Elliott Black of the FAA (at that time, the Director of Airport Policy (ARP-3)) sent the Town of East Hampton, New York a 1-page document entitled “PUBLICLY OWNED AIRPORTS that transitioned from public-use to private-use”. This is a request for certain related documents. In particular, I request for the followin airport (as identified in the document): Myrtle Creek Municipal Helipad, Oregon (OG62). All documents regarding how, when, why, and by what process it was “transitioned from public-use to private-use”, as asserted therein, and any description of the “PPR” (Prior Permission Required) restrictions asserted to exist therein

In order to determine my status to assess fees, you should know that my fee category is: affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith

Phone: 2029737918

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Washington, DC 20006

May 01, 2022

Federal Aviation Administration  
Federal Aviation Administration  
National Freedom of Information Act Staff, AFN-400

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

This is a request for records of grants to the Town of East Hampton, New York under the Airport Improvement Program, predecessor grant programs (ADAP and FAAP), and any other programs with records in FAA's possession, including but not limited to the overall agreements between FAA and the Town; supplemental documents, such as Airport Property Inventory Maps (typically Exhibit A to a grant application); Airport Layout Plans (ALP) and attachments, such as real property maps and documentation of the amounts disbursed; as well as any other associated communications and guidance between FAA and the Town regarding East Hampton Airport (HTO). Moreover, to the extent not included in the above request, please provide all APIM, ALP, real property, and associated communications and guidance regarding East Hampton.

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KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

May 05, 2022

Federal Aviation Administration  
Federal Aviation Administration  
National Freedom of Information Act Staff, AFN-400

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

The Town of East Hampton, New York, in recent pleadings filed in state court and in DOT and FAA administrative proceedings, has represented that it has entered into reimbursable agreements with the FAA, letters of agreement with TRACON (N90), and other correspondence related to the nominal closure of East Hampton Airport (HTO) and opening of a "new" airport, East Hampton Town Airport (JPX). Please provide copies of all of the identified documents, and related documents.

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May 01, 2022

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Federal Aviation Administration – Northwest Mountain Region  
National Freedom of Information Act Staff, AFN-400W

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May 01, 2022

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Federal Aviation Administration – Western-Pacific Region  
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Exhibit 3

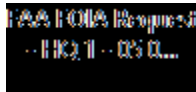
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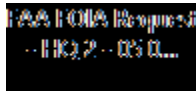
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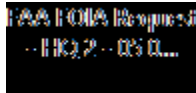
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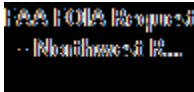
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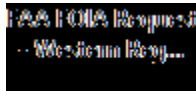
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*We have received your requests regarding various airports across the United States. However, our records indicate a past due balance for processing FOIA 2022-05052, in the amount of \$89.10.*

*If you have made that payment, please provide verification so that we may update our records. If you have not, please remit payment to avoid any delay in processing your current requests.*

*If you have any questions regarding the payment for this request, please contact Alicia Vaughn at [alicia.vaughn@faa.gov](mailto:alicia.vaughn@faa.gov).*

*Please let our office know when the payment issue has been resolved.*

*Best regards,  
Ms. Cummins*

*National FOIA Management Specialist  
(206) 231-2034*

---

**From:** [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com) <[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)>  
**Sent:** Sunday, May 01, 2022 10:05 AM  
**To:** 7-AWA-ARC-FOIA (FAA) <[7-awa-arc-foia@faa.gov](mailto:7-awa-arc-foia@faa.gov)>  
**Subject:** ANM: Request under the Freedom of Information Act, 5 U.S.C. § 552

*Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006  
May 01, 2022  
Federal Aviation Administration  
Federal Aviation Administration – Northwest Mountain Region  
National Freedom of Information Act Staff, AFN-400W*

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On or about May 6, 2020, Elliott Black of the FAA (at that time, the Director of Airport Policy (ARP-3)) sent the Town of East Hampton, New York a 1-page document entitled "PUBLICLY OWNED AIRPORTS that transitioned from public-use to private-use". This is a request for certain related documents. In particular, I request for the following airport (as identified in the document): Myrtle Creek Municipal Helipad, Oregon (OG62). All documents regarding how, when, why, and by what process it was "transitioned from public-use to private-use", as asserted therein, and any description of the "PPR" (Prior Permission Required) restrictions asserted to exist therein

In order to determine my status to assess fees, you should know that my fee category is: affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith

Phone: 2029737918

[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)

 An official website of the United States government [Here's how you know](#) 

 The latest general information on the Coronavirus (COVID-19) is available on [Coronavirus.gov](#). For FAA-specific COVID-19 resources, please visit [faa.gov/coronavirus](#).

[United States Department of Transportation](#)



**Federal Aviation  
Administration**

## FOIA Form

### Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records.

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

May 01, 2022

Federal Aviation Administration  
Federal Aviation Administration  
National Freedom of Information Act Staff, AFN-400

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

This is a request for records of grants to the Town of East Hampton, New York under the Airport Improvement Program, predecessor grant programs (ADAP and FAAP), and any other programs with records in FAA's possession, including but not limited to the overall agreements between FAA and the Town; supplemental documents, such as Airport Property Inventory Maps (typically Exhibit A to a grant application); Airport Layout Plans (ALP) and attachments, such as real property maps and documentation of the amounts disbursed; as well as any other associated communications and guidance between FAA and the Town regarding East Hampton Airport (HTO). Moreover, to the extent not included in the above request, please provide all APIM, ALP, real property, and associated communications and guidance regarding East Hampton.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,



Jol A Silversmith  
Member

Phone: 2029737918  
jsilversmith@kmazuckert.com

Page last modified: October 12, 2012 9:24:22 AM EDT

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[United States Department of Transportation](#)



**Federal Aviation  
Administration**

## FOIA Form

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Your FOIA request has been submitted. Save or print this page for your records.

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

May 01, 2022

Federal Aviation Administration  
Federal Aviation Administration  
National Freedom of Information Act Staff, AFN-400

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On or about May 6, 2020, Elliott Black of the FAA (at that time, the Director of Airport Policy (ARP-3)) sent the Town of East Hampton, New York two documents – 1) a 17-page document entitled “PUBLICLY OWNED AIRPORTS that are private-use” and 2) a 1-page document entitled “PUBLICLY OWNED AIRPORTS that transitioned from public-use to private-use”. This is a request for certain additional documents related to them. In particular, I request: \* All documents related to the documents identified above, including but not limited to the email from Black to the Town to which they were attached; related emails between Black and/or others at FAA and the Town which preceded or followed that email; and any related preparatory work or internal FAA emails or other correspondence. \* For the airports identified in the second document (listed below), all documents regarding how, when, why, and by what process they were “transitioned from public-use to private-use”, as asserted therein, and any description of the “PPR” (Prior Permission Required) restrictions asserted to exist therein, as well as any related preparatory work or internal FAA emails or other correspondence related to the document. The specific airports: Yakataga, Alaska (0AA1). Farewell, Alaska (0AA4). Port Moller, Cold Bay, Alaska (1AK3). Shannons Pond, Dillingham, Alaska (AA15). Grapevine Airstrip, Roosevelt, Arizona (88AZ). Moffett Federal Airfield, Mountain View, California (NUQ). NASA Shuttle Landing Facility, Titusville, Florida (TTS). Grand Tower Helipad, Grand Tower, Illinois (3IS9). Liberty-Casey County Airport, Kentucky (53KT). Standard Field, Elton, Kentucky (5KY4). Paintsville-Prestonburg-Combs Field, Kentucky (9KY9). Barnesville Municipal Airport, Minnesota (9MN3). Greeley Municipal Airport, Nebraska (NE46). Myrtle Creek Municipal Helipad, Oregon (OG62).

Bowdle Municipal Airport, South Dakota (5SD3). Harrold Municipal Airport, South Dakota (SD50). Board County Airport, Crowell, Texas (2XA0). Cornell Municipal Airport, Wisconsin (4WI9). \* Finally, all internal FAA emails or other correspondence to or from Black regarding whether he was authorized to communicate with East Hampton about this or any other matter.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

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Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith  
Member

Phone: 2029737918  
jsilversmith@kmazuckert.com

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[United States Department of Transportation](#)



**Federal Aviation  
Administration**

## FOIA Form

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Your FOIA request has been submitted. Save or print this page for your records.

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

May 05, 2022

Federal Aviation Administration  
Federal Aviation Administration  
National Freedom of Information Act Staff, AFN-400

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

The Town of East Hampton, New York, in recent pleadings filed in state court and in DOT and FAA administrative proceedings, has represented that it has entered into reimbursable agreements with the FAA, letters of agreement with TRACON (N90), and other correspondence related to the nominal closure of East Hampton Airport (HTO) and opening of a "new" airport, East Hampton Town Airport (JPX). Please provide copies of all of the identified documents, and related documents.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith  
Member

Phone: 2029737918  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)

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[United States Department of Transportation](#)



**Federal Aviation  
Administration**

## FOIA Form

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Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

May 01, 2022

Federal Aviation Administration  
Federal Aviation Administration – Northwest Mountain Region  
National Freedom of Information Act Staff, AFN-400W

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On or about May 6, 2020, Elliott Black of the FAA (at that time, the Director of Airport Policy (ARP-3)) sent the Town of East Hampton, New York a 1-page document entitled "PUBLICLY OWNED AIRPORTS that transitioned from public-use to private-use". This is a request for certain related documents. In particular, I request for the followin airport (as identified in the document): Myrtle Creek Municipal Helipad, Oregon (OG62). All documents regarding how, when, why, and by what process it was "transitioned from public-use to private-use", as asserted therein, and any description of the "PPR" (Prior Permission Required) restrictions asserted to exist therein

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith

Phone: 2029737918

jsilversmith@kmazuckert.com


Page last modified: October 12, 2012 9:24:22 AM EDT



**Federal Aviation  
Administration**

## FOIA Form

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Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

May 01, 2022

Federal Aviation Administration  
Federal Aviation Administration – Western-Pacific Region  
National Freedom of Information Act Staff, AFN-400W

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On or about May 6, 2020, Elliott Black of the FAA (at that time, the Director of Airport Policy (ARP-3)) sent the Town of East Hampton, New York a 1-page document entitled "PUBLICLY OWNED AIRPORTS that transitioned from public-use to private-use". This is a request for certain related documents. In particular, I request for the following airports (as identified in the document): Grapevine Airstrip, Roosevelt, Arizona (88AZ). Moffett Federal Airfield, Mountain View, California (NUQ). All documents regarding how, when, why, and by what process they were "transitioned from public-use to private-use", as asserted therein, and any description of the "PPR" (Prior Permission Required) restrictions asserted to exist therein

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the



The maximum dollar amount I am willing to pay for this request is \$100.  
Please notify me if the fees will exceed \$25.00 or the maximum dollar  
amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith  
Member

Phone: 2029737918  
jsilversmith@kmazuckert.com

Exhibit 4

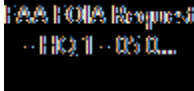
---

**From:** Jol A. Silversmith  
**Sent:** Tuesday, July 12, 2022 5:17 PM  
**To:** angelique.berry@faa.gov  
**Cc:** 7-awa-arc-foia@faa.gov  
**Subject:** Outstanding FOIA Requests

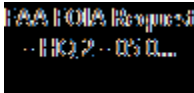
Dear Ms. Berry:

May I request your assistance in determining the status of two FOIA requests that I submitted to FAA more than two months ago, for which I have received neither an acknowledgement nor a response.

- On May 1, I submitted a request for certain documents related to East Hampton Airport (HTO), including AIP and other grants made to the airport by FAA, and related documents.



- Also on May 1, I submitted a request for certain documents related to communications between Elliott Black and the Town of East Hampton. Please note that some of the requested documents (i.e., pertaining to other specific airports) also were requested from the appropriate regions, but those requests do not duplicate this request.



Many thanks.

Jol

**Jol A. Silversmith**  
Member  
KMA Zuckert LLC  
888 17th Street, NW, Suite 700  
Washington, DC 20006  
+1 (202) 973-7918 Direct  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)



 An official website of the United States government [Here's how you know](#) 

 The latest general information on the Coronavirus (COVID-19) is available on [Coronavirus.gov](#). For FAA-specific COVID-19 resources, please visit [faa.gov/coronavirus](#).

[United States Department of Transportation](#)



**Federal Aviation  
Administration**

## FOIA Form

### Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records.

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

May 01, 2022

Federal Aviation Administration  
Federal Aviation Administration  
National Freedom of Information Act Staff, AFN-400

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

This is a request for records of grants to the Town of East Hampton, New York under the Airport Improvement Program, predecessor grant programs (ADAP and FAAP), and any other programs with records in FAA's possession, including but not limited to the overall agreements between FAA and the Town; supplemental documents, such as Airport Property Inventory Maps (typically Exhibit A to a grant application); Airport Layout Plans (ALP) and attachments, such as real property maps and documentation of the amounts disbursed; as well as any other associated communications and guidance between FAA and the Town regarding East Hampton Airport (HTO). Moreover, to the extent not included in the above request, please provide all APIM, ALP, real property, and associated communications and guidance regarding East Hampton.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith  
Member

Phone: 2029737918  
jsilversmith@kmazuckert.com

Page last modified: October 12, 2012 9:24:22 AM EDT

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[United States Department of Transportation](#)



**Federal Aviation  
Administration**

## FOIA Form

### Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records.

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

May 01, 2022

Federal Aviation Administration  
Federal Aviation Administration  
National Freedom of Information Act Staff, AFN-400

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On or about May 6, 2020, Elliott Black of the FAA (at that time, the Director of Airport Policy (ARP-3)) sent the Town of East Hampton, New York two documents – 1) a 17-page document entitled “PUBLICLY OWNED AIRPORTS that are private-use” and 2) a 1-page document entitled “PUBLICLY OWNED AIRPORTS that transitioned from public-use to private-use”. This is a request for certain additional documents related to them. In particular, I request: \* All documents related to the documents identified above, including but not limited to the email from Black to the Town to which they were attached; related emails between Black and/or others at FAA and the Town which preceded or followed that email; and any related preparatory work or internal FAA emails or other correspondence. \* For the airports identified in the second document (listed below), all documents regarding how, when, why, and by what process they were “transitioned from public-use to private-use”, as asserted therein, and any description of the “PPR” (Prior Permission Required) restrictions asserted to exist therein, as well as any related preparatory work or internal FAA emails or other correspondence related to the document. The specific airports: Yakataga, Alaska (0AA1). Farewell, Alaska (0AA4). Port Moller, Cold Bay, Alaska (1AK3). Shannons Pond, Dillingham, Alaska (AA15). Grapevine Airstrip, Roosevelt, Arizona (88AZ). Moffett Federal Airfield, Mountain View, California (NUQ). NASA Shuttle Landing Facility, Titusville, Florida (TTS). Grand Tower Helipad, Grand Tower, Illinois (3IS9). Liberty-Casey County Airport, Kentucky (53KT). Standard Field, Elton, Kentucky (5KY4). Paintsville-Prestonburg-Combs Field, Kentucky (9KY9). Barnesville Municipal Airport, Minnesota (9MN3). Greeley Municipal Airport, Nebraska (NE46). Myrtle Creek Municipal Helipad, Oregon (OG62).

Bowdle Municipal Airport, South Dakota (5SD3). Harrold Municipal Airport, South Dakota (SD50). Board County Airport, Crowell, Texas (2XA0). Cornell Municipal Airport, Wisconsin (4WI9). \* Finally, all internal FAA emails or other correspondence to or from Black regarding whether he was authorized to communicate with East Hampton about this or any other matter.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith  
Member

Phone: 2029737918  
jsilversmith@kmazuckert.com

Page last modified: October 12, 2012 9:24:22 AM EDT

Exhibit 5



**From:** Shipp, Judy A (FAA) <Judy.A.Shipp@faa.gov>  
**Sent:** Wednesday, July 13, 2022 11:49 AM  
**To:** Jol A. Silversmith  
**Subject:** Freedom of Information Act (FOIA) Request 2022-08956

Mr. Silversmith,

This email acknowledges receipt of your FOIA request concerning stated records relative to the two documents from Elliott Black to the town of East Hampton, NY, and other listed records.

Your request has been assigned for action to the FAA office listed below:

Office of Airports  
Angelique Berry, FOIA Coordinator  
202-267-3832

If you have questions regarding the status of your request, please contact the assigned FOIA coordinator. Please refer to the FOIA number above in future correspondence regarding this request.

Thank you,

Judy Shipp  
FOIA Management Specialist  
817-222-5059



Exhibit 6

---

**From:** Jol A. Silversmith  
**Sent:** Friday, July 29, 2022 4:16 PM  
**To:** angelique.berry@faa.gov  
**Subject:** RE: Freedom of Information Act (FOIA) Request 2022-08956

Dear Ms. Berry –

One other matter for follow-up – I understand that this request has been assigned to your attention. This request was originally submitting on May 1, and thus is long overdue. May I request a status update?

Best regards.

Jol

**Jol A. Silversmith**  
Member  
KMA Zuckert LLC  
888 17th Street, NW, Suite 700  
Washington, DC 20006  
+1 (202) 973-7918 Direct  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)



---

**From:** Shipp, Judy A (FAA) [Judy.A.Shipp@faa.gov](mailto:Judy.A.Shipp@faa.gov)  
**Sent:** Wednesday, July 13, 2022 11:49 AM  
**To:** Jol A. Silversmith [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
**Subject:** Freedom of Information Act (FOIA) Request 2022-08956

Mr. Silversmith,

This email acknowledges receipt of your FOIA request concerning stated records relative to the two documents from Elliott Black to the town of East Hampton, NY, and other listed records.

Your request has been assigned for action to the FAA office listed below:

Office of Airports  
Angelique Berry, FOIA Coordinator  
202-267-3832

If you have questions regarding the status of your request, please contact the assigned FOIA coordinator. Please refer to the FOIA number above in future correspondence regarding this request.

Thank you,

Judy Shipp

FOIA Management Specialist  
817-222-5059



Exhibit 7

**From:** Berry, Angelique (FAA) <angelique.berry@faa.gov>  
**Sent:** Friday, July 29, 2022 5:09 PM  
**To:** Jol A. Silversmith  
**Cc:** Savoy, Lisa C (FAA)  
**Subject:** RE: Freedom of Information Act (FOIA) Request 2022-08956

Hello Mr. Silversmith,

Thank you for your email. Your request was assigned to our office with a target due date for response of 8/10/22.

After careful review of your request, the information in your request #2022-08956 regarding the airports that you list are duplicate of information you have already requested in the FOIA requests submitted by you listed below.

- 2022-06803
- 2022-06814
- 2022-06816
- 2022-06901
- 2022-07012
- 2022-07027
- 2022-07028

If you believe that the subject request is not a duplicate, please clarify the information you are requesting in the subject request that is not covered in the requests listed below.

Thanks much!  
Angelique Berry  
Assistant Manager, Administrative Management Staff, ARP-10  
Federal Aviation Administration  
Office of Airports  
(202) 267-3832 work  
(202) 436-5535 work cell



Core Values: Integrity - Collaboration - Innovation

---

**From:** Jol A. Silversmith <jsilversmith@kmazuckert.com>  
**Sent:** Friday, July 29, 2022 4:16 PM  
**To:** Berry, Angelique (FAA) <angelique.berry@faa.gov>  
**Subject:** RE: Freedom of Information Act (FOIA) Request 2022-08956

Dear Ms. Berry –

One other matter for follow-up – I understand that this request has been assigned to your attention. This request was originally submitting on May 1, and thus is long overdue. May I request a status update?

Best regards.

Jol

**Jol A. Silversmith**

Member  
KMA Zuckert LLC  
888 17th Street, NW, Suite 700  
Washington, DC 20006  
+1 (202) 973-7918 Direct  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)



---

**From:** Shipp, Judy A (FAA) [Judy.A.Shipp@faa.gov](mailto:Judy.A.Shipp@faa.gov)  
**Sent:** Wednesday, July 13, 2022 11:49 AM  
**To:** Jol A. Silversmith [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
**Subject:** Freedom of Information Act (FOIA) Request 2022-08956

Mr. Silversmith,

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Your request has been assigned for action to the FAA office listed below:

Office of Airports  
Angelique Berry, FOIA Coordinator  
202-267-3832

If you have questions regarding the status of your request, please contact the assigned FOIA coordinator. Please refer to the FOIA number above in future correspondence regarding this request.

Thank you,

Judy Shipp  
FOIA Management Specialist  
817-222-5059




**IMPORTANT NOTICE:** This electronic mail message and any attached files contain information intended for the exclusive use of the individual or entity to whom it is addressed and may contain information that is proprietary, privileged, confidential and/or exempt from disclosure under applicable law. In no event shall inadvertent transmission constitute a waiver of confidentiality or privilege. If you are not the intended recipient, you are hereby notified that any viewing, copying, direct or indirect disclosure or distribution of this

information is strictly prohibited and may be subject to legal restriction or sanction. Please notify the sender or [postmaster@kmazuckert.com](mailto:postmaster@kmazuckert.com) by electronic mail or telephone (+1.312.345.3000) of any unintended recipients and kindly delete the original message without making any copies. Thank you.



Exhibit 8

 The latest general information on the Coronavirus (COVID-19) is available on

. For FAA-specific COVID-19 resources, please visit


[United States Department of Transportation](#)



**Federal Aviation  
Administration**

## FOIA Form

### Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records. 

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

May 01, 2022

Federal Aviation Administration  
Federal Aviation Administration – Alaskan Region  
National Freedom of Information Act Staff, AFN-400W

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On or about May 6, 2020, Elliott Black of the FAA (at that time, the Director of Airport Policy (ARP-3)) sent the Town of East Hampton, New York a 1-page document entitled “PUBLICLY OWNED AIRPORTS that transitioned from public-use to private-use”. This is a request for certain related documents. In particular, I request for the following airports (as identified in the document): Yakataga, Alaska (0AA1). Farewell, Alaska (0AA4). Port Moller, Cold Bay, Alaska (1AK3). Shannons Pond, Dillingham, Alaska (AA15). All documents regarding how, when, why, and by what process they were “transitioned from public-use to private-use”, as asserted therein, and any description of the “PPR” (Prior Permission Required) restrictions asserted to exist therein

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the

The maximum dollar amount I am willing to pay for this request is \$100.  
Please notify me if the fees will exceed \$25.00 or the maximum dollar  
amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith  
Member

Phone: 2029737918  
jsilversmith@kmazuckert.com

Exhibit 9

 An official website of the United States government [Here's how you know](#) 

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[United States Department of Transportation](#)



**Federal Aviation  
Administration**

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Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

May 01, 2022

Federal Aviation Administration  
Federal Aviation Administration – Northwest Mountain Region  
National Freedom of Information Act Staff, AFN-400W

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On or about May 6, 2020, Elliott Black of the FAA (at that time, the Director of Airport Policy (ARP-3)) sent the Town of East Hampton, New York a 1-page document entitled "PUBLICLY OWNED AIRPORTS that transitioned from public-use to private-use". This is a request for certain related documents. In particular, I request for the followin airport (as identified in the document): Myrtle Creek Municipal Helipad, Oregon (OG62). All documents regarding how, when, why, and by what process it was "transitioned from public-use to private-use", as asserted therein, and any description of the "PPR" (Prior Permission Required) restrictions asserted to exist therein

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith

Phone: 2029737918

jsilversmith@kmazuckert.com


Page last modified: October 12, 2012 9:24:22 AM EDT

Exhibit 10



**Federal Aviation  
Administration**

## FOIA Form Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records. 

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

May 01, 2022

Federal Aviation Administration  
Federal Aviation Administration – Western-Pacific Region  
National Freedom of Information Act Staff, AFN-400W

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On or about May 6, 2020, Elliott Black of the FAA (at that time, the Director of Airport Policy (ARP-3)) sent the Town of East Hampton, New York a 1-page document entitled "PUBLICLY OWNED AIRPORTS that transitioned from public-use to private-use". This is a request for certain related documents. In particular, I request for the following airports (as identified in the document): Grapevine Airstrip, Roosevelt, Arizona (88AZ). Moffett Federal Airfield, Mountain View, California (NUQ). All documents regarding how, when, why, and by what process they were "transitioned from public-use to private-use", as asserted therein, and any description of the "PPR" (Prior Permission Required) restrictions asserted to exist therein

In order to determine my status to assess fees, you should know that my fee category is:  
affiliated with a private company and seeking records for the



The maximum dollar amount I am willing to pay for this request is \$100.  
Please notify me if the fees will exceed \$25.00 or the maximum dollar  
amount I entered.


Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith  
Member

Phone: 2029737918  
jsilversmith@kmazuckert.com

Exhibit 11

 The latest general information on the Coronavirus (COVID-19) is available on

. For FAA-specific COVID-19 resources, please visit


[United States Department of Transportation](#)



**Federal Aviation  
Administration**

## FOIA Form

### Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records. 

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

May 01, 2022

Federal Aviation Administration  
Federal Aviation Administration – Southern Region  
National Freedom of Information Act Staff, AFN-400E

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On or about May 6, 2020, Elliott Black of the FAA (at that time, the Director of Airport Policy (ARP-3)) sent the Town of East Hampton, New York a 1-page document entitled “PUBLICLY OWNED AIRPORTS that transitioned from public-use to private-use”. This is a request for certain related documents. In particular, I request for the following airports (as identified in the document): NASA Shuttle Landing Facility, Titusville, Florida (TTS). Liberty-Casey County Airport, Kentucky (53KT). Standard Field, Elton, Kentucky (5KY4). Paintsville-Prestonburg-Combs Field, Kentucky (9KY9). All documents regarding how, when, why, and by what process they were “transitioned from public-use to private-use”, as asserted therein, and any description of the “PPR” (Prior Permission Required) restrictions asserted to exist therein

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100.  
Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith  
Member

Phone: 2029737918  
jsilversmith@kmazuckert.com

Page last modified: October 12, 2012 9:24:22 AM EDT

Exhibit 12

 An official website of the United States government [Here's how you know](#) 

 The latest general information on the Coronavirus (COVID-19) is available on [Coronavirus.gov](#). For FAA-specific COVID-19 resources, please visit [faa.gov/coronavirus](#).

[United States Department of Transportation](#)



**Federal Aviation  
Administration**

## FOIA Form

### Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records.

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

May 01, 2022

Federal Aviation Administration  
Federal Aviation Administration – Central Region  
National Freedom of Information Act Staff, AFN-400C

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On or about May 6, 2020, Elliott Black of the FAA (at that time, the Director of Airport Policy (ARP-3)) sent the Town of East Hampton, New York a 1-page document entitled "PUBLICLY OWNED AIRPORTS that transitioned from public-use to private-use". This is a request for certain related documents. In particular, I request for the following airport (as identified in the document): Greeley Municipal Airport, Nebraska (NE46). All documents regarding how, when, why, and by what process it was "transitioned from public-use to private-use", as asserted therein, and any description of the "PPR" (Prior Permission Required) restrictions asserted to exist therein

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith

Phone: 2029737918

jsilversmith@kmazuckert.com

Page last modified: October 12, 2012 9:24:22 AM EDT

Exhibit 13



 An official website of the United States government [Here's how you know](#) 

 The latest general information on the Coronavirus (COVID-19) is available on [Coronavirus.gov](https://www.cdc.gov/coronavirus). For FAA-specific COVID-19 resources, please visit [faa.gov/coronavirus](https://www.faa.gov/coronavirus).

[United States Department of Transportation](#)



**Federal Aviation  
Administration**

## FOIA Form

### Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records.

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

May 01, 2022

Federal Aviation Administration  
Federal Aviation Administration – Southwest Region  
National Freedom of Information Act Staff, AFN-400C

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On or about May 6, 2020, Elliott Black of the FAA (at that time, the Director of Airport Policy (ARP-3)) sent the Town of East Hampton, New York a 1-page document entitled "PUBLICLY OWNED AIRPORTS that transitioned from public-use to private-use". This is a request for certain related documents. In particular, I request for the following airport (as identified in the document): Board County Airport, Crowell, Texas (2XA0). All documents regarding how, when, why, and by what process it was "transitioned from public-use to private-use", as asserted therein, and any description of the "PPR" (Prior Permission Required) restrictions asserted to exist therein

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,


Jol A Silversmith

Phone: 2029737918

jsilversmith@kmazuckert.com

Page last modified: October 12, 2012 9:24:22 AM EDT

Exhibit 14

 The latest general information on the Coronavirus (COVID-19) is available on

. For FAA-specific COVID-19 resources, please visit


[United States Department of Transportation](#)



**Federal Aviation  
Administration**

## FOIA Form

### Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records. 

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

May 01, 2022

Federal Aviation Administration  
Federal Aviation Administration – Great Lakes Region  
National Freedom of Information Act Staff, AFN-400C

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On or about May 6, 2020, Elliott Black of the FAA (at that time, the Director of Airport Policy (ARP-3)) sent the Town of East Hampton, New York a 1-page document entitled “PUBLICLY OWNED AIRPORTS that transitioned from public-use to private-use”. This is a request for certain related documents. In particular, I request for the following airports (as identified in the document): Grand Tower Helipad, Grand Tower, Illinois (3IS9). Barnesville Municipal Airport, Minnesota (9MN3). Bowdle Municipal Airport, South Dakota (5SD3). Harrold Municipal Airport, South Dakota (SD50). Cornell Municipal Airport, Wisconsin (4WI9). All documents regarding how, when, why, and by what process they were “transitioned from public-use to private-use”, as asserted therein, and any description of the “PPR” (Prior Permission Required) restrictions asserted to exist therein

In order to determine my status to assess fees, you should know that my

fee category is:

affiliated with a private company and seeking records for the  
company's business.

The maximum dollar amount I am willing to pay for this request is \$100.  
Please notify me if the fees will exceed \$25.00 or the maximum dollar  
amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith  
Member

Phone: 2029737918  
jsilversmith@kmazuckert.com

Exhibit 15

---

**From:** Jol A. Silversmith  
**Sent:** Saturday, July 30, 2022 6:27 AM  
**To:** angelique.berry@faa.gov  
**Cc:** dedra.goodman@faa.gov; 'Lisa.C.Savoy@faa.gov'  
**Subject:** RE: Freedom of Information Act (FOIA) Request 2022-08956

Ms. Berry:

As should be evident on its face, the request in No. 2022-8956, is **NOT** a duplicate. Although requests for documents related to specific airports also were submitted to regional FAA offices, and *potentially* could overlap, this FOIA request specifically sought documents within the sole jurisdiction of headquarters – i.e.:

*All documents related to the documents identified above, including but not limited to the email from Black to the Town to which they were attached; related emails between Black and/or others at FAA and the Town which preceded or followed that email; and any related preparatory work or internal FAA emails or other correspondence.*

As the agency may be aware, this request (and other requests) have been made in conjunction with a pending Part 16 proceeding. and a response is long overdue – which leaves an implication that the agency is deliberately withholding unfavorable documents. If FAA does not respond in a timely fashion, we respectfully submit that we will have the right to supplement the filings in those proceedings in order to ensure due process – as well as to file a FOIA lawsuit against the agency to demand their release.

Jol

**Jol A. Silversmith**  
Member  
KMA Zuckert LLC  
888 17th Street, NW, Suite 700  
Washington, DC 20006  
+1 (202) 973-7918 Direct  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)



---

**From:** Berry, Angelique (FAA) [angelique.berry@faa.gov](mailto:angelique.berry@faa.gov)  
**Sent:** Friday, July 29, 2022 5:09 PM  
**To:** Jol A. Silversmith [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
**Cc:** Savoy, Lisa C (FAA) [Lisa.C.Savoy@faa.gov](mailto:Lisa.C.Savoy@faa.gov)  
**Subject:** RE: Freedom of Information Act (FOIA) Request 2022-08956

Hello Mr. Silversmith,

Thank you for your email. Your request was assigned to our office with a target due date for response of 8/10/22.

After careful review of your request, the information in your request #2022-08956 regarding the airports that you list are duplicate of information you have already requested in the FOIA requests submitted by you listed below.

- 2022-06803
- 2022-06814
- 2022-06816
- 2022-06901
- 2022-07012
- 2022-07027
- 2022-07028

If you believe that the subject request is not a duplicate, please clarify the information you are requesting in the subject request that is not covered in the requests listed below.

Thanks much!

Angelique Berry

Assistant Manager, Administrative Management Staff, ARP-10

Federal Aviation Administration

Office of Airports

(202) 267-3832 work

(202) 436-5535 work cell



Core Values: Integrity - Collaboration - Innovation

**From:** Jol A. Silversmith [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)

**Sent:** Friday, July 29, 2022 4:16 PM

**To:** Berry, Angelique (FAA) [angelique.berry@faa.gov](mailto:angelique.berry@faa.gov)

**Subject:** RE: Freedom of Information Act (FOIA) Request 2022-08956

Dear Ms. Berry –

One other matter for follow-up – I understand that this request has been assigned to your attention. This request was originally submitting on May 1, and thus is long overdue. May I request a status update?

Best regards.

Jol

**Jol A. Silversmith**

Member

KMA Zuckert LLC

888 17th Street, NW, Suite 700

Washington, DC 20006

+1 (202) 973-7918 Direct

[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)





---

**From:** Shipp, Judy A (FAA) [Judy.A.Shipp@faa.gov](mailto:Judy.A.Shipp@faa.gov)  
**Sent:** Wednesday, July 13, 2022 11:49 AM  
**To:** Jol A. Silversmith [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
**Subject:** Freedom of Information Act (FOIA) Request 2022-08956

Mr. Silversmith,

This email acknowledges receipt of your FOIA request concerning stated records relative to the two documents from Elliott Black to the town of East Hampton, NY, and other listed records.

Your request has been assigned for action to the FAA office listed below:

Office of Airports  
Angelique Berry, FOIA Coordinator  
202-267-3832

If you have questions regarding the status of your request, please contact the assigned FOIA coordinator. Please refer to the FOIA number above in future correspondence regarding this request.

Thank you,

Judy Shipp  
FOIA Management Specialist  
817-222-5059



Exhibit 16

**From:** Shipp, Judy A (FAA) <Judy.A.Shipp@faa.gov>  
**Sent:** Tuesday, August 2, 2022 4:18 PM  
**To:** Jol A. Silversmith  
**Subject:** FW: Freedom of Information Act (FOIA) Request 2022-08956  
**Attachments:** Silversmith request 2022-08956.pdf

Mr. Silversmith,

This email regards your attached FOIA request. The FAA Airports office believes the subject FOIA request is a duplicate to the requests below and the information has already been provided to you.

Alaska airports information (2022-6803)  
Oregon airports information (2022-6814)  
Florida and Kentucky airports information (2022-6901)  
Nebraska airports information (2022-07012)  
Texas airport information (2022-07027)  
Airports in Illinois, Minnesota, South Dakota, and Wisconsin (2022-07028)  
Airports in Arizona and California (2022-06816)

This request will be closed unless clarification is provided that clarifies the difference in the request.

Thank you,

Judy Shipp  
FOIA Management Specialist  
817-222-5059



---

**From:** Shipp, Judy A (FAA)  
**Sent:** Wednesday, July 13, 2022 10:49 AM  
**To:** jsilversmith@kmazuckert.com  
**Subject:** Freedom of Information Act (FOIA) Request 2022-08956

Mr. Silversmith,

This email acknowledges receipt of your FOIA request concerning stated records relative to the two documents from Elliott Black to the town of East Hampton, NY, and other listed records.

Your request has been assigned for action to the FAA office listed below:

Office of Airports  
Angelique Berry, FOIA Coordinator  
202-267-3832

If you have questions regarding the status of your request, please contact the assigned FOIA coordinator. Please refer to the FOIA number above in future correspondence regarding this request.

Thank you,

Judy Shipp  
FOIA Management Specialist  
817-222-5059



Exhibit 17

---

**From:** Jol A. Silversmith  
**Sent:** Tuesday, August 2, 2022 5:39 PM  
**To:** Shipp, Judy A (FAA)  
**Cc:** angelique.berry@faa.gov; dedra.goodman@faa.gov  
**Subject:** RE: Freedom of Information Act (FOIA) Request 2022-08956  
**Attachments:** Silversmith request 2022-08956.pdf

Dear Ms. Shipp:

As was communicated to Ms. Berry last week, the request in No. 2022-8956 is not a duplicate.

Although requests for documents related to specific airports also were submitted to regional FAA offices, and *potentially* could overlap, this FOIA request specifically sought documents within the sole jurisdiction of headquarters that were not requested from other offices – i.e.:

*All documents related to the documents identified above, including but not limited to the email from Black to the Town to which they were attached; related emails between Black and/or others at FAA and the Town which preceded or followed that email; and any related preparatory work or internal FAA emails or other correspondence.*

Accordingly, this request should not be closed – if anything, it should be expedited, since it is long overdue.

Jol

**Jol A. Silversmith**  
Member  
KMA Zuckert LLC  
888 17th Street, NW, Suite 700  
Washington, DC 20006  
+1 (202) 973-7918 Direct  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)



---

**From:** Shipp, Judy A (FAA) [Judy.A.Shipp@faa.gov](mailto:Judy.A.Shipp@faa.gov)  
**Sent:** Tuesday, August 2, 2022 4:18 PM  
**To:** Jol A. Silversmith [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
**Subject:** FW: Freedom of Information Act (FOIA) Request 2022-08956

Mr. Silversmith,

This email regards your attached FOIA request. The FAA Airports office believes the subject FOIA request is a duplicate to the requests below and the information has already been provided to you.

Alaska airports information (2022-6803)  
Oregon airports information (2022-6814)  
Florida and Kentucky airports information (2022-6901)

Nebraska airports information (2022-07012)  
Texas airport information (2022-07027)  
Airports in Illinois, Minnesota, South Dakota, and Wisconsin (2022-07028)  
Airports in Arizona and California (2022-06816)

This request will be closed unless clarification is provided that clarifies the difference in the request.

Thank you,

Judy Shipp  
FOIA Management Specialist  
817-222-5059



**From:** Shipp, Judy A (FAA)  
**Sent:** Wednesday, July 13, 2022 10:49 AM  
**To:** [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
**Subject:** Freedom of Information Act (FOIA) Request 2022-08956

Mr. Silversmith,

This email acknowledges receipt of your FOIA request concerning stated records relative to the two documents from Elliott Black to the town of East Hampton, NY, and other listed records.

Your request has been assigned for action to the FAA office listed below:

Office of Airports  
Angelique Berry, FOIA Coordinator  
202-267-3832

If you have questions regarding the status of your request, please contact the assigned FOIA coordinator. Please refer to the FOIA number above in future correspondence regarding this request.

Thank you,

Judy Shipp  
FOIA Management Specialist  
817-222-5059



Exhibit 18



---

**From:** Jol A. Silversmith  
**Sent:** Friday, September 2, 2022 3:41 PM  
**To:** Shipp, Judy A (FAA)  
**Cc:** angelique.berry@faa.gov; dedra.goodman@faa.gov  
**Subject:** RE: Freedom of Information Act (FOIA) Request 2022-08956  
**Attachments:** Silversmith request 2022-08956.pdf

Dear Ms. Shipp:

I would like to check the status of request no. 2022-8956. As communicated last month, it is not a duplicate. Moreover, more than 20 business days have elapsed since that communication alone – and more than four months since the request was originally submitted.

Jol Silversmith

**Jol A. Silversmith**  
Member  
KMA Zuckert LLC  
888 17th Street, NW, Suite 700  
Washington, DC 20006  
+1 (202) 973-7918 Direct  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)



---

**From:** Jol A. Silversmith  
**Sent:** Tuesday, August 2, 2022 5:39 PM  
**To:** Shipp, Judy A (FAA) [Judy.A.Shipp@faa.gov](mailto:Judy.A.Shipp@faa.gov)  
**Cc:** [angelique.berry@faa.gov](mailto:angelique.berry@faa.gov); [dedra.goodman@faa.gov](mailto:dedra.goodman@faa.gov)  
**Subject:** RE: Freedom of Information Act (FOIA) Request 2022-08956

Dear Ms. Shipp:

As was communicated to Ms. Berry last week, the request in No. 2022-8956 is not a duplicate.

Although requests for documents related to specific airports also were submitted to regional FAA offices, and *potentially* could overlap, this FOIA request specifically sought documents within the sole jurisdiction of headquarters that were not requested from other offices – i.e.:

*All documents related to the documents identified above, including but not limited to the email from Black to the Town to which they were attached; related emails between Black and/or others at FAA and the Town which preceded or followed that email; and any related preparatory work or internal FAA emails or other correspondence.*

Accordingly, this request should not be closed – if anything, it should be expedited, since it is long overdue.

Jol

---

**From:** Shipp, Judy A (FAA) [Judy.A.Shipp@faa.gov](mailto:Judy.A.Shipp@faa.gov)  
**Sent:** Tuesday, August 2, 2022 4:18 PM  
**To:** Jol A. Silversmith [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
**Subject:** FW: Freedom of Information Act (FOIA) Request 2022-08956

Mr. Silversmith,

This email regards your attached FOIA request. The FAA Airports office believes the subject FOIA request is a duplicate to the requests below and the information has already been provided to you.

Alaska airports information (2022-6803)  
Oregon airports information (2022-6814)  
Florida and Kentucky airports information (2022-6901)  
Nebraska airports information (2022-07012)  
Texas airport information (2022-07027)  
Airports in Illinois, Minnesota, South Dakota, and Wisconsin (2022-07028)  
Airports in Arizona and California (2022-06816)

This request will be closed unless clarification is provided that clarifies the difference in the request.

Thank you,

Judy Shipp  
FOIA Management Specialist  
817-222-5059



 An official website of the United States government [Here's how you know](#) 

 The latest general information on the Coronavirus (COVID-19) is available on [Coronavirus.gov](#). For FAA-specific COVID-19 resources, please visit [faa.gov/coronavirus](#).

[United States Department of Transportation](#)



**Federal Aviation  
Administration**

## FOIA Form

**Your request has been submitted**

FOIA Request 2022-08956

Your FOIA request has been submitted. Save or print this page for your records.

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

May 01, 2022

Federal Aviation Administration  
Federal Aviation Administration  
National Freedom of Information Act Staff, AFN-400

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On or about May 6, 2020, Elliott Black of the FAA (at that time, the Director of Airport Policy (ARP-3)) sent the Town of East Hampton, New York two documents – 1) a 17-page document entitled “PUBLICLY OWNED AIRPORTS that are private-use” and 2) a 1-page document entitled “PUBLICLY OWNED AIRPORTS that transitioned from public-use to private-use”. This is a request for certain additional documents related to them. In particular, I request: \* All documents related to the documents identified above, including but not limited to the email from Black to the Town to which they were attached; related emails between Black and/or others at FAA and the Town which preceded or followed that email; and any related preparatory work or internal FAA emails or other correspondence. \* For the airports identified in the second document (listed below), all documents regarding how, when, why, and by what process they were “transitioned from public-use to private-use”, as asserted therein, and any description of the “PPR” (Prior Permission Required) restrictions asserted to exist therein, as well as any related preparatory work or internal FAA emails or other correspondence related to the document. The specific airports: Yakataga, Alaska (0AA1). Farewell, Alaska (0AA4). Port Moller, Cold Bay, Alaska (1AK3). Shannons Pond, Dillingham, Alaska (AA15). Grapevine Airstrip, Roosevelt, Arizona (88AZ). Moffett Federal Airfield, Mountain View, California (NUQ). NASA Shuttle Landing Facility, Titusville, Florida (TTS). Grand Tower Helipad, Grand Tower, Illinois (3IS9). Liberty-Casey County Airport, Kentucky (53KT). Standard Field, Elton, Kentucky (5KY4). Paintsville-Prestonburg-Combs Field, Kentucky (9KY9). Barnesville Municipal Airport, Minnesota (9MN3). Greeley Municipal Airport, Nebraska (NE46). Myrtle Creek Municipal Helipad, Oregon (OG62).

Bowdle Municipal Airport, South Dakota (5SD3). Harrold Municipal Airport, South Dakota (SD50). Board County Airport, Crowell, Texas (2XA0). Cornell Municipal Airport, Wisconsin (4WI9). \* Finally, all internal FAA emails or other correspondence to or from Black regarding whether he was authorized to communicate with East Hampton about this or any other matter.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith  
Member

Phone: 2029737918  
jsilversmith@kmazuckert.com

Page last modified: October 12, 2012 9:24:22 AM EDT

Exhibit 19

## Jol A. Silversmith

---

**From:** Jol A. Silversmith  
**Sent:** Friday, September 23, 2022 4:57 PM  
**To:** marc.nichols@faa.gov  
**Cc:** shannetta.griffin@faa.gov; dedra.goodman@faa.gov  
**Subject:** Unacknowledged FOIA Requests  
**Attachments:** Draft FOIA Complaint.pdf

Dear Mr. Nichols:

As you may be aware, disputes regarding efforts to restrict operations at the airport in East Hampton, New York are pending both before federal and state courts as well as the FAA. In connection with those proceedings, in May and June 2022 I submitted certain FOIA requests to the FAA, primarily but not exclusively seeking documents under the jurisdiction of the Associate Administrator for Airports. The agency has responded to some of them; and some others have been acknowledged although they have not yet been fulfilled.

However, for certain requests, the agency has not even provided an acknowledgement, even though the statutory deadline for a complete response long since has elapsed and multiple requests for status updates have been sent to the FAA. Additionally, in one case, FAA did request clarification to confirm that it was not duplicative; that explanation was provided, but FAA since also has failed to act on that request.

Given that the requests relate to issues of significant interest to both the public and the agency, we hoped that FAA might actually expedite these requests, not disregard them. We ask your assistance in setting an immediate schedule for the agency to respond to the four requests summarized in the attached draft complaint; otherwise, we will be compelled to finalize and file the pleading in the U.S. District Court for the District of Columbia.

We would appreciate a response from the agency, establishing the requested timetable, no later than October 7, 2022. Of course, if there are any matters we might clarify further, we would welcome outreach from your office, or from the FOIA Liaison.

Best regards.

Jol A. Silversmith

**Jol A. Silversmith**  
Member  
KMA Zuckert LLC  
888 17th Street, NW, Suite 700  
Washington, DC 20006  
+1 (202) 973-7918 Direct  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)



Exhibit 20

## Jol A. Silversmith

---

**From:** Goodman, Dedra (FAA) <Dedra.Goodman@faa.gov>  
**Sent:** Thursday, September 29, 2022 5:14 PM  
**To:** Jol A. Silversmith  
**Subject:** RE: Unacknowledged FOIA Requests

Good afternoon, Mr. Silversmith.

As FAA's FOIA Officer and FOIA Program Manager, I am looking into the issues raised in your draft complaint. I am writing to request a copy of the exhibits you reference in that document. You have filed a number of FOIA requests with the FAA seeking records pertaining to the topics described in your complaint. I am assuming that most of the exhibits referenced are the FOIA requests you believe require some action from FAA. A copy of these requests would be helpful to me in ensuring I am looking into all of the requests relevant to your concerns.

You may contact me on all future communications regarding this matter.

Sincerely,  
Dedra Goodman  
FOIA Officer  
Manager, FAA FOIA Program Office, AFN-400  
FAA Office of Finance & Management



---

**From:** Jol A. Silversmith <jsilversmith@kmazuckert.com>  
**Sent:** Friday, September 23, 2022 4:57 PM  
**To:** Nichols, Marc (FAA) <Marc.Nichols@faa.gov>  
**Cc:** shannetta.griffin@faa.gov; Goodman, Dedra (FAA) <Dedra.Goodman@faa.gov>  
**Subject:** Unacknowledged FOIA Requests

Dear Mr. Nichols:

As you may be aware, disputes regarding efforts to restrict operations at the airport in East Hampton, New York are pending both before federal and state courts as well as the FAA. In connection with those proceedings, in May and June 2022 I submitted certain FOIA requests to the FAA, primarily but not exclusively seeking documents under the jurisdiction of the Associate Administrator for Airports. The agency has responded to some of them; and some others have been acknowledged although they have not yet been fulfilled.

However, for certain requests, the agency has not even provided an acknowledgement, even though the statutory deadline for a complete response long since has elapsed and multiple requests for status updates have been sent to the FAA. Additionally, in one case, FAA did request clarification to confirm that it was not duplicative; that explanation was provided, but FAA since also has failed to act on that request.

Given that the requests relate to issues of significant interest to both the public and the agency, we hoped that FAA might actually expedite these requests, not disregard them. We ask your assistance in setting an immediate schedule for the agency to respond to the four requests summarized in the attached draft complaint; otherwise, we will be compelled to finalize and file the pleading in the U.S. District Court for the District of Columbia.



We would appreciate a response from the agency, establishing the requested timetable, no later than October 7, 2022. Of course, if there are any matters we might clarify further, we would welcome outreach from your office, or from the FOIA Liaison.

Best regards.

Jol A. Silversmith

**Jol A. Silversmith**  
Member  
KMA Zuckert LLC  
888 17th Street, NW, Suite 700  
Washington, DC 20006  
+1 (202) 973-7918 Direct  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)



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Exhibit 21

## Jol A. Silversmith

---

**From:** Jol A. Silversmith  
**Sent:** Friday, September 30, 2022 4:34 PM  
**To:** dedra.goodman@faa.gov  
**Subject:** RE: Unacknowledged FOIA Requests  
**Attachments:** FAA FOIA Complaint - Exhibits.pdf

Dear Ms. Goodman:

I have attached the exhibits that correspond to the draft complaint. Please note that you were previously copied on some of my correspondence.

Although not included in the draft, please take notice of the issues raised in my emails of September 23 and September 27 – i.e., FAA’s assertion that certain documents do not exist..

Jol Silversmith

**Jol A. Silversmith**  
Member  
KMA Zuckert LLC  
888 17th Street, NW, Suite 700  
Washington, DC 20006  
+1 (202) 973-7918 Direct  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)



---

**From:** Goodman, Dedra (FAA) [Dedra.Goodman@faa.gov](mailto:Dedra.Goodman@faa.gov)  
**Sent:** Thursday, September 29, 2022 5:14 PM  
**To:** Jol A. Silversmith [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
**Subject:** RE: Unacknowledged FOIA Requests

Good afternoon, Mr. Silversmith.

As FAA’s FOIA Officer and FOIA Program Manager, I am looking into the issues raised in your draft complaint. I am writing to request a copy of the exhibits you reference in that document. You have filed a number of FOIA requests with the FAA seeking records pertaining to the topics described in your complaint. I am assuming that most of the exhibits referenced are the FOIA requests you believe require some action from FAA. A copy of these requests would be helpful to me in ensuring I am looking into all of the requests relevant to your concerns.

You may contact me on all future communications regarding this matter.

Sincerely,  
Dedra Goodman

FOIA Officer  
Manager, FAA FOIA Program Office, AFN-400  
FAA Office of Finance & Management



---

**From:** Jol A. Silversmith [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
**Sent:** Friday, September 23, 2022 4:57 PM  
**To:** Nichols, Marc (FAA) [Marc.Nichols@faa.gov](mailto:Marc.Nichols@faa.gov)  
**Cc:** [shannetta.griffin@faa.gov](mailto:shannetta.griffin@faa.gov); Goodman, Dedra (FAA) [Dedra.Goodman@faa.gov](mailto:Dedra.Goodman@faa.gov)  
**Subject:** Unacknowledged FOIA Requests

Dear Mr. Nichols:

As you may be aware, disputes regarding efforts to restrict operations at the airport in East Hampton, New York are pending both before federal and state courts as well as the FAA. In connection with those proceedings, in May and June 2022 I submitted certain FOIA requests to the FAA, primarily but not exclusively seeking documents under the jurisdiction of the Associate Administrator for Airports. The agency has responded to some of them; and some others have been acknowledged although they have not yet been fulfilled.

However, for certain requests, the agency has not even provided an acknowledgement, even though the statutory deadline for a complete response long since has elapsed and multiple requests for status updates have been sent to the FAA. Additionally, in one case, FAA did request clarification to confirm that it was not duplicative; that explanation was provided, but FAA since also has failed to act on that request.

Given that the requests relate to issues of significant interest to both the public and the agency, we hoped that FAA might actually expedite these requests, not disregard them. We ask your assistance in setting an immediate schedule for the agency to respond to the four requests summarized in the attached draft complaint; otherwise, we will be compelled to finalize and file the pleading in the U.S. District Court for the District of Columbia.

We would appreciate a response from the agency, establishing the requested timetable, no later than October 7, 2022. Of course, if there are any matters we might clarify further, we would welcome outreach from your office, or from the FOIA Liaison.

Best regards.

Jol A. Silversmith

Exhibit 22

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[United States Department of Transportation](#)



**Federal Aviation  
Administration**

# FOIA Form

## Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records.

Jol A Silversmith  
KMA Zuckert LLC  
888 17th St NW

Washington, DC 20006

June 14, 2022

Federal Aviation Administration  
Federal Aviation Administration  
National Freedom of Information Act Staff, AFN-400

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

The Town of East Hampton, New York, in recent pleadings filed in state court and in DOT and FAA administrative proceedings, has represented that it has entered into reimbursable agreements with the FAA, letters of agreement with TRACON (N90), and other agreements related to the nominal closure of East Hampton Airport (HTO) and opening of a "new" airport, East Hampton Town Airport (JPX). A FOIA request was previously filed with the Eastern Region (no. 2022-06935), to which the Region responded that apart from its responses to Form 7480 submittals, the agreements were between other FAA offices and the Town, and thus should be requested from the national FOIA office. Consistent with that direction, please provide copies of all of the identified documents, and related documents.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith  
Member

Phone: 2029737918

jsilversmith@kmazuckert.com

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Exhibit 23



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 The latest general information on the Coronavirus (COVID-19) is available on [Coronavirus.gov](#). For FAA-specific COVID-19 resources, please visit [faa.gov/coronavirus](#).

[United States Department of Transportation](#)



**Federal Aviation  
Administration**

## FOIA Form

### Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records.

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

May 05, 2022

Federal Aviation Administration  
Federal Aviation Administration – Eastern Region  
National Freedom of Information Act Staff, AFN-400E

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

The Town of East Hampton, New York, in recent pleadings filed in state court and in DOT and FAA administrative proceedings, has represented that it has entered into reimbursable agreements with the FAA, letters of agreement with TRACON (N90), and other correspondence related to the nominal closure of East Hampton Airport (HTO) and opening of a "new" airport, East Hampton Town Airport (JPX). Please provide copies of all of the identified documents, and related documents.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith

Phone: 2029737918  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)



Exhibit 24

## Jol A. Silversmith

---

**From:** Jol A. Silversmith  
**Sent:** Wednesday, June 8, 2022 7:17 AM  
**To:** Alicia.Vaughn@faa.gov  
**Subject:** RE: FOIA 2022-06935

Dear Ms. Vaughn –

Can I confirm that the one email that I received (as below) was intended to include all responsive documents? I note that although my request included a request for agreements with the FAA, and the attached documents included discussion about potential agreements in advance of the nominal closure of HTO last month, no finalized agreements have been provided.

Best regards.

Jol

**Jol A. Silversmith**  
Member  
KMA Zuckert LLC  
888 17th Street, NW, Suite 700  
Washington, DC 20006  
+1 (202) 973-7918 Direct  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)



---

**From:** Vaughn, Alicia (FAA) [Alicia.Vaughn@faa.gov](mailto:Alicia.Vaughn@faa.gov)  
**Sent:** Monday, June 6, 2022 4:33 PM  
**To:** Jol A. Silversmith [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
**Subject:** FOIA 2022-06935

Good afternoon Mr. Silversmith,

Attached you will find your response letter as well as files pertaining to your request. You may receive more than one email containing files.

Thank you,



**Alicia Vaughn**  
**Eastern Region, Airports Division**  
**Management Assistant**  
**(718) 553-3330**

Exhibit 25

## Jol A. Silversmith

---

**From:** Vaughn, Alicia (FAA) <Alicia.Vaughn@faa.gov>  
**Sent:** Wednesday, June 8, 2022 1:32 PM  
**To:** Jol A. Silversmith  
**Subject:** RE: FOIA 2022-06935

Mr. Silversmith:

Thank you for your email. I recommend you contact the FOIA Office as they are responsible for coordination and assignment of FOIA requests across the agency.

The Eastern Region Airports Division's action was to process FAA Form 7480s submitted by the airport sponsor for Deactivation and Reactivation. The sponsor's submittals and our Letters of Decision (our responses to the 7480 submittals) were included in the documents we provided. The "agreements" referenced in the FOIA request are between other offices in the FAA and the airport sponsor.

I hope this is helpful.

---

**From:** Jol A. Silversmith <jsilversmith@kmazuckert.com>  
**Sent:** Wednesday, June 8, 2022 7:17 AM  
**To:** Vaughn, Alicia (FAA) <Alicia.Vaughn@faa.gov>  
**Subject:** RE: FOIA 2022-06935

Dear Ms. Vaughn –

Can I confirm that the one email that I received (as below) was intended to include all responsive documents? I note that although my request included a request for agreements with the FAA, and the attached documents included discussion about potential agreements in advance of the nominal closure of HTO last month, no finalized agreements have been provided.

Best regards.

Jol

**Jol A. Silversmith**  
Member  
KMA Zuckert LLC  
888 17th Street, NW, Suite 700  
Washington, DC 20006  
+1 (202) 973-7918 Direct  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)





**From:** Vaughn, Alicia (FAA) [Alicia.Vaughn@faa.gov](mailto:Alicia.Vaughn@faa.gov)  
**Sent:** Monday, June 6, 2022 4:33 PM  
**To:** Jol A. Silversmith [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
**Subject:** FOIA 2022-06935

Good afternoon Mr. Silversmith,

Attached you will find your response letter as well as files pertaining to your request. You may receive more than one email containing files.

Thank you,



**Alicia Vaughn**  
**Eastern Region, Airports Division**  
**Management Assistant**  
**(718) 553-3330**

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Exhibit 26

**From:** Jol A. Silversmith  
**Sent:** Friday, July 29, 2022 4:16 PM  
**To:** 7-awa-arc-foia@faa.gov  
**Cc:** dedra.goodman@faa.gov  
**Subject:** FOIA Status Inquiry  
**Attachments:** FOIA Request - HQ - 06 17 22.pdf; FAA FOIA - HQ - 06 14 22.pdf; FOIA Request - HQ - 06 22 22.pdf; FOIA Request - HQ - 06 24 22.pdf; FOIA Request - HQ - 06 29 22.pdf

Dear Sirs:

I have attached five FOIA requests that were submitted to the FAA last month. Generally, they concern:

- June 14 request – Agreements between the Town of East Hampton, New York and FAA.
- June 17 request – FAA approval of special procedures for East Hampton Town Airport.
- June 22 request – FAA-Town communications regarding newly proposed closure of the airport.
- June 24 request – Additional specific documents that FAA previously requested from the Town.
- June 29 request – FAA guidance letters regarding the Airport Noise and Capacity Act of 1990.

These requests have not been acknowledged, much less fulfilled. I would appreciate a status update.

As the agency may be aware, these requests have been made in conjunction with a pending Part 16 proceeding. If FAA does not respond in a timely fashion, we respectfully submit that we will have the right to supplement the filings in those proceedings in order to ensure due process.

Jol

**Jol A. Silversmith**  
Member  
KMA Zuckert LLC  
888 17th Street, NW, Suite 700  
Washington, DC 20006  
+1 (202) 973-7918 Direct  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)



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**Federal Aviation  
Administration**

## FOIA Form

### Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records.

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, NW  
Suite 700  
Washington, DC 20006

June 17, 2022

Federal Aviation Administration  
Federal Aviation Administration  
National Freedom of Information Act Staff, AFN-400

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On April 26, 2022, the Town of East Hampton, New York issued a press release which stated that FAA on April 22 had "formally approved the Town's application to provide "special procedures," making instrument landings possible at the new, private-use airport." So far as can be determined, this approval has not been made publicly available by FAA – nor have the application or any associated materials. This is a request for that approval, as well as the application filed by the Town, and any associated correspondence and documents, including but not limited to items drafted by and sent to or from the Town's vendor, Flight Tech Engineering, as well as correspondence within the FAA, including but not limited to how/if the application can and should be expedited.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Mr. Jol A Silversmith

Phone: 2029737918

jsilversmith@kmazuckert.com

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**Federal Aviation  
Administration**

## FOIA Form

### Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records.

Jol A Silversmith  
KMA Zuckert LLC  
888 17th St NW

Washington, DC 20006

June 14, 2022

Federal Aviation Administration  
Federal Aviation Administration  
National Freedom of Information Act Staff, AFN-400

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

The Town of East Hampton, New York, in recent pleadings filed in state court and in DOT and FAA administrative proceedings, has represented that it has entered into reimbursable agreements with the FAA, letters of agreement with TRACON (N90), and other agreements related to the nominal closure of East Hampton Airport (HTO) and opening of a "new" airport, East Hampton Town Airport (JPX). A FOIA request was previously filed with the Eastern Region (no. 2022-06935), to which the Region responded that apart from its responses to Form 7480 submittals, the agreements were between other FAA offices and the Town, and thus should be requested from the national FOIA office. Consistent with that direction, please provide copies of all of the identified documents, and related documents.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith  
Member

Phone: 2029737918

jsilversmith@kmazuckert.com

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**Federal Aviation  
Administration**

# FOIA Form

## Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records. 

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

June 22, 2022

Federal Aviation Administration  
Federal Aviation Administration  
National Freedom of Information Act Staff, AFN-400

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

In an oral presentation to the Board of the Town of East Hampton, New York on June 7, 2022, William O'Connor, an attorney with the firm of Cooley LLP, stated that: "We have been asked to begin the process of understanding and completing the steps to permanently close JPX as soon as legally possible. The town has conveyed this message to the FAA." This is a request for all documents dated in or around that date, or subsequently, in which O'Connor, Cooley, or the Town communicated with FAA regarding plans to close East Hampton Town Airport (JPX), a/k/a East Hampton Airport (HTO).

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith

Phone: 2029737918  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)





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**Federal Aviation  
Administration**

## FOIA Form

### Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records.

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

June 24, 2022

Federal Aviation Administration  
Federal Aviation Administration  
National Freedom of Information Act Staff, AFN-400

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On March 18, 2022, FAA issued a notice that purported to be a conditional no objection to the deactivation of East Hampton Airport (HTO) by the Town of East Hampton, New York (no. 2022-AEA-313-NRA). The notice stated that: "Coordination will be required with the airport operator and the FAA National Flight Data Center (NFDC) to update the FAA Chart Supplement with the airport decommissioning data. The airport needs to coordinate with the NFDC to remove these services from Aeronautical Information Services." Please provide correspondence between the Town and the National Flight Data Center that was triggered by the notice, and any related correspondence or other documents.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith

Phone: 2029737918

jsilversmith@kmazuckert.com

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**Federal Aviation  
Administration**

# FOIA Form

## Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records. 

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

June 29, 2022

Federal Aviation Administration  
Federal Aviation Administration  
National Freedom of Information Act Staff, AFN-400

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

The FAA posts certain informal guidance letters that it has issued regarding the Airport Noise and Capacity Act of 1990 ("ANCA") at [https://www.faa.gov/airports/environmental/airport\\_noise/part\\_161/](https://www.faa.gov/airports/environmental/airport_noise/part_161/). However, the list has not been updated in approximately 20 years, apart from formal decisions issued by the FAA in Part 161 proceedings regarding BUR and LAX. This is a request for similar informal guidance that has been issued by FAA regarding ANCA since 2000, including but not limited to letters from the Associate Administrator for Airports or deputies thereof; the Chief Counsel or deputies thereof; other national FAA offices (e.g., Airport Compliance and Management Analysis, Airport Planning and Programming; Airport Safety and Standards; and Policy, International Affairs and Environment) and their predecessors; and from regional FAA offices that are in the possession of the aforementioned officials/offices. By way of further background, certain letters of the type requested previously have been obtained from various sources, and serve examples of the documents that likely exist and should be provided, including a March 4, 2022 letter from Kevin Willis, Director of the Office of Airport Compliance and Management Analysis, to Alex Gertsen of the National Business Aviation Association; a February 18, 2020 letter from Lorelei A. Peter, Assistant Chief Counsel, Regulations Division, to Jim Gates of the Torrance Airport Association; an August 7, 2009 letter from Daphne Fuller, Assistant Chief Counsel, Airports and Environmental Law Division, to Karl Bohne of Schillinger & Coleman, P.A., on behalf of Grant-Valkaria, Florida and a November 26, 2007 letter from D. Kirk Shaffer, Associate Administrator for Airports, to Richard Bloom, Mayor of Santa Monica, California. The FAA's FOIA website does not provide a means to submit attachments, but these letters certainly can be provided, to assist in identifying other documents.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith

Phone: 2029737918

jsilversmith@kmazuckert.com

Page last modified: October 12, 2012 9:24:22 AM EDT

Exhibit 27

---

**From:** 9-AEA-FOIA (FAA) <9-AEA-FOIA@faa.gov>  
**Sent:** Monday, August 1, 2022 9:46 AM  
**To:** Jol A. Silversmith  
**Cc:** Goodman, Dedra (FAA)  
**Subject:** FW: FOIA Acknowledgement Letter - Silversmith  
**Attachments:** FOIA Ack Letter - Silversmith - #2022-08400 (ARP).pdf

Mr. Silversmith,

We received your email seeking an update to several FOIA requests you sent our office; they were dated June 14, **June 17**, June 22, June 24, and June 29 of 2022. Below is the email we sent you with the FOIA acknowledgement letter dated July 5, 2022, for your FOIA request dated June 17, 2022. This request was assigned to our Headquarters Airports office, ARP-001. They should be contacting you regarding your response.

More information to come on your other FOIA requests dated June 14, June 22, June 24, and June 29, 2022.

Thanks,  
AEA FOIA Office



---

**From:** 9-AEA-FOIA (FAA) <9-AEA-FOIA@faa.gov>  
**Sent:** Monday, June 27, 2022 7:57 AM  
**To:** jsilversmith@kmazuckert.com  
**Subject:** FOIA Acknowledgement Letter - Silversmith

Mr. Silversmith,

Please see the attached FOIA acknowledgement letter.

Thanks,  
FOIA Office.



**From:** [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com) <[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)>  
**Sent:** Friday, June 17, 2022 2:02 PM

To: 7-AWA-ARC-FOIA (FAA) <[7-awa-arc-foia@faa.gov](mailto:7-awa-arc-foia@faa.gov)>

Subject: AEA: Request under the Freedom of Information Act, 5 U.S.C. § 552

*Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, NW  
Suite 700  
Washington, DC 20006*

June 17, 2022

*Federal Aviation Administration  
Federal Aviation Administration – Eastern Region  
National Freedom of Information Act Staff, AFN-400E*

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On May 6, 2019 and April 2, 2021, I submitted FOIA requests (no. 2019-006832 and no. 2021-002773) for FAA correspondence with or regarding Montauk Airport (MTP) and restrictions applicable to the sale of that airport (e.g., the terms on which the private owners of the airport could profit from the sale, consistent with the prohibition on revenue diversion which is applicable because the airport has been a recipient of AIP grants). As an initial matter, this is a request for any documents regarding the potential sale of MTP and the duration of its federal obligations, supplementing the prior requests, for which the most recent response was dated July 30, 2021. In addition, this is a request for any documents not previously provided which discuss the means through which the airport could be closed and/or restrictions adopted by the airport, including if statutes such as ANCA and 49 U.S.C. 40103(e) would be applicable if the airport were to close and subsequently reopen, similar to the guidance provided by David Fish of the Eastern Region to the Town of East Hampton, New York in a letter dated November 6, 2020.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Mr. Jol A Silversmith

Phone: 2029737918

[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)

User agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/102.0.0.0 Safari/537.36





U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

July 5, 2022

Mr. Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, NW  
Suite 700  
Washington, DC 20006

Dear Mr. Silversmith:

RE: Freedom of Information Act (FOIA) Control No. 2022-08400

This letter acknowledges receipt of your FOIA request dated June 17, 2022 concerning documents regarding the potential sale of MTP and the duration of its federal obligations, supplementing the prior requests, for which the most recent response was dated July 30, 2021, etc.

Your request has also been assigned for action to the office(s) listed below:

Federal Aviation Administration  
National Airports (ARP-001)  
Washington, DC

Contact: Angelique Berry  
FOIA coordinataor  
angelique.berry@faa.gov

Should you wish to inquire as to the status of your request, please contact the assigned FOIA coordinator(s). Please refer to the above referenced number on all future correspondence regarding this request.

Sincerely,

*Linda Chatman*

Linda Chatman  
Government Information Specialist

Exhibit 28

---

**From:** Jol A. Silversmith  
**Sent:** Friday, September 2, 2022 3:41 PM  
**To:** 9-AEA-FOIA@faa.gov  
**Cc:** dedra.goodman@faa.gov  
**Subject:** RE: FOIA Acknowledgement Letter - Silversmith  
**Attachments:** FAA FOIA - HQ - 06 14 22.pdf; FOIA Request - HQ - 06 17 22.pdf; FOIA Request - HQ - 06 22 22.pdf; FOIA Request - HQ - 06 24 22.pdf

Dear Sirs:

Per my prior correspondence, multiple FOIA requests that I have submitted to FAA have not been acknowledged, much less fulfilled. In particular:

- A June 14 request, generally for agreements between the Town of East Hampton, New York and FAA.
- A June 17 request, generally for FAA approvals of special procedures for East Hampton Town Airport.
- A June 22 request, generally for FAA-Town communications regarding the newly proposed closure of the airport.
- A June 24 request, generally regarding additional specific documents that FAA previously requested from the Town.

As noted in my August 1, 2022 message, the June 17 request described above should not be conflated with a separate request filed that same day (and assigned no. 2022-8400) regarding Montauk Airport. I also note that since my last correspondence, FAA did acknowledge a request submitted on June 29 (no. 2022-9703).

I would appreciate an update.

Jol Silversmith

**Jol A. Silversmith**  
Member  
KMA Zuckert LLC  
888 17th Street, NW, Suite 700  
Washington, DC 20006  
+1 (202) 973-7918 Direct  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)



---

**From:** Jol A. Silversmith  
**Sent:** Monday, August 1, 2022 4:58 PM  
**To:** [9-AEA-FOIA@faa.gov](mailto:9-AEA-FOIA@faa.gov)  
**Cc:** [dedra.goodman@faa.gov](mailto:dedra.goodman@faa.gov)  
**Subject:** RE: FOIA Acknowledgement Letter - Silversmith

Dear Sirs:

Thank you for your response.

Although a FOIA request I submitted on June 17, 2022 (regarding Montauk Airport) has been assigned no. 2022-

8400, my July 29, 2022 inquiry concerned a different FOIA request that was submitted on June 17, 2022 – i.e., as explicitly indicated in my inquiry, a request concerning FAA’s approval of special procedures for East Hampton Town Airport. A copy of that request is attached.

Given that it appears this request has been outright overlooked (and like the others identified in my prior email, all are overdue), I believe it would be a sign of good faith for your office to expedite its processing?

Jol

---

**From:** 9-AEA-FOIA (FAA) [9-AEA-FOIA@faa.gov](mailto:9-AEA-FOIA@faa.gov)  
**Sent:** Monday, August 1, 2022 9:46 AM  
**To:** Jol A. Silversmith [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
**Cc:** Goodman, Dedra (FAA) [Dedra.Goodman@faa.gov](mailto:Dedra.Goodman@faa.gov)  
**Subject:** FW: FOIA Acknowledgement Letter - Silversmith

Mr. Silversmith,

We received your email seeking an update to several FOIA requests you sent our office; they were dated June 14, **June 17**, June 22, June 24, and June 29 of 2022. Below is the email we sent you with the FOIA acknowledgement letter dated July 5, 2022, for your FOIA request dated June 17, 2022. This request was assigned to our Headquarters Airports office, ARP-001. They should be contacting you regarding your response.

More information to come on your other FOIA requests dated June 14, June 22, June 24, and June 29, 2022.

Thanks,  
AEA FOIA Office



---

**From:** 9-AEA-FOIA (FAA) <[9-AEA-FOIA@faa.gov](mailto:9-AEA-FOIA@faa.gov)>  
**Sent:** Monday, June 27, 2022 7:57 AM  
**To:** [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
**Subject:** FOIA Acknowledgement Letter - Silversmith

Mr. Silversmith,

Please see the attached FOIA acknowledgement letter.

Thanks,  
FOIA Office.



---

**From:** [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com) <[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)>  
**Sent:** Friday, June 17, 2022 2:02 PM  
**To:** 7-AWA-ARC-FOIA (FAA) <[7-awa-arc-foia@faa.gov](mailto:7-awa-arc-foia@faa.gov)>  
**Subject:** AEA: Request under the Freedom of Information Act, 5 U.S.C. § 552

*Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, NW  
Suite 700  
Washington, DC 20006*

June 17, 2022

*Federal Aviation Administration  
Federal Aviation Administration – Eastern Region  
National Freedom of Information Act Staff, AFN-400E*

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On May 6, 2019 and April 2, 2021, I submitted FOIA requests (no. 2019-006832 and no. 2021-002773) for FAA correspondence with or regarding Montauk Airport (MTP) and restrictions applicable to the sale of that airport (e.g., the terms on which the private owners of the airport could profit from the sale, consistent with the prohibition on revenue diversion which is applicable because the airport has been a recipient of AIP grants). As an initial matter, this is a request for any documents regarding the potential sale of MTP and the duration of its federal obligations, supplementing the prior requests, for which the most recent response was dated July 30, 2021. In addition, this is a request for any documents not previously provided which discuss the means through which the airport could be closed and/or restrictions adopted by the airport, including if statutes such as ANCA and 49 U.S.C. 40103(e) would be applicable if the airport were to close and subsequently reopen, similar to the guidance provided by David Fish of the Eastern Region to the Town of East Hampton, New York in a letter dated November 6, 2020.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Mr. Jol A Silversmith

Phone: 2029737918

[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)

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[United States Department of Transportation](#)



**Federal Aviation  
Administration**

## FOIA Form

### Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records.

Jol A Silversmith  
KMA Zuckert LLC  
888 17th St NW

Washington, DC 20006

June 14, 2022

Federal Aviation Administration  
Federal Aviation Administration  
National Freedom of Information Act Staff, AFN-400

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

The Town of East Hampton, New York, in recent pleadings filed in state court and in DOT and FAA administrative proceedings, has represented that it has entered into reimbursable agreements with the FAA, letters of agreement with TRACON (N90), and other agreements related to the nominal closure of East Hampton Airport (HTO) and opening of a "new" airport, East Hampton Town Airport (JPX). A FOIA request was previously filed with the Eastern Region (no. 2022-06935), to which the Region responded that apart from its responses to Form 7480 submittals, the agreements were between other FAA offices and the Town, and thus should be requested from the national FOIA office. Consistent with that direction, please provide copies of all of the identified documents, and related documents.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith  
Member

Phone: 2029737918

jsilversmith@kmazuckert.com

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[United States Department of Transportation](#)



**Federal Aviation  
Administration**

## FOIA Form

### Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records.

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, NW  
Suite 700  
Washington, DC 20006

June 17, 2022

Federal Aviation Administration  
Federal Aviation Administration  
National Freedom of Information Act Staff, AFN-400

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On April 26, 2022, the Town of East Hampton, New York issued a press release which stated that FAA on April 22 had "formally approved the Town's application to provide "special procedures," making instrument landings possible at the new, private-use airport." So far as can be determined, this approval has not been made publicly available by FAA – nor have the application or any associated materials. This is a request for that approval, as well as the application filed by the Town, and any associated correspondence and documents, including but not limited to items drafted by and sent to or from the Town's vendor, Flight Tech Engineering, as well as correspondence within the FAA, including but not limited to how/if the application can and should be expedited.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Mr. Jol A Silversmith

Phone: 2029737918

jsilversmith@kmazuckert.com

Page last modified: October 12, 2012 9:24:22 AM EDT

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[United States Department of Transportation](#)



**Federal Aviation  
Administration**

# FOIA Form

## Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records. 

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

June 22, 2022

Federal Aviation Administration  
Federal Aviation Administration  
National Freedom of Information Act Staff, AFN-400

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

In an oral presentation to the Board of the Town of East Hampton, New York on June 7, 2022, William O'Connor, an attorney with the firm of Cooley LLP, stated that: "We have been asked to begin the process of understanding and completing the steps to permanently close JPX as soon as legally possible. The town has conveyed this message to the FAA." This is a request for all documents dated in or around that date, or subsequently, in which O'Connor, Cooley, or the Town communicated with FAA regarding plans to close East Hampton Town Airport (JPX), a/k/a East Hampton Airport (HTO).

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith

Phone: 2029737918  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)



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[United States Department of Transportation](#)



**Federal Aviation  
Administration**

# FOIA Form

## Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records. 

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

June 24, 2022

Federal Aviation Administration  
Federal Aviation Administration  
National Freedom of Information Act Staff, AFN-400

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On March 18, 2022, FAA issued a notice that purported to be a conditional no objection to the deactivation of East Hampton Airport (HTO) by the Town of East Hampton, New York (no. 2022-AEA-313-NRA). The notice stated that: "Coordination will be required with the airport operator and the FAA National Flight Data Center (NFDC) to update the FAA Chart Supplement with the airport decommissioning data. The airport needs to coordinate with the NFDC to remove these services from Aeronautical Information Services." Please provide correspondence between the Town and the National Flight Data Center that was triggered by the notice, and any related correspondence or other documents.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith

Phone: 2029737918

jsilversmith@kmazuckert.com

Page last modified: October 12, 2012 9:24:22 AM EDT

Exhibit 29

## Jol A. Silversmith

---

**From:** 9-AEA-FOIA (FAA) <9-AEA-FOIA@faa.gov>  
**Sent:** Thursday, September 22, 2022 9:09 AM  
**To:** Jol A. Silversmith  
**Cc:** Goodman, Dedra (FAA)  
**Subject:** FW: FOIA Acknowledgement Letter - Silversmith  
**Attachments:** FAA FOIA - HQ - 06 14 22.pdf; 2022-06935 - Silversmith FOIA.pdf; 2022-06935 FOIA Response Letter.pdf

Mr. Silversmith,

This is a partial response to your email below regarding several (4) FOIA requests you submitted to the FAA. This email pertains to your FOIA dated June 14, 2022, only. To avoid any confusion, the other three FOIAs will be addressed in another email.

Your FOIA request dated May 5, 2022 (#2022-06935)-attached), is the same as your FOIA dated June 14, 2022 (above). The FAA's response (dated June 6, 2022) to your May 5, 2022 FOIA, states that other offices may have additional documents. However, there are no other FAA offices that have any responsive documents.

Therefore, the FOIA response dated June 6, 2022 is the only and final response to your FOIA request.

Thanks,  
Linda

Linda Chatman  
National FOIA Coordinator, AFN-400  
T – 404-305-5906

*Extraordinary people produce extraordinary results – Ali Bahrami*



---

**From:** Jol A. Silversmith <jsilversmith@kmazuckert.com>  
**Sent:** Friday, September 02, 2022 3:41 PM  
**To:** 9-AEA-FOIA (FAA) <9-AEA-FOIA@faa.gov>  
**Cc:** Goodman, Dedra (FAA) <Dedra.Goodman@faa.gov>  
**Subject:** RE: FOIA Acknowledgement Letter - Silversmith

Dear Sirs:

Per my prior correspondence, multiple FOIA requests that I have submitted to FAA have not been acknowledged, much less fulfilled. In particular:

- A June 14 request, generally for agreements between the Town of East Hampton, New York and FAA.
- A June 17 request, generally for FAA approvals of special procedures for East Hampton Town Airport.
- A June 22 request, generally for FAA-Town communications regarding the newly proposed closure of the airport.



- A June 24 request, generally regarding additional specific documents that FAA previously requested from the Town.

As noted in my August 1, 2022 message, the June 17 request described above should not be conflated with a separate request filed that same day (and assigned no. 2022-8400) regarding Montauk Airport. I also note that since my last correspondence, FAA did acknowledge a request submitted on June 29 (no. 2022-9703).

I would appreciate an update.

Jol Silversmith

**Jol A. Silversmith**

Member  
KMA Zuckert LLC  
888 17th Street, NW, Suite 700  
Washington, DC 20006  
+1 (202) 973-7918 Direct  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)



---

**From:** Jol A. Silversmith  
**Sent:** Monday, August 1, 2022 4:58 PM  
**To:** [9-AEA-FOIA@faa.gov](mailto:9-AEA-FOIA@faa.gov)  
**Cc:** [dedra.goodman@faa.gov](mailto:dedra.goodman@faa.gov)  
**Subject:** RE: FOIA Acknowledgement Letter - Silversmith

Dear Sirs:

Thank you for your response.

Although a FOIA request I submitted on June 17, 2022 (regarding Montauk Airport) has been assigned no. 2022-8400, my July 29, 2022 inquiry concerned a different FOIA request that was submitted on June 17, 2022 – i.e., as explicitly indicated in my inquiry, a request concerning FAA’s approval of special procedures for East Hampton Town Airport. A copy of that request is attached.

Given that it appears this request has been outright overlooked (and like the others identified in my prior email, all are overdue), I believe it would be a sign of good faith for your office to expedite its processing?

Jol

---

**From:** 9-AEA-FOIA (FAA) [9-AEA-FOIA@faa.gov](mailto:9-AEA-FOIA@faa.gov)  
**Sent:** Monday, August 1, 2022 9:46 AM  
**To:** Jol A. Silversmith [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
**Cc:** Goodman, Dedra (FAA) [Dedra.Goodman@faa.gov](mailto:Dedra.Goodman@faa.gov)  
**Subject:** FW: FOIA Acknowledgement Letter - Silversmith

Mr. Silversmith,

We received your email seeking an update to several FOIA requests you sent our office; they were dated June 14, **June 17**, June 22, June 24, and June 29 of 2022. Below is the email we sent you with the FOIA acknowledgement letter dated July 5, 2022, for your FOIA request dated June 17, 2022. This request was assigned to our Headquarters Airports office, ARP-001. They should be contacting you regarding your response.

More information to come on your other FOIA requests dated June 14, June 22, June 24, and June 29, 2022.

Thanks,  
AEA FOIA Office



---

**From:** 9-AEA-FOIA (FAA) <[9-AEA-FOIA@faa.gov](mailto:9-AEA-FOIA@faa.gov)>  
**Sent:** Monday, June 27, 2022 7:57 AM  
**To:** [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
**Subject:** FOIA Acknowledgement Letter - Silversmith

Mr. Silversmith,

Please see the attached FOIA acknowledgement letter.

Thanks,  
FOIA Office.



---

**From:** [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com) <[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)>  
**Sent:** Friday, June 17, 2022 2:02 PM  
**To:** 7-AWA-ARC-FOIA (FAA) <[7-awa-arc-foia@faa.gov](mailto:7-awa-arc-foia@faa.gov)>  
**Subject:** AEA: Request under the Freedom of Information Act, 5 U.S.C. § 552

*Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, NW  
Suite 700  
Washington, DC 20006*

June 17, 2022

*Federal Aviation Administration  
Federal Aviation Administration – Eastern Region  
National Freedom of Information Act Staff, AFN-400E*

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On May 6, 2019 and April 2, 2021, I submitted FOIA requests (no. 2019-006832 and no. 2021-002773) for FAA correspondence with or regarding Montauk Airport (MTP) and restrictions applicable to the sale of that airport (e.g., the terms on which the private owners of the airport could profit from the sale, consistent with the prohibition on revenue diversion which is applicable because the airport has been a recipient of AIP grants). As an initial matter, this is a request for any documents regarding the potential sale of MTP and the duration of its federal obligations, supplementing the prior requests, for which the most recent response was dated July 30, 2021. In addition, this is a request for any documents not previously provided which discuss the means through which the airport could be closed and/or restrictions adopted by the airport, including if statutes such as ANCA and 49 U.S.C. 40103(e) would be applicable if the airport were to close and subsequently reopen, similar to the guidance provided by David Fish of the Eastern Region to the Town of East Hampton, New York in a letter dated November 6, 2020.

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affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Mr. Jol A Silversmith

Phone: 2029737918

[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)

**IMPORTANT NOTICE:** This electronic mail message and any attached files contain information intended for the exclusive use of the individual or entity to whom it is addressed and may contain information that is proprietary, privileged, confidential and/or exempt from disclosure under applicable law. In no event shall inadvertent transmission constitute a waiver of confidentiality or privilege. If you are not the intended recipient, you are hereby notified that any viewing, copying, direct or indirect disclosure or distribution of this information is strictly prohibited and may be subject to legal restriction or sanction. Please notify the sender or [postmaster@kmazuckert.com](mailto:postmaster@kmazuckert.com) by electronic mail or telephone (+1.312.345.3000) of any unintended recipients and kindly delete the original message without making any copies. Thank you.

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[United States Department of Transportation](#)



**Federal Aviation  
Administration**

## FOIA Form

### Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records.

Jol A Silversmith  
KMA Zuckert LLC  
888 17th St NW

Washington, DC 20006

June 14, 2022

Federal Aviation Administration  
Federal Aviation Administration  
National Freedom of Information Act Staff, AFN-400

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

The Town of East Hampton, New York, in recent pleadings filed in state court and in DOT and FAA administrative proceedings, has represented that it has entered into reimbursable agreements with the FAA, letters of agreement with TRACON (N90), and other agreements related to the nominal closure of East Hampton Airport (HTO) and opening of a "new" airport, East Hampton Town Airport (JPX). A FOIA request was previously filed with the Eastern Region (no. 2022-06935), to which the Region responded that apart from its responses to Form 7480 submittals, the agreements were between other FAA offices and the Town, and thus should be requested from the national FOIA office. Consistent with that direction, please provide copies of all of the identified documents, and related documents.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith  
Member

Phone: 2029737918

jsilversmith@kmazuckert.com

Page last modified: October 12, 2012 9:24:22 AM EDT

**From:** [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
**To:** [7-AWA-ARC-FOIA \(FAA\)](#)  
**Subject:** AEA: Request under the Freedom of Information Act, 5 U.S.C. § 552  
**Date:** Thursday, May 05, 2022 11:17:22 AM

---

*Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006*

May 05, 2022

*Federal Aviation Administration  
Federal Aviation Administration – Eastern Region  
National Freedom of Information Act Staff, AFN-400E*

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

The Town of East Hampton, New York, in recent pleadings filed in state court and in DOT and FAA administrative proceedings, has represented that it has entered into reimbursable agreements with the FAA, letters of agreement with TRACON (N90), and other correspondence related to the nominal closure of East Hampton Airport (HTO) and opening of a "new" airport, East Hampton Town Airport (JPX). Please provide copies of all of the identified documents, and related documents.

In order to determine my status to assess fees, you should know that my fee category is: affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith

Phone: 2029737918  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)

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Form URL: [https://www.faa.gov/foia/email\\_foia/review/](https://www.faa.gov/foia/email_foia/review/)  
User agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/101.0.4951.54 Safari/537.36



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Eastern Region Airports Division

1 Aviation Plaza  
Jamaica, NY 11434-4809  
718-553-3330 (office)

June 6, 2022

Mr. Joel A. Silversmith  
KMA Zuckert LLC  
888 17<sup>th</sup> Street, N.W.  
Suite 700  
Washington, DC 20006

**Subject: Response to Freedom of Information Act (FOIA) Request 2022-06935**

Dear Mr. Silversmith:

This letter responds to your May 5, 2022 FOIA request for "reimbursable agreements with the FAA, letters of agreement with TRACON (N90), and other correspondence related to the nominal closure of East Hampton Airport (HTO) and opening of a 'new' airport, East Hampton Town Airport (JPX)."

The Federal Aviation Administration's (FAA) Eastern Region Airports Division searched for responsive records. Enclosed are one hundred ten (1) pages of responsive records. We will also be providing an invoice for processing this request.

You have the right to seek assistance from the FAA FOIA Public Liaison. You can reach them at (202) 267-7799 or via email at [7-AWA-ARC-FOIA@faa.gov](mailto:7-AWA-ARC-FOIA@faa.gov). For emails, include "FOIA Public Liaison" and the above FOIA Request Number in the subject line.

The FAA FOIA office also provided your request to other FAA offices that may have responsive records. They will respond to you separately.

Sincerely,

David A. Fish  
Director  
Eastern Region Airports Division

Enclosures  
One hundred ten pages in 22 Portable Document Format (.pdf) files

Exhibit 30



## Jol A. Silversmith

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**From:** Jol A. Silversmith  
**Sent:** Friday, September 23, 2022 4:57 PM  
**To:** 9-AEA-FOIA@faa.gov  
**Cc:** dedra.goodman@faa.gov; linda.chatman@faa.gov  
**Subject:** RE: FOIA Acknowledgement Letter - Silversmith  
**Attachments:** FAA FOIA - HQ - 06 14 22.pdf; 2022-06935 - Silversmith FOIA.pdf; 2022-06935 FOIA Response Letter.pdf

Ms. Chatman:

This is to confirm: To the extent that the Town of East Hampton, New York previously represented that “reimbursable agreements with the FAA to pay for services that were previously federally funded” and “letters of agreement with TRACON (N90)” (see the Town’s May 9, 2022 letter in *Doupe Services, LLC d/b/a Curtis Air Taxi and Jobs Lane Aviation, LLC v. Town of East Hampton, New York*, FAA Docket No. 16-22-05, available at <https://www.regulations.gov/document/FAA-2022-0542-0004>) and to the extent that I previously requested copies of those documents via the May 5, 2022 FOIA request assigned no. 2022-6935 and the supplemental June 14, 2022 request that is the subject of your message, the FAA’s response is that **those documents do not actually exist, and that as a consequence the Town’s quoted representations in the Part 16 proceeding were false?**

Given the potential significance of the FAA’s response to my June 14, 2022 request, I would appreciate your prompt response.

Jol Silversmith

**Jol A. Silversmith**  
Member  
KMA Zuckert LLC  
888 17th Street, NW, Suite 700  
Washington, DC 20006  
+1 (202) 973-7918 Direct  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)



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**From:** 9-AEA-FOIA (FAA) [9-AEA-FOIA@faa.gov](mailto:9-AEA-FOIA@faa.gov)  
**Sent:** Thursday, September 22, 2022 9:09 AM  
**To:** Jol A. Silversmith [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
**Cc:** Goodman, Dedra (FAA) [Dedra.Goodman@faa.gov](mailto:Dedra.Goodman@faa.gov)  
**Subject:** FW: FOIA Acknowledgement Letter - Silversmith

Mr. Silversmith,

This is a partial response to your email below regarding several (4) FOIA requests you submitted to the FAA. This email pertains to your FOIA dated June 14, 2022, only. To avoid any confusion, the other three FOIAs will be addressed in another email.

Your FOIA request dated May 5, 2022 (**#2022-06935**)-attached), is the same as your FOIA dated June 14, 2022 (above). The FAA's response (dated June 6, 2022) to your May 5, 2022 FOIA, states that other offices may have additional documents. However, there are no other FAA offices that have any responsive documents.

Therefore, the FOIA response dated June 6, 2022 is the only and final response to your FOIA request.

Thanks,  
Linda

Linda Chatman  
National FOIA Coordinator, AFN-400  
T – 404-305-5906

*Extraordinary people produce extraordinary results – Ali Bahrami*



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**From:** Jol A. Silversmith <[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)>  
**Sent:** Friday, September 02, 2022 3:41 PM  
**To:** 9-AEA-FOIA (FAA) <[9-AEA-FOIA@faa.gov](mailto:9-AEA-FOIA@faa.gov)>  
**Cc:** Goodman, Dedra (FAA) <[Dedra.Goodman@faa.gov](mailto:Dedra.Goodman@faa.gov)>  
**Subject:** RE: FOIA Acknowledgement Letter - Silversmith

Dear Sirs:

Per my prior correspondence, multiple FOIA requests that I have submitted to FAA have not been acknowledged, much less fulfilled. In particular:

- A June 14 request, generally for agreements between the Town of East Hampton, New York and FAA.
- A June 17 request, generally for FAA approvals of special procedures for East Hampton Town Airport.
- A June 22 request, generally for FAA-Town communications regarding the newly proposed closure of the airport.
- A June 24 request, generally regarding additional specific documents that FAA previously requested from the Town.

As noted in my August 1, 2022 message, the June 17 request described above should not be conflated with a separate request filed that same day (and assigned no. 2022-8400) regarding Montauk Airport. I also note that since my last correspondence, FAA did acknowledge a request submitted on June 29 (no. 2022-9703).

I would appreciate an update.

Jol Silversmith

**Jol A. Silversmith**  
Member  
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888 17th Street, NW, Suite 700  
Washington, DC 20006  
+1 (202) 973-7918 Direct  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)



Exhibit 31



William V. O'Connor  
T: +1 858 550 6002  
woconnor@cooley.com

BY ELECTRONIC MAIL

May 9, 2022

Office of the Chief Counsel  
Attention: FAA Part 16 Docket Clerk, AGC-600  
Federal Aviation Administration  
800 Independence Ave. SW  
Washington, DC 20591  
[9-AWA-AGC-Part-16@faa.gov](mailto:9-AWA-AGC-Part-16@faa.gov)

**RE: *Doupe Services, LLC d/b/a Curtis Air Taxi and Jobs Lane Aviation, LLC v. Town of East Hampton, New York, FAA-2022-0542, Docket No. 16-22-05***

Pursuant to 14 C.F.R. § 16.26, the Town of East Hampton, New York (the "Town") moves to dismiss and for summary judgment on all claims set forth in the complaint filed by Doupe Services LLC d/b/a Curtis Air Taxi and Jobs Lane Aviation, LLC (the "Complainants") against the Town on April 18, 2022 (the "Complaint")<sup>1</sup> because the Complainants: (1) failed to comply with mandatory pre-complaint resolution efforts under 14 C.F.R. § 16.21; (2) allege no cognizable injury and thus lack standing to file a complaint, see *id.* § 16.26(b)(1)(iii); and (3) allege no cognizable violation of law by the Town and therefore the Complaint does not warrant enforcement or other action by the FAA, *id.* § 16.26(b)(1)(ii).

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<sup>1</sup> Complainants moved to amend their Complaint on April 18, 2022. This motion should be denied because Complainants have not shown good cause as required under 14 C.F.R. § 16.23(j).



May 9, 2022  
Federal Aviation Administration  
Page Two

As the FAA is well aware, the public-use East Hampton Airport (“HTO”) will no longer exist on May 17, 2022. At 9:00 a.m. on May 19, the private-use East Hampton Town Airport (“JPX”) will open. Despite the two airports sharing a common footprint, each is legally distinct and must be treated separate and apart from one another. That is precisely why every aspect of HTO that was publicly funded or sponsored (*e.g.*, navigational aids, FCC frequencies, instrument procedures, “shout lines” with TRACON (N90), flight validation for PAPIs, *etc.*) has been decommissioned or otherwise transferred to the Town for consideration, with the Town bearing responsibility for each and every cost associated with operating JPX going forward. The Complainants beg the FAA to ignore this basic yet dispositive fact when suggesting that former obligations of HTO apply to JPX.

The FAA need not reach the merits of this issue for several reasons discussed *infra*. But to the extent the FAA proceeds to adjudicate this matter, summary judgment should be granted in favor of the Town because there is no compliance issue here.

### **Summary and Background**

Far from running afoul of federal law, the Town has worked with the FAA to address the Town’s desire to obtain local control over the East Hampton Airport (“HTO”). Noise and environmental issues stemming from HTO have negatively impacted the Town and its residents for decades, and the efforts to solve these problems have stretched equally as long. That much is undisputed. Over the past two years, the Town—*in coordination with the FAA*—developed a plan pursuant to 14 C.F.R. § 157 to permanently close HTO



May 9, 2022  
Federal Aviation Administration  
Page Three

on May 17, 2022, and open the new, private-use JPX on May 19, 2022. The FAA has approved the Town's plan when required, provided "no objection" letters of determination after completing airspace analyses regarding both the deactivation of HTO and activation of JPX, approved the Town's special procedures for JPX, published notice of the permanent closure of HTO in the *Federal Register*, and otherwise ensured that, when it opens, JPX will have all safety and operational capabilities that were available at HTO.

**A. HTO Outgrows the Town.**

The Town currently owns, sponsors, and operates HTO, which serves a mix of recreational aircraft and unscheduled or on-demand charter and air taxi operators who shuttle summer residents, weekend visitors, and tourists to and from New York City. Due to grant obligations imposed by federal funding that the Town accepted in September 2001, HTO is currently a "public-use" airport, such that the Town cannot control (i) who flies into or out of HTO; (ii) when these operators make use of HTO; or (iii) how loudly, noisily, or frequently they do so. The burden on the Town and its residents resulting from these operations has been intense—for example, during the summer season, HTO commonly experienced 400 or more takeoffs or landings in a single day, an overwhelming majority of which were commercial operations pursuant to Part 135; this amounts to approximately one operation every 90 seconds during daylight hours. (See Declaration of Supervisor Peter Van Scoyoc ("Supervisor Decl.") ¶ 9.)

Given the negative impact of operations to and from HTO on the health and quality of life of the East Hampton community, the Town's citizens demanded action, leading the



May 9, 2022  
Federal Aviation Administration  
Page Four

Town to try various ways to mitigate or eliminate these negative impacts stemming from HTO. Some Town residents also took matters into their own hands by suing the FAA and the Department of Transportation in 2003 to limit the duration and extent of the Town's grant-assurance obligations, in order to allow HTO to be closed by a future Town Board. (See *id.* ¶ 10.) That litigation resulted in a 2005 settlement, under which the FAA agreed that certain grant assurances would not apply to HTO starting January 1, 2015. (See *id.* ¶ 11, Ex. 3; *id.* ¶ 12.) This 2005 settlement—along with guidance provided by the FAA to former U.S. Representative Timothy Bishop—was the genesis of the Town's 2015 local laws that were designed to implement reasonable limits on the use of HTO (the "Local Laws"). (See *id.* ¶ 11; *id.* ¶ 16, Ex. 5.)

Despite the 2005 Settlement, a small subset of aviation businesses sued the Town to challenge the Local Laws, and that litigation was resolved by the Second Circuit in *Friends of the East Hampton Airport, Inc. v. Town of East Hampton*, 841 F.3d 133 (2d Cir. 2016). While acknowledging HTO's various negative effects on the Town's residents and "express[ing] no view as to the wisdom of the local laws," *id.* at 137, 140, the Second Circuit held that the Airport Noise and Capacity Act of 1990 ("ANCA") applied to all public-use airports and therefore preempted the Local Laws. *Id.* at 140, 147.<sup>2</sup> Thus, so long as

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<sup>2</sup> The Second Circuit's reference to "public airports" is a reference to "public-use airports." This phrase can only be interpreted one way: any proprietor of a public-use airport. Under this commonsense interpretation, the Second Circuit's decision would mean that ANCA applies to an airport sponsor, regardless whether it is a public or private entity, if—but only if—the sponsor had accepted federal grant funds related to that airport. Pertinent here, this would mean that privately owned airports that had accepted federal funds, such





May 9, 2022  
Federal Aviation Administration  
Page Five

HTO remained public-use—a status that it was required to maintain until September 26, 2021—the Town's ability to require prior permission to use HTO was limited under federal law. (Supervisor Decl. ¶ 24, Ex. 1.)

**B. After Seeking Guidance from the FAA and Commencing an Extensive Public Process, the Town Decides to Close HTO and Open JPX.**

Leading up to the September 26, 2021, grant-assurance expiration, the Town coordinated with state and federal regulators, retained several expert consultants, and engaged with the community—all in furtherance of a wide-ranging, ongoing, and transparent public process to decide the most suitable future for an airport in East Hampton, if any. Throughout the public process, the FAA has been an active, critical, and supportive partner to the Town, including by providing express guidance to the Town, including a November 6, 2020, letter (the "Letter")<sup>3</sup> outlining the Town's options when the grant assurances expired:

1. Negotiation of an agreement for mandatory restrictions on aircraft operators per ANCA as set forth in 14 C.F.R. §§ 161.1, *et seq.*;
2. Closure of the airport after the grant assurances expire (September 2021) and opening of a new, private-use airport;
3. Complete closure of the airport after the grant assurances expire (September 2021); or
4. Continue to operate the airport as a public-use airport.

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as Montauk Airport (MTP), are subject to ANCA. And publicly owned airports that did not accept federal funds, such as JPX, are not.

<sup>3</sup> David Fish, Director of the Eastern Region, Airports Division, signed the letter and copied multiple leadership and legal officials at the FAA, including Jennifer Solomon, Eastern Region Administrator; Maria Stanco, Eastern Region Deputy Administrator; Mary M. McCarthy, Regional Counsel, Eastern and New England Regions; and Jim Schultz, General Manager, NY District.



May 9, 2022  
Federal Aviation Administration  
Page Six

(*Id.* ¶ 23, Ex. 1.)

Subsequently, extensive discussions between the FAA, expert consultants, and the community made clear to the Town Board that only the second option would accomplish the goals of, on the one hand, protecting the community and enhancing its quality of life and, on the other hand, preserving a local airport. (See, e.g., *id.* ¶¶ 25–38.) Specifically, this plan would permit the Town to exercise a measure of local control over its airport, provide the Town with the flexibility to address community concerns, and allow aviation stakeholders continued use of a safe and capable airport subject to reasonable limits. (*Id.* ¶ 49.)

Importantly, in the November 2020 Letter, the FAA confirmed that the closure-and-opening process (Option 2 in the Letter) would “extinguish[]” the Town’s statutory obligations (termed, “FAA obligations”)—noting that after closing HTO, “[t]he Town could also re-open as a . . . *private-use airport made available to others by the Town through authorized rights or by requiring prior permission.*” (*Id.* ¶ 24, Ex. 1 (emphasis added).) Thus, the Town, like any other proprietor of a private-use airport, could “requir[e] prior permission” to be obtained by operators before they could make use of a new, private-use airport—also known as a “PPR” or “Prior Permission Required” framework—and set limits on the type and frequency of certain airport operations. (*Id.*)

Relying on the FAA’s guidance, the Town accelerated its efforts to address the problems caused by HTO and initiated a formal public process to determine the



May 9, 2022  
Federal Aviation Administration  
Page Seven

community's preference for the airport moving forward. The Town invited feedback from East Hampton residents, other surrounding communities, and aviation stakeholders; remained in close contact with the FAA and NYSDOT to ensure compliance with all state and federal obligations; coordinated decision making in compliance with New York's environmental laws; and commissioned reports from expert consultants on potential environmental, economic, zoning, and noise effects of modifying operations at HTO to fully inform the Town's decision-making process. (*Id.* ¶¶ 25–40.) Notably, neither of the Complainants participated in that process. (*Id.* ¶ 35.)

The Town also engaged two consultants to help manage an extensive and detailed community engagement process. (*See id.* ¶¶ 34–36, 57.) From this diversity of views, patterns of consensus emerged. For instance, during the several Town-hosted public workshops, approximately 80% of participants stated that continuing to operate HTO as a public-use airport was “unacceptable” and “changes to airport operations were needed,” whereas only 5% of participants were comfortable keeping HTO as is. (*Id.* ¶ 36, Ex. 8.) Similarly, feedback received during the community engagement sessions showed that the overwhelming majority of community members and airport users would not tolerate keeping HTO as it had been historically used, but also felt a modified airport with fewer operations and more local control would be preferable to altogether losing access to an airport in East Hampton. (*See, e.g., id.* ¶¶ 4, 21–25, 34–37.)

Thus, the Town Board had its mandate: pursue the closure-and-opening process recommended by the FAA to sensibly regulate a new, private-use airport to balance



May 9, 2022  
Federal Aviation Administration  
Page Eight

community needs with the interests of airport users. (*Id.* ¶¶ 37.) And if that balancing act proved impossible, the community’s near-unanimous agreement was that keeping HTO as-is would be intolerable and accordingly the Town would need to altogether forego sponsoring an airport in East Hampton. (*Id.* ¶¶ 37.)

**C. Working with the FAA, the Town Developed a Detailed Plan to Deactivate HTO and Open JPX.**

To execute this plan, the Town continued to work with the FAA. Specifically, on January 20, 2022, after months spent discussing the best path forward with the FAA and in reliance on the November 2020 Letter, the Town filed two Form 7480-1s with the FAA, which notified the FAA that the Town planned to deactivate HTO on February 28, 2022, and activate a new, private-use airport on March 4, 2022. (*Id.* ¶¶ 39, Exs. 24–25.) After further discussions with the FAA regarding the significant work required to complete the deactivation and activation processes, on February 16, 2022, the FAA suggested that the Town postpone the deactivation of HTO from February until May. The Town agreed. (*Id.* ¶¶ 42, Ex. 27.) That postponement would coincide with FAA charting cycles and allow the Town and FAA to complete several critical tasks to accomplish the deactivation of HTO and activation of the new, private-use airport in the least disruptive way possible. *All those critical tasks have now been completed.*

In March 2022, the FAA issued a “no objection” letter greenlighting the Town’s deactivation of HTO at 11:59 p.m. on May 17, 2022, and activation of the new, private-use airport at 9:00 a.m. on May 19, 2022. (*Id.* ¶¶ 46, Exs. 30–32; *id.* ¶¶ 45, Ex. 29.) The



May 9, 2022  
Federal Aviation Administration  
Page Nine

FAA also issued a LocID to the new airport, “JPX.” (*Id.* ¶ 46, Ex. 32.) Over the next few weeks, all the navigational, communication, and weather aids were confirmed to be available at JPX upon opening on May 19. Then, on April 22, 2022, the FAA confirmed that the Town’s special use instrument procedures were approved, in turn confirming that every safety and operational capability available at HTO will be available upon opening of JPX. (*See id.* ¶ 47.)

The Complainants dismiss the closing of HTO and opening of JPX as a “sleight-of-hand maneuver” that is “audacious, “cunning,” and “transparent gamesmanship.” (Compl. at 1, 6, 11.) But as the FAA well knows, that assertion ignores critical facts, as well as the substance and extent of the significant coordination required to deactivate HTO and, separately, activate JPX as a private-use airport. The collaboration between the FAA and Town to permanently close HTO and open JPX has been extensive, wide-reaching, and compliant with every applicable statute or regulation.

**1. JPX relies on different systems and is separate and distinct from HTO.**

The Town has worked with the FAA through a lengthy, collaborative process to check off every mandatory item necessary to deactivate HTO and activate JPX. This involved decommissioning several aeronautical services currently in operation at HTO, such as HTO’s communication, navigational, and weather aids; its privately funded air traffic control tower pursuant to Form 7900.2D; its publicly funded and maintained instrument flight procedures; and letters of agreement for HTO between the Town and



May 9, 2022  
Federal Aviation Administration  
Page Ten

the FAA (e.g., TRACON (N90)). (Supervisor Decl. ¶ 45, Ex. 29.) Concurrently, the Town worked closely with the FAA to obtain approval to activate JPX, which will be “new” in every sense of the word. To give just a few examples, JPX has a new name (East Hampton Town Airport), a new LocID (JPX), and it will *not* be part of the National Plan of Integrated Airports. It also will be newly designated on FAA charts and has its own private special procedures; reimbursable agreements with the FAA to pay for services that were previously federally funded; a re-designated FCC frequency allocation; a newly commissioned private air traffic control tower; letters of agreement with TRACON (N90) for coordination with the JPX tower; and self-funded navigation aid flight validations. (*Id.* ¶ 45.)

The processes undertaken to secure these results were not simple and cannot be glossed over as a legal fiction. Rather, they were undertaken to ensure that as of May 17, HTO will be retired and that come May 19, the Town will open a new, private-use airport. The Town has expended considerable time and resources trying to achieve a balance between the community’s needs and aviation stakeholders’ desires in full reliance on the FAA’s November 2020 Letter. Those efforts and the Town’s resulting actions, in turn, have been supported by the FAA and its staff. In the end, JPX is not and will not be the same as HTO and cannot be treated as such. Period. Accordingly, any obligations that once attached to HTO do not apply to JPX.



May 9, 2022  
Federal Aviation Administration  
Page Eleven

**2. JPX’s 2022 Season PPR Rules treat all aircraft operators equally.**

The Town recently enacted the trial PPR rules that will govern during the 2022 summer season (“2022 Season”) as required by the Town’s environmental review process under SEQRA. (See *id.* ¶ 51, Ex. 33.)<sup>4</sup> The Town’s 2022 summer season trial PPR largely grants operators blanket permission to operate subject to reasonable limitations (*i.e.*, a curfew, a daily roundtrip limit for “noisy” aircraft, *etc.*), reflecting an effort by the Town to balance the community’s concerns while keeping an airport open for use in East Hampton. (*Id.*)

Contrary to the Complainants’ suggestions, those rules do not ban any operator who has previously used HTO. (*Id.*) Pertinent here, the trial PPR rules certainly do not ban Complainants. Doupe Services alleges that it operates a Cessna 150 and a Cessna 172 under Part 91 and a Beech Baron under Part 135. Jobs Lane Aviation alleges that it operates a Cessna C525 under Part 91. (See Compl. at 5.) The Cessna 150 and 172 can use JPX subject only to a reasonable curfew, and the Baron and C525 are subject to the curfew plus a one-roundtrip-per-day limit. There is no allegation that either operator will be meaningfully impacted—if impacted at all—under the trial PPR rules. Moreover, the Complainants cite no evidence that these rules will operate to bar any operator from using JPX—because there is none. And to be sure, the absence of such an allegation is

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<sup>4</sup> These trial rules were approved on May 5, 2022, and do not prohibit any operator from using JPX. See *Rules and Regulations for E. Hampton Town Airport* (effective May 19, 2022), <https://ehamptonny.gov/DocumentCenter/View/12711/TOEH---Airport-Rules-and-Regulations1-final>.



May 9, 2022  
Federal Aviation Administration  
Page Twelve

not an oversight. Instead, it is recognition that the Town's efforts to balance community needs with sponsoring a local airport are more than reasonable and allow all operators to make use of JPX.

### **Argument**

The FAA need not reach the substantive question regarding whether statutory obligations apply to JPX. Indeed, there are multiple, independent grounds for the FAA to dismiss the Complaint short of the merits, including (1) a procedural defect related to the Complainants' failure to satisfy the mandatory pre-complaint resolution process, and (2) a standing defect arising from the Complainants' failure to allege any harm. Looking to the merits themselves, the Complainants fail to allege a cognizable compliance issue against the Town to warrant enforcement. For each reason, the FAA should dismiss the Complaint.<sup>5</sup>

#### **Failure to Comply with Pre-Complaint Resolution Efforts**

The Complainants have failed to comply with mandatory pre-complaint resolution efforts before filing their Complaint as it relates to allegations regarding HTO. The FAA has set forth a detailed procedural regime governing "all . . . proceedings involving Federally-assisted airports," including actions initiated via administrative complaint. See 14 C.F.R. § 16.1, *et seq.* These rules require the Complainants to "initiate and engage in

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<sup>5</sup> If the FAA chooses not to dismiss the Complaint on procedural grounds and proceeds to consider the Complaint on its merits, there is no exigency to require "expedited action" under 14 C.F.R. § 16.11(b), as the Complainants request. (Compl. at 1.)





May 9, 2022  
Federal Aviation Administration  
Page Thirteen

. . . substantial and reasonable good faith efforts to resolve the disputed matter informally prior to filing [a] complaint.” *Id.* § 16.21(a)–(b) (emphasis added). Adherence to this procedure must be certified in the complaint and “demonstrated by pertinent documentation.” *Id.* § 16.21(c). Importantly, non-compliant complaints must be dismissed. *Id.* § 16.27 (stating “the Director *will* dismiss” complaints that are “deficient as to one or more of the requirements set forth in [14 C.F.R.] § 16.21” (emphasis added)).

The Complainants acknowledge that they are ignoring this basic, pre-filing requirement, citing “the circumstances of this case.” (Compl. at 10.) The Complainants argue procedural compliance would be futile given the Town’s “clear” position regarding the future of the airport. *Id.* But the FAA’s administrative scheme is not subject to a futility standard, as demonstrated by the “mandatory” language of the regulation and the FAA’s strict enforcement of § 16.21. *See, e.g., Mark Shinnick v. Mojave Air & Space Port*, FAA Docket No. 16-19-13, 2019 WL 10272368, at \*1 (Oct. 22, 2019) (“The FAA’s requirement for documented efforts to resolve this specific matter are *mandatory* and *must* be accomplished . . . .” (emphases added)).<sup>6</sup>

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<sup>6</sup> *Accord Haynes Ceo Dehas Ltd. d/b/a Blue Ridge Nebula Starlines v. Adams Cnty.*, FAA Docket No. 16-22-03, 2022 WL 1039795, at \*1 (Mar. 28, 2022) (“Complaints filed under Part 16 will not be considered unless the person or authorized representative filing the complaint certifies that substantial and reasonable good faith efforts to resolve the disputed matter informally prior to filing the complaint have been made and that there appears no reasonable prospect for timely resolution of the dispute.”); *Above All Aviation v. City of Santa Barbara*, FAA Docket No. 16-22-02, 2022 WL 1039793, at \*1 (Mar. 23, 2022) (“Prior to filing a Part 16 complaint, a person directly and substantially affected by the alleged noncompliance must engage in good faith efforts to resolve the disputed matter informally with those individuals or entities believed responsible for the



May 9, 2022  
Federal Aviation Administration  
Page Fourteen

Counterintuitively, the two FAA determinations cited by the Complainants support dismissal of the Complaint. The complainants in *NBAA v. Santa Monica*, for example, sent numerous letters to the respondent offering to mediate the parties' dispute *before* filing suit. See FAA Docket No. 16-14-04, 2015 WL 13603433, at \*10 (Dec. 4, 2015). The complainants in *Bombardier Aerospace Corp. v. Santa Monica* similarly communicated with the respondent via telephone and letter *before* filing suit, and further certified and documented their efforts as required under § 16.21. See FAA Docket No. 16-03-11, 2004 WL 3198208, at \*17–19 (Jan. 3, 2004). By contrast, the Complainants in this case have made *no* effort to negotiate with the Town in good faith (let alone engage in the extensive public processes over the past two years), nor have they certified

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noncompliance.”); *Bondio, LLC & Joseph Mirakhor v. Palm Beach Cnty. Dep’t of Airports*, FAA Docket No. 16-21-18, 2022 WL 193646, at \*1 (Jan. 13, 2022) (recognizing that a complainant “shall include a brief description of the party’s efforts to obtain informal resolution” and that “[s]uch efforts to resolve informally should be relatively recent and be demonstrated by pertinent documentation”); *Thomas Vanduinen v. Alpena Cnty. Airport*, FAA Docket No. 16-21-05, 2021 WL 4727447, at \*1 (Sept. 24, 2021) (“Mr. Duinen has not adequately identified his efforts at informal resolution. He states he has complained several times to the Airport District Office in Detroit ‘and in Washington for many years to no avail.’ He also says he has tried to resolve the issue several times with the County and they refuse to discuss. No details or documents are provided. These vague statements, unsupported by documentation, do not satisfy the requirements of [§ 16.21].”); *Kunz v. Salt Lake City Dep’t of Airports*, FAA Docket No. 16-19-11, 2019 WL 10272366, at \*1 (Oct. 4, 2019) (“Complaints filed under Part 16 will not be considered unless the complaint certifies that substantial and reasonable good faith efforts to resolve the disputed matter informally prior to filing the complaint have been made, and that there appears no reasonable prospect for timely resolution of the dispute. This certification must include a brief description of the efforts to obtain informal resolution per 14 CFR § 16.21(c).”).



May 9, 2022  
Federal Aviation Administration  
Page Fifteen

compliance with § 16.21 or provided the requisite documentation. Indeed, the Complainants admit non-compliance. For this reason alone, dismissal is appropriate.

Moreover, even if “futility” was an appropriate basis for Complainants to ignore mandatory regulations, such a standard would not apply here. The Town has engaged the public throughout the closure-and-opening process, to date having received over 1,500 formal comments. And the Town thoroughly reviewed and considered each comment, as demonstrated by changes to the proposed PPR rules and landing fees. For example, the noise-based restriction was amended to presumptively *not* apply to piston-driven fixed-wing aircraft (such as Cessna 150s, Cessna 172s, and Beech Barons); certain activities are now authorized to occur within the discretion of the Airport Director, such as touch-and-goes; and the landing-fee weight limits have been amended. This non-exhaustive list is only meant to show that Complainants’ “futility” argument is baseless and should be rejected (even if the FAA otherwise believes that futility is a valid reason to allow Complainants to ignore mandatory regulations).

For this reason alone, the Complaint should be dismissed.

#### The Complainants Allege No Harm

The Complainants also fail to allege adequate harm for standing to bring their Complaint, as they do not meet the requisite standard of being a party that is “directly and substantially affected by any alleged noncompliance.” 14 C.F.R. § 16.23(a).

The Complainants only offer conclusory assertions that they “are immediately, directly and substantially affected” by the Town’s closing of HTO and opening of JPX—



May 9, 2022  
Federal Aviation Administration  
Page Sixteen

without identifying *any* specific harm. (See Compl. at 5–6.) At best, the Complainants only vaguely reference that this process will allow the Town to “impose operational restrictions at [JPX] and divert funds from HTO accounts to municipal accounts.” *Id.* But no actual revenue diversion has been alleged, nor is there reason to believe—and no allegations have been made—that the Town’s trial PPR rules for the 2022 Season (part of the Town’s SEQRA review process) will affect the Complainants at all. See *Rules and Regulations for E. Hampton Town Airport* (effective May 19, 2022), <https://ehamptonny.gov/DocumentCenter/View/12711/TOEH---Airport-Rules-and-Regulations1-final>. As explained *supra*, the Complainants will be permitted to operate out of JPX, like the rest of the other aeronautical users of JPX being afforded permissions, subject to reasonable restrictions.

The Complainants’ inability to proffer any allegations that they will be directly and substantially affected by the Town’s process means that they are unable to demonstrate standing as required under 14 C.F.R. § 16.23. Accordingly, dismissal is appropriate.

No Applicability or Violation of Exclusive-Rights and Revenue-Diversion Laws

If the FAA does not dismiss the Complaint on the above grounds, and proceeds to consider the Complaint on its merits, the FAA should grant summary judgment because the Town’s opening and operation of JPX involves no violation of law.<sup>7</sup> The Complaint

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<sup>7</sup> There is no dispute that the Town’s grant assurances expired in September 2021, as explicitly reflected in the federal register notice. 87 Fed. Reg. 22617 (Apr. 15, 2022). The Complaint is based wholly on alleged violations of statutory obligations.



May 9, 2022  
Federal Aviation Administration  
Page Seventeen

alleges that the Town's opening of JPX, a private-use airport, will violate statutory obligations under 49 U.S.C. § 40103(e) and 49 U.S.C. § 47133(a). Complainants fail to allege a viable cause of action as neither statute applies to JPX.

There is a simple, dispositive reason why the Town's operation of JPX will not violate any statutory obligations: JPX will not be and has never been the recipient of federal funds. Indeed, based on substantial efforts by the Town to work and coordinate with various stakeholders, including the FAA, the private-use JPX will be legally distinct from the public-use HTO. Indeed, the Town's efforts to close HTO and activate JPX were a result of the FAA's guidance in the November 2020 Letter—which itself confirmed that (i) closing HTO would extinguish the "Exclusive Rights" and "Revenue Use" obligations and (ii) operating a private-use airport would allow the Town to rely on a prior permission required framework. (Supervisor Decl. ¶¶ 24, Ex. 1.) In the following year and a half, the FAA accepted that plan and offered "no objection" to it. (See, e.g., Compl. Ex. 13, at 1 (acknowledging plan for "closing of [HTO]" and "activating the private-use airport"); *id.* Ex. 17, at 1 (finding "no objection" to the plan for a "new, private-use airport").)<sup>8</sup> Now, on the

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<sup>8</sup> The Complaint relies extensively on the FAA's February 2, 2022, letter to the Town (Compl. Ex. 13) regarding the January 25, 2022, meeting and the FAA's list of actions and issues triggered by the Town's submission of Form 7480—Deactivation of an Airport (Aeronautical Study Number (ASN) 2022-AEA-313-NRA), and Form 7480—Activation of an Airport (ANS 2022-AEA-415-NRA). That letter, however, does not support the alleged noncompliance by the Town. To the contrary, it demonstrates the coordination required to open JPX. The FAA expressed concerns regarding the Town's initial timeline. The Town listened to those concerns by extending the timeline to May 2022. And true to its word, the FAA facilitated the resolution of all outstanding issues raised in the February 2, 2022, letter within the extended timeframe.



May 9, 2022  
Federal Aviation Administration  
Page Eighteen

eve of the Town's deactivation of HTO and opening of JPX, the Complainants seek to undo years of work by the Town by asking the FAA to walk back its November 2020 guidance as "in fact, erroneous." (Compl. at 6.)

The Complaint is based entirely on the errant premise that JPX is the "exact same facility" or "airport" as the deactivated HTO, even though HTO will permanently close on May 17, 2022. To support their argument, the Complainants misquote and misunderstand FAA Order 5190.6B, which itself explicitly says it is "*not regulatory and is not controlling* with regard to airport sponsor conduct," and that it is meant to "address[] the application of [certain] assurances in the operation of *public-use airports*." Order 5190.6B, p. 1-1 (emphases added). Indeed, by its own terms, Order 5190.6B does not apply to JPX as a private-use airport. *Id.* But even if it did, Order 5190.6B does not actually provide support for the Complainants' request that the FAA backtrack on the November 2020 Letter and subsequent actions that the Town took in reliance on that letter and other interactions with the FAA when pursuing this multi-year process to balance community needs with aviation stakeholder desires.<sup>9</sup>

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<sup>9</sup> Other authorities cited by the Complainants likewise are not relevant to the issue at hand, *i.e.*, whether the operation of JPX under a PPR framework violates any exclusive-rights or revenue-diversion obligations of HTO, a soon-to-be-closed and entirely distinct airport. See, e.g., *Use of Airports*, 40 U.S. Op. Atty. Gen. 71 (June 4, 1941), *available at* 1941 WL 1882 (opining on whether an "exclusive right to use an airport for a particular aeronautical activity" is an impermissible exclusive right, while noting that the purpose of this provision is to prohibit monopolies and encourage competition); *Exclusive Rights at Airports*, 30 Fed. Reg. 13361 (Oct. 27, 1965) (vaguely stating the purpose to establish FAA policy "on the conduct of aeronautical activities *at public airports on which Federal funds, administered by the Agency, have been expended*" (emphasis added)); *Air*



May 9, 2022  
Federal Aviation Administration  
Page Nineteen

*First*, as to exclusive-rights obligations, Order 5190.6B says that “[o]nce federal funds have been expended *at an airport*, . . . the exclusive rights prohibition is applicable to *that airport* . . . in perpetuity.” Order 5190.6B, p. 8-4 (emphases added). True, the statutory obligations apply to HTO in perpetuity as “that airport” received federal funds. But, as explained, HTO is permanently deactivating on May 17, 2022, and thus all obligations, including statutory obligations, will have run their course at that time. JPX, on the other hand, will not receive federal funds and thus the exclusive-rights prohibition is *not* “applicable to that airport in perpetuity.” *Id.*, p. 8-4 to 8-5.<sup>10</sup>

*Second*, as to revenue-diversion obligations, Order 5190.6B says that these obligations only “[a]ppl[y] to airports subject” to “[a]ny federal agreement” and only “as long as the facility is used as a public-use airport.” Order 5190.6B, p. 2-15. JPX is not and will not be subject to any federal agreement that triggers these obligations, and the facility will not be used as a public-use airport. Accordingly, the revenue-diversion

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*Transport Ass’n of Am., Inc. d/b/a Airlines for Am. v. Port of Portland*, FAA Docket No. 16-16-04, 2017 WL 11548938, at \*9 (Aug. 17, 2017) (initial, case-specific determination that did not address extinguishing public-use obligations through airport closure); *In the Matter of Compliance with Fed. Obligations by the City Of Santa Monica*, FAA Docket No. 16-02-08, 2008 WL 6895776, at \*12 n.3 (May 27, 2008) (same); *Dart v. City of Corona*, FAA Docket No. 16-99-20, 2000 WL 1092312, at 8 (June 26, 2000) (same).

<sup>10</sup> Even if the exclusive-rights prohibition were applicable, the Complaint fails to show that any improper exclusive-right violation has occurred. This is unsurprising given that all operators are permitted to use the airport subject to reasonable and non-discriminatory rules that apply equally to all operators.



May 9, 2022  
Federal Aviation Administration  
Page Twenty

prohibition, like the exclusive-rights prohibition, does not apply at all. *Id.* By the express terms of Order 5190.6B, then, the Complainants' allegations fall flat.<sup>11</sup>

All that is to say, the FAA's guidance in the November 2020 Letter—on which the Town has substantially relied—properly interpreted the law to find that HTO's closure would extinguish any exclusive-rights or revenue-diversion obligations. Since receiving the November 2020 Letter, the Town has spent considerable resources and time in good faith reliance on the FAA's interpretation of its own statutes and regulations. Not once has the FAA stated that the November 2020 Letter was incorrect or otherwise instructed the Town that its substantial reliance on the November 2020 letter was misplaced. And for good reason: the FAA was correct when it provided this guidance to the Town in November 2020, and it was correct in the following 18 months when working alongside the Town to execute on the closure-and-opening plan.

Moreover, as reflected by the FAA's own internal guidance, the FAA should "maintain a balance between the needs of aviation and the requirements of residents in neighboring areas." Order 5190.6B, p. 1-4. The FAA properly struck that balance in issuing its November 2020 guidance and suggesting that the Town deactivate HTO and activate JPX as a private-use airport under a PPR framework. Were the FAA to backtrack and find that the plan, in fact, cannot proceed, the Town will be forced to close HTO and

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<sup>11</sup> The Complaint does not actually allege that the Town is diverting funds of HTO or will divert funds of JPX. That defect negates any basis for finding a violation or awarding the relief sought.





May 9, 2022  
Federal Aviation Administration  
Page Twenty-one

opt not to open a new airport in East Hampton, as the continued operation of a public-use airport is incompatible with the community around it and not supported by upwards of 90% of community residents. These policy interests further support finding that the FAA's stated position in the November 2020 Letter was correct.

For the above reasons, the statutory prohibitions on exclusive rights and revenue diversion do not apply to JPX. Because there is no violation of law, the FAA can and should dismiss the Complaint or grant the Town summary judgment on all counts.

### **Conclusion**

At its core, the Complaint is a misguided attempt to supplant years of deliberation by the Town and its citizens, all of which occurred in close coordination with the FAA. What the Complaint cynically dismisses as mere "gamesmanship" involved, in fact, significant expenditure of time and resources to safely and efficiently deactivate HTO and activate JPX to ensure that the Town could balance local interests in imposing reasonable restrictions on airport activities with national interests in maintaining a capable airport in East Hampton—whether under a PPR framework or otherwise. For all the above reasons, the FAA should dismiss the Complaint or grant the Town summary judgment on all counts.



May 9, 2022  
Federal Aviation Administration  
Page Twenty-two

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "William O'Connor".

---

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Cooley LLP  
4401 Eastgate Mall  
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[woconnor@cooley.com](mailto:woconnor@cooley.com)

cc: Andrew Barr, Esq.  
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Denver, CO 80202  
(720) 566-4121  
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Jol A. Silversmith, Esq.  
Barbara M. Marrin, Esq.  
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(202) 298-8660  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
[bmarrin@kmazuckert.com](mailto:bmarrin@kmazuckert.com)



May 9, 2022  
Federal Aviation Administration  
Page Twenty-three

**Certificate of Service**

I hereby certify that I have this day caused the foregoing document to be served on the following persons at the following address by electronic mail:

Jol A. Silversmith, Esq.  
Barbara M. Marrin, Esq.  
KMA Zuckert LLC  
888 17th Street NW, Suite 700  
Washington, DC 20006  
(202) 298-8660  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
[bmarrin@kmazuckert.com](mailto:bmarrin@kmazuckert.com)

A handwritten signature in blue ink that reads "Erin Combs".

---

Erin Combs

Dated: May 9, 2022

Exhibit 32

## Jol A. Silversmith

---

**From:** Jol A. Silversmith  
**Sent:** Tuesday, September 27, 2022 4:52 PM  
**To:** 9-AEA-FOIA@faa.gov  
**Cc:** dedra.goodman@faa.gov; linda.chatman@faa.gov  
**Subject:** RE: FOIA Acknowledgement Letter - Silversmith

Dear Ms. Chatman:

Please allow me to supplement my Friday message.

I have confirmed that on May 17, 2022, Marie Kennington-Gardiner, the Regional Administrator for the Eastern Region, sent a letter to outside counsel for the Town of East Hampton, New York which stated that “Air Traffic Control (N90) has been trained and the Letter of Agreement (LOA) between the Town and the FAA has been developed and signed for the Airport (JPX).”

To the extent FAA has represented to me that there are no documents responsive to my May 5, 2022 and June 14, 2022 FOIA requests (which specifically sought “letters of agreement with TRACON (N90)” among other items), you effectively have accused Ms. Kennington-Gardiner – whose statement has been relied upon by various parties in court – of lying. I presume that is not actually the case. It seems more likely that the requested documents do exist, and that the FAA has conducted an entirely inadequate search for them. Please immediately address this issue.

Jol Silversmith

**Jol A. Silversmith**  
Member  
KMA Zuckert LLC  
888 17th Street, NW, Suite 700  
Washington, DC 20006  
+1 (202) 973-7918 Direct  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)



---

**From:** Jol A. Silversmith  
**Sent:** Friday, September 23, 2022 4:57 PM  
**To:** [9-AEA-FOIA@faa.gov](mailto:9-AEA-FOIA@faa.gov)  
**Cc:** [dedra.goodman@faa.gov](mailto:dedra.goodman@faa.gov); [linda.chatman@faa.gov](mailto:linda.chatman@faa.gov)  
**Subject:** RE: FOIA Acknowledgement Letter - Silversmith

Ms. Chatman:

This is to confirm: To the extent that the Town of East Hampton, New York previously represented that “reimbursable agreements with the FAA to pay for services that were previously federally funded” and “letters of agreement with TRACON (N90)” (see the Town’s May 9, 2022 letter in *Doupe Services, LLC d/b/a Curtis Air Taxi and Jobs Lane Aviation, LLC v. Town of East Hampton, New York*, FAA Docket No. 16-22-05, available at <https://www.regulations.gov/document/FAA-2022-0542-0004>) and to the extent that I previously requested copies of those documents via the May 5, 2022 FOIA request assigned no. 2022-6935 and the supplemental June 14, 2022 request that is the subject of your message, the FAA’s response is that **those documents do not actually exist, and that as a consequence the Town’s quoted representations in the Part 16 proceeding were false?**

Given the potential significance of the FAA's response to my June 14, 2022 request, I would appreciate your prompt response.

Jol Silversmith

---

**From:** 9-AEA-FOIA (FAA) [9-AEA-FOIA@faa.gov](mailto:9-AEA-FOIA@faa.gov)  
**Sent:** Thursday, September 22, 2022 9:09 AM  
**To:** Jol A. Silversmith [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
**Cc:** Goodman, Dedra (FAA) [Dedra.Goodman@faa.gov](mailto:Dedra.Goodman@faa.gov)  
**Subject:** FW: FOIA Acknowledgement Letter - Silversmith

Mr. Silversmith,

This is a partial response to your email below regarding several (4) FOIA requests you submitted to the FAA. This email pertains to your FOIA dated June 14, 2022, only. To avoid any confusion, the other three FOIAs will be addressed in another email.

Your FOIA request dated May 5, 2022 (**#2022-06935**)-attached), is the same as your FOIA dated June 14, 2022 (above). The FAA's response (dated June 6, 2022) to your May 5, 2022 FOIA, states that other offices may have additional documents. However, there are no other FAA offices that have any responsive documents.

Therefore, the FOIA response dated June 6, 2022 is the only and final response to your FOIA request.

Thanks,  
Linda

Linda Chatman  
National FOIA Coordinator, AFN-400  
T – 404-305-5906

*Extraordinary people produce extraordinary results – Ali Bahrami*



---

**From:** Jol A. Silversmith <[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)>  
**Sent:** Friday, September 02, 2022 3:41 PM  
**To:** 9-AEA-FOIA (FAA) <[9-AEA-FOIA@faa.gov](mailto:9-AEA-FOIA@faa.gov)>  
**Cc:** Goodman, Dedra (FAA) <[Dedra.Goodman@faa.gov](mailto:Dedra.Goodman@faa.gov)>  
**Subject:** RE: FOIA Acknowledgement Letter - Silversmith

Dear Sirs:

Per my prior correspondence, multiple FOIA requests that I have submitted to FAA have not been acknowledged, much less fulfilled. In particular:

- A June 14 request, generally for agreements between the Town of East Hampton, New York and FAA.
- A June 17 request, generally for FAA approvals of special procedures for East Hampton Town Airport.
- A June 22 request, generally for FAA-Town communications regarding the newly proposed closure of the airport.
- A June 24 request, generally regarding additional specific documents that FAA previously requested from the Town.

As noted in my August 1, 2022 message, the June 17 request described above should not be conflated with a separate request filed that same day (and assigned no. 2022-8400) regarding Montauk Airport. I also note that since my last correspondence, FAA did acknowledge a request submitted on June 29 (no. 2022-9703).

I would appreciate an update.

Jol Silversmith

Exhibit 33





U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Office of the Regional Administrator  
Eastern Region

1 Aviation Plaza  
Jamaica, NY 11434

May 17, 2022

Mr. Andrew Barr  
Cooley LLP  
1144 15<sup>th</sup> Street, Suite 2300  
Denver, CO 80202-2686

Dear Mr. Barr:

The Federal Aviation Administration (FAA) has received your email sent to David Fish, Director of the Airports Division in the Eastern Region, asking how the Town of East Hampton could potentially withdraw or delay the deactivation of East Hampton Airport in accordance with a Temporary Restraining Order (TRO) issued by the New York State Supreme Court. In responding to your request, we have reviewed the court's order, which enjoins the Town of East Hampton from "deactivating or closing HTO Airport on May 17, 2022, or any date thereafter pending a determination on Petitioners' motion for a preliminary injunction." You have asked how East Hampton could potentially withdraw or delay the deactivation of East Hampton Airport in accordance with the state court TRO.

In response to your question, the paramount concern of the FAA is assuring aviation safety, including during the process of the activation or deactivation of an airport pursuant to 14 CFR part 157. The deactivation of the East Hampton airport is a process that cannot be quickly, and more importantly safely stopped, or undone, by the FAA, as certain steps have already been taken, including changing the airport identifier and creating new special instrument procedures that pilots have been advised to follow. Our February 2, 2022 letter to the Town indicated that "the deactivation of the airport has genuine consequences. Once an airport is deactivated, it cannot be reopened with the same facilities and procedures simply by reactivating it....[T]he concrete actions that are taken upon deactivation; actions that, once taken, cannot simply be reversed.".... "The actions that have already been taken will result in the following circumstances:

1. The Location Identifier of East Hampton Airport (HTO) will cease to exist in our system at 11:59 PM on May 18, 2022 and will be replaced with the Airport Identifier of JPX. We can't simply undo this. Any reference to HTO, the old identifier, (Coded Departure Routes, instrument flight procedures, VFR charts etc.) will cease to exist. This means pilots cannot use HTO as an origin or destination on a flight plan or file a flight plan to HTO. This presents aviation safety risks in the congested New York airspace.

2. The airspace designated to HTO will not be on the new aeronautical charts scheduled for publication on May 19, 2022.
3. The current Instrument Approach Procedures (IAP) will decommission on May 18, 2022. The final deadline that would have permitted pulling this back was missed. These procedures were rebuilt as special instrument flight procedures using a third party provider, Flight Tech Engineering. The special instrument flight procedures have been flight validated and are set to publish as specials on May 19, 2022.
4. Air Traffic Control (N90) has been trained and the Letter of Agreement (LOA) between the Town and the FAA has been developed and signed for the Airport (JPX). Any change to the strategy would require retraining the controllers at N90. Even if the current IAP could be revived, Controllers must be re-trained in the former procedures. This training in the new procedures and subsequent retraining in the old procedures is likely to cause confusion for the controllers which will create an unacceptable safety risk.
5. At this juncture, given the fact that the FAA cannot safely forestall several aspects of the deactivation process, including the location identifier and instrument approaches, it is more prudent to continue operating the airport under the JPX identifier after May 19, 2022. This action would provide for airspace definition in accordance with the Part 71 process [14 CFR part 71]. With a definitive Airport and Location Identifier, all interested parties can file flight plans to the airport, and all coded departure routes that reflect JPX will be applicable for use immediately on May 19, 2022. The LOA that has already been signed will remain valid and the controllers will not need to be retrained.

As a result of the actions already taken and processes in place, the FAA has significant concern that the Court and the parties have introduced a major safety issue into this complex airspace system. FAA is working on the processes to enable the Town to operate JPX and implement the substance of the court's order while maintaining safety in the National Airspace. We trust that you will communicate these concerns to the Court and keep them in mind going forward.

Sincerely,

Marie Kennington-Gardiner  
Regional Administrator

Exhibit 34

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[United States Department of Transportation](#)



**Federal Aviation  
Administration**

## FOIA Form

### Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records. 

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, NW  
Suite 700  
Washington, DC 20006

June 17, 2022

Federal Aviation Administration  
Federal Aviation Administration  
National Freedom of Information Act Staff, AFN-400

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On April 26, 2022, the Town of East Hampton, New York issued a press release which stated that FAA on April 22 had "formally approved the Town's application to provide "special procedures," making instrument landings possible at the new, private-use airport." So far as can be determined, this approval has not been made publicly available by FAA – nor have the application or any associated materials. This is a request for that approval, as well as the application filed by the Town, and any associated correspondence and documents, including but not limited to items drafted by and sent to or from the Town's vendor, Flight Tech Engineering, as well as correspondence within the FAA, including but not limited to how/if the application can and should be expedited.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Mr. Jol A Silversmith

Phone: 2029737918

jsilversmith@kmazuckert.com

Page last modified: October 12, 2012 9:24:22 AM EDT

Exhibit 35

 An official website of the United States government [Here's how you know](#) 

[United States Department of Transportation](#)



**Federal Aviation  
Administration**

## FOIA Form

### Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records.

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

June 17, 2022

Federal Aviation Administration  
Federal Aviation Administration  
Eastern Service Center Air Traffic Organization FOIA Coordinator, AJO-  
2E5  
P.O. Box 20636  
Atlanta, GA 30320

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On April 26, 2022, the Town of East Hampton, New York issued a press release which stated that FAA on April 22 had "formally approved the Town's application to provide "special procedures," making instrument landings possible at the new, private-use airport." So far as can be determined, this approval has not been made publicly available by FAA – nor have the application or any associated materials. This is a request for that approval, as well as the application filed by the Town, and any associated correspondence and documents, including but not limited to items drafted by and sent to or from the Town's vendor, Flight Tech Engineering, as well as correspondence within the FAA, including but not limited to how/if the application can and should be expedited.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Mr. Jol A Silversmith  
Member

Phone: 2029737918  
jsilversmith@kmazuckert.com

Page last modified: October 12, 2012 9:24:22 AM EDT



Exhibit 36

 An official website of the United States government [Here's how you know](#) 

[United States Department of Transportation](#)



**Federal Aviation  
Administration**

## FOIA Form

### Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records.

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, NW  
Suite 700  
Washington, DC 20006

June 17, 2022

Federal Aviation Administration  
Federal Aviation Administration – Eastern Region  
National Freedom of Information Act Staff, AFN-400E

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On April 26, 2022, the Town of East Hampton, New York issued a press release which stated that FAA on April 22 had “formally approved the Town’s application to provide “special procedures,” making instrument landings possible at the new, private-use airport.” So far as can be determined, this approval has not been made publicly available by FAA – nor have the application or any associated materials. This is a request for that approval, as well as the application filed by the Town, and any associated correspondence and documents, including but not limited to items drafted by and sent to or from the Town’s vendor, Flight Tech Engineering, as well as correspondence within the FAA, including but not limited to how/if the application can and should be expedited.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company’s business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Mr. Jol A Silversmith

Phone: 2029737918

jsilversmith@kmazuckert.com

Page last modified: October 12, 2012 9:24:22 AM EDT

Exhibit 37

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**From:** Jol A. Silversmith  
**Sent:** Monday, August 1, 2022 4:58 PM  
**To:** 9-AEA-FOIA@faa.gov  
**Cc:** dedra.goodman@faa.gov  
**Subject:** RE: FOIA Acknowledgement Letter - Silversmith  
**Attachments:** FOIA Request - HQ - 06 17 22.pdf

Dear Sirs:

Thank you for your response.

Although a FOIA request I submitted on June 17, 2022 (regarding Montauk Airport) has been assigned no. 2022-8400, my July 29, 2022 inquiry concerned a different FOIA request that was submitted on June 17, 2022 – i.e., as explicitly indicated in my inquiry, a request concerning FAA's approval of special procedures for East Hampton Town Airport. A copy of that request is attached.

Given that it appears this request has been outright overlooked (and like the others identified in my prior email, all are overdue), I believe it would be a sign of good faith for your office to expedite its processing?

Jol

**Jol A. Silversmith**  
Member  
KMA Zuckert LLC  
888 17th Street, NW, Suite 700  
Washington, DC 20006  
+1 (202) 973-7918 Direct  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)



---

**From:** 9-AEA-FOIA (FAA) [9-AEA-FOIA@faa.gov](mailto:9-AEA-FOIA@faa.gov)  
**Sent:** Monday, August 1, 2022 9:46 AM  
**To:** Jol A. Silversmith [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
**Cc:** Goodman, Dedra (FAA) [Dedra.Goodman@faa.gov](mailto:Dedra.Goodman@faa.gov)  
**Subject:** FW: FOIA Acknowledgement Letter - Silversmith

Mr. Silversmith,

We received your email seeking an update to several FOIA requests you sent our office; they were dated June 14, **June 17**, June 22, June 24, and June 29 of 2022. Below is the email we sent you with the FOIA acknowledgement letter dated July 5, 2022, for your FOIA request dated June 17, 2022. This request was assigned to our Headquarters Airports office, ARP-001. They should be contacting you regarding your response.

More information to come on your other FOIA requests dated June 14, June 22, June 24, and June 29, 2022.

Thanks,  
AEA FOIA Office



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**From:** 9-AEA-FOIA (FAA) <[9-AEA-FOIA@faa.gov](mailto:9-AEA-FOIA@faa.gov)>  
**Sent:** Monday, June 27, 2022 7:57 AM  
**To:** [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
**Subject:** FOIA Acknowledgement Letter - Silversmith

Mr. Silversmith,

Please see the attached FOIA acknowledgement letter.

Thanks,  
FOIA Office.



---

**From:** [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com) <[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)>  
**Sent:** Friday, June 17, 2022 2:02 PM  
**To:** 7-AWA-ARC-FOIA (FAA) <[7-awa-arc-foia@faa.gov](mailto:7-awa-arc-foia@faa.gov)>  
**Subject:** AEA: Request under the Freedom of Information Act, 5 U.S.C. § 552

*Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, NW  
Suite 700  
Washington, DC 20006*

June 17, 2022

*Federal Aviation Administration  
Federal Aviation Administration – Eastern Region  
National Freedom of Information Act Staff, AFN-400E*

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On May 6, 2019 and April 2, 2021, I submitted FOIA requests (no. 2019-006832 and no. 2021-002773) for FAA correspondence with or regarding Montauk Airport (MTP) and restrictions applicable to the sale of that airport (e.g., the terms on which the private owners of the airport could profit from the sale, consistent with the prohibition on revenue diversion which is applicable because the airport has been a recipient of AIP grants). As an initial matter, this is a request for any documents regarding the potential sale of MTP and the duration of its federal obligations, supplementing the prior requests, for which the most recent response was dated July 30, 2021. In addition, this is a request for any documents not previously provided which discuss the means through which the airport could be closed and/or restrictions adopted by the airport, including if statutes such as ANCA and 49 U.S.C. 40103(e) would be applicable if the airport were to close and subsequently reopen, similar to the guidance provided by David Fish of the Eastern Region to the Town of East Hampton, New York in a letter dated November 6, 2020.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Mr. Jol A Silversmith

Phone: 2029737918

[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)

---

Form URL: [https://www.faa.gov/foia/email\\_foia/review/](https://www.faa.gov/foia/email_foia/review/)

User agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/102.0.0.0 Safari/537.36

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**Federal Aviation  
Administration**

## FOIA Form

### Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records.

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, NW  
Suite 700  
Washington, DC 20006

June 17, 2022

Federal Aviation Administration  
Federal Aviation Administration  
National Freedom of Information Act Staff, AFN-400

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On April 26, 2022, the Town of East Hampton, New York issued a press release which stated that FAA on April 22 had "formally approved the Town's application to provide "special procedures," making instrument landings possible at the new, private-use airport." So far as can be determined, this approval has not been made publicly available by FAA – nor have the application or any associated materials. This is a request for that approval, as well as the application filed by the Town, and any associated correspondence and documents, including but not limited to items drafted by and sent to or from the Town's vendor, Flight Tech Engineering, as well as correspondence within the FAA, including but not limited to how/if the application can and should be expedited.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Mr. Jol A Silversmith



Phone: 2029737918

jsilversmith@kmazuckert.com

Page last modified: October 12, 2012 9:24:22 AM EDT

Exhibit 38

## Jol A. Silversmith

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**From:** Goodman, Dedra (FAA) <Dedra.Goodman@faa.gov>  
**Sent:** Friday, October 7, 2022 6:02 PM  
**To:** Jol A. Silversmith  
**Subject:** RE: Unacknowledged FOIA Requests

Good evening, Mr. Silversmith.

Thank you for attachments associated to the draft complaint. I have taken steps to issue acknowledgement letters, which you should have received earlier today on the following requests:

FAA-2023-00236: Exhibits 19 through 22 – June 17, 2022  
FAA-2023-00231: Exhibit 22 – June 22, 2022  
FAA-2023-00235: Exhibit 22 – June 24, 2022  
FAA-2023-00233: Exhibit 29 – June 24, 2022

Sincerely,  
Dedra Goodman  
FAA FOIA Officer  
Manager, FAA FOIA Program Office, AFN-400  
FAA Office of Finance & Management



---

**From:** Jol A. Silversmith <jsilversmith@kmazuckert.com>  
**Sent:** Friday, September 30, 2022 4:34 PM  
**To:** Goodman, Dedra (FAA) <Dedra.Goodman@faa.gov>  
**Subject:** RE: Unacknowledged FOIA Requests

Dear Ms. Goodman:

I have attached the exhibits that correspond to the draft complaint. Please note that you were previously copied on some of my correspondence.

Although not included in the draft, please take notice of the issues raised in my emails of September 23 and September 27 – i.e., FAA's assertion that certain documents do not exist..

Jol Silversmith

**Jol A. Silversmith**  
Member  
KMA Zuckert LLC  
888 17th Street, NW, Suite 700  
Washington, DC 20006  
+1 (202) 973-7918 Direct  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)



---

**From:** Goodman, Dedra (FAA) [Dedra.Goodman@faa.gov](mailto:Dedra.Goodman@faa.gov)  
**Sent:** Thursday, September 29, 2022 5:14 PM  
**To:** Jol A. Silversmith [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
**Subject:** RE: Unacknowledged FOIA Requests

Good afternoon, Mr. Silversmith.

As FAA's FOIA Officer and FOIA Program Manager, I am looking into the issues raised in your draft complaint. I am writing to request a copy of the exhibits you reference in that document. You have filed a number of FOIA requests with the FAA seeking records pertaining to the topics described in your complaint. I am assuming that most of the exhibits referenced are the FOIA requests you believe require some action from FAA. A copy of these requests would be helpful to me in ensuring I am looking into all of the requests relevant to your concerns.

You may contact me on all future communications regarding this matter.

Sincerely,  
Dedra Goodman  
FOIA Officer  
Manager, FAA FOIA Program Office, AFN-400  
FAA Office of Finance & Management



---

**From:** Jol A. Silversmith [jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)  
**Sent:** Friday, September 23, 2022 4:57 PM  
**To:** Nichols, Marc (FAA) [Marc.Nichols@faa.gov](mailto:Marc.Nichols@faa.gov)  
**Cc:** [shannetta.griffin@faa.gov](mailto:shannetta.griffin@faa.gov); Goodman, Dedra (FAA) [Dedra.Goodman@faa.gov](mailto:Dedra.Goodman@faa.gov)  
**Subject:** Unacknowledged FOIA Requests

Dear Mr. Nichols:

As you may be aware, disputes regarding efforts to restrict operations at the airport in East Hampton, New York are pending both before federal and state courts as well as the FAA. In connection with those proceedings, in May and June 2022 I submitted certain FOIA requests to the FAA, primarily but not exclusively seeking documents under the jurisdiction of the Associate Administrator for Airports. The agency has responded to some of them; and some others have been acknowledged although they have not yet been fulfilled.

However, for certain requests, the agency has not even provided an acknowledgement, even though the statutory deadline for a complete response long since has elapsed and multiple requests for status updates have been sent

to the FAA. Additionally, in one case, FAA did request clarification to confirm that it was not duplicative; that explanation was provided, but FAA since also has failed to act on that request.

Given that the requests relate to issues of significant interest to both the public and the agency, we hoped that FAA might actually expedite these requests, not disregard them. We ask your assistance in setting an immediate schedule for the agency to respond to the four requests summarized in the attached draft complaint; otherwise, we will be compelled to finalize and file the pleading in the U.S. District Court for the District of Columbia.

We would appreciate a response from the agency, establishing the requested timetable, no later than October 7, 2022. Of course, if there are any matters we might clarify further, we would welcome outreach from your office, or from the FOIA Liaison.

Best regards.

Jol A. Silversmith

IMPORTANT NOTICE: This electronic mail message and any attached files contain information intended for the exclusive use of the individual or entity to whom it is addressed and may contain information that is proprietary, privileged, confidential and/or exempt from disclosure under applicable law. In no event shall inadvertent transmission constitute a waiver of confidentiality or privilege. If you are not the intended recipient, you are hereby notified that any viewing, copying, direct or indirect disclosure or distribution of this information is strictly prohibited and may be subject to legal restriction or sanction. Please notify the sender or [postmaster@kmazuckert.com](mailto:postmaster@kmazuckert.com) by electronic mail or telephone (+1.312.345.3000) of any unintended recipients and kindly delete the original message without making any copies. Thank you.

Exhibit 39

**Jol A. Silversmith**

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**From:** 7-AWA-ARC-FOIA@faa.gov  
**Sent:** Friday, October 7, 2022 5:23 PM  
**To:** Jol A. Silversmith  
**Subject:** Acknowledgement of FAA FOIA Request FAA-2023-00236  
**Attachments:** AckLtr\_2023-00236 (Silvermsith).pdf

October 7, 2022

Re: Freedom of Information Act (FOIA) Request FAA-2023-00236

Dear Mr. Silversmith:

Please find attached a letter acknowledging the FAA's receipt of your FOIA request dated June 17, 2022, concerning the following: "*[o]n April 26, 2022, the Town of East Hampton, New York issued a press release*

*which stated that FAA on April 22 had "formally approved the Town's application to provide "special procedures,"*

*making instrument landings possible at the new, private-use airport." So far as can be determined, this approval has*

*not been made publicly available by FAA – nor have the application or any associated materials. This is a request for*

*that approval, as well as the application filed by the Town, and any associated correspondence and documents, including*

*but not limited to items drafted by and sent to or from the Town's vendor, Flight Tech Engineering, as well as correspondence*

*within the FAA, including but not limited to how/if the application can and should be expedited."*

Sincerely,

Dedra Goodman

FAA FOIA Officer



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

FOIA Program Management Division

800 Independence Avenue, SW  
Washington, DC 20591

October 7, 2022

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street N.W. #700  
Washington, DC 20006

Re: Freedom of Information Act (FOIA) Request FAA-2023-00236

Dear Mr. Silversmith:

This letter acknowledges receipt of your FOIA request dated June 17, 2022. Your request stated, "[o]n April 26, 2022, the Town of East Hampton, New York issued a press release which stated that FAA on April 22 had "formally approved the Town's application to provide "special procedures," making instrument landings possible at the new, private-use airport." So far as can be determined, this approval has not been made publicly available by FAA – nor have the application or any associated materials." Specifically, you requested a copy of the "approval, as well as the application filed by the Town, and any associated correspondence and documents, including but not limited to items drafted by and sent to or from the Town's vendor, Flight Tech Engineering, as well as correspondence within the FAA, including but not limited to how/if the application can and should be expedited."

Your request has been assigned for action to the office(s) listed below:

Federal Aviation Administration  
Air Traffic Organization  
800 Independence Avenue, SW  
Washington, DC 20591

Contact: Elena Richardson  
elena.richardson@faa.gov

Should you wish to inquire as to the status of your request, please contact the assigned FOIA coordinator(s). Please refer to the above referenced number on all future correspondence regarding this request.

Sincerely,

Dedra Goodman  
FAA FOIA Officer



Exhibit 40

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**Federal Aviation  
Administration**

# FOIA Form

## Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records.

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

June 22, 2022

Federal Aviation Administration  
Federal Aviation Administration  
National Freedom of Information Act Staff, AFN-400

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

In an oral presentation to the Board of the Town of East Hampton, New York on June 7, 2022, William O'Connor, an attorney with the firm of Cooley LLP, stated that: "We have been asked to begin the process of understanding and completing the steps to permanently close JPX as soon as legally possible. The town has conveyed this message to the FAA." This is a request for all documents dated in or around that date, or subsequently, in which O'Connor, Cooley, or the Town communicated with FAA regarding plans to close East Hampton Town Airport (JPX), a/k/a East Hampton Airport (HTO).

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith

Phone: 2029737918  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)



Exhibit 41

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**Federal Aviation  
Administration**

# FOIA Form

## Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records. 

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

June 22, 2022

Federal Aviation Administration  
Federal Aviation Administration – Eastern Region  
National Freedom of Information Act Staff, AFN-400E

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

In an oral presentation to the Board of the Town of East Hampton, New York on June 7, 2022, William O'Connor, an attorney with the firm of Cooley LLP, stated that: "We have been asked to begin the process of understanding and completing the steps to permanently close JPX as soon as legally possible. The town has conveyed this message to the FAA." This is a request for all documents dated in or around that date, or subsequently, in which O'Connor, Cooley, or the Town communicated with FAA regarding plans to close East Hampton Town Airport (JPX), a/k/a East Hampton Airport (HTO).

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith

Phone: 2029737918  
[jsilversmith@kmazuckert.com](mailto:jsilversmith@kmazuckert.com)



Exhibit 42

**Jol A. Silversmith**

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**From:** 7-AWA-ARC-FOIA@faa.gov  
**Sent:** Friday, October 7, 2022 5:10 PM  
**To:** Jol A. Silversmith  
**Subject:** Acknowledgement of FAA FOIA Request FAA-2023-00231  
**Attachments:** AckLtr\_2023-00231 (Silvermsith).pdf

October 7, 2022

Re: Freedom of Information Act (FOIA) Request FAA-2023-00231

Dear Mr. Silversmith:

Please find attached a letter acknowledging the FAA's receipt of your FOIA request dated June 22, 2022, pertaining to

*"an oral presentation to the Board of the Town of East Hampton, New York on June 7, 2022" by "William O' Connor," for*

*"all documents dated in or around that date, or subsequently, in which O'Connor, Cooley, or the Town communicated*

*with FAA regarding plans to close East Hampton Town Airport (JPX), a/k/a East Hampton Airport (HTO)."*

Sincerely,

Dedra Goodman

FAA FOIA Officer





U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

FOIA Program Management Division

800 Independence Avenue, SW  
Washington, DC 20591

October 7, 2022

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street N.W. #700  
Washington, DC 20006

Re: Freedom of Information Act (FOIA) Request FAA-2023-00231

Dear Mr. Silversmith:

This letter acknowledges receipt of your FOIA request dated June 22, 2022, concerning "*an oral presentation to the Board of the Town of East Hampton, New York on June 7, 2022,*" at which "*William O'Connor, an attorney with the firm of Cooley LLP, stated that: "We have been asked to begin the process of understanding and completing the steps to permanently close JPX as soon as legally possible. The town has conveyed this message to the FAA."* You specifically requested, "*a request for all documents dated in or around that date, or subsequently, in which O'Connor, Cooley, or the Town communicated with FAA regarding plans to close East Hampton Town Airport (JPX), a/k/a East Hampton Airport (HTO).*"

Your request has been assigned for action to the office(s) listed below:

Federal Aviation Administration  
Office of Airports (ARP-1)  
800 Independence Avenue, SW  
Washington, DC 20591

Contact: Angelique Berry  
[angelique.berry@faa.gov](mailto:angelique.berry@faa.gov)

Federal Aviation Administration  
Office of Airports - Eastern Region (AEA-600)  
New York, NY

Contact: Alicia Vaughn  
[Alicia.Vaughn@faa.gov](mailto:Alicia.Vaughn@faa.gov)

Contact: Patrick Magnotta  
[Patrick.Magnotta@faa.gov](mailto:Patrick.Magnotta@faa.gov)

Should you wish to inquire as to the status of your request, please contact the assigned FOIA coordinator(s). Please refer to the above referenced number on all future correspondence regarding this request.

Sincerely,

Dedra Goodman  
FAA FOIA Officer

Exhibit 43

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**Federal Aviation  
Administration**

## FOIA Form

### Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records.

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

June 24, 2022

Federal Aviation Administration  
Federal Aviation Administration  
National Freedom of Information Act Staff, AFN-400

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On March 18, 2022, FAA issued a notice that purported to be a conditional no objection to the deactivation of East Hampton Airport (HTO) by the Town of East Hampton, New York (no. 2022-AEA-313-NRA). The notice stated that: "Coordination will be required with the airport operator and the FAA National Flight Data Center (NFDC) to update the FAA Chart Supplement with the airport decommissioning data. The airport needs to coordinate with the NFDC to remove these services from Aeronautical Information Services." Please provide correspondence between the Town and the National Flight Data Center that was triggered by the notice, and any related correspondence or other documents.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith

Phone: 2029737918

jsilversmith@kmazuckert.com

Page last modified: October 12, 2012 9:24:22 AM EDT

Exhibit 44

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**Federal Aviation  
Administration**

# FOIA Form

## Your request has been submitted

Your FOIA request has been submitted. Save or print this page for your records.

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street, N.W.  
Suite 700  
Washington, DC 20006

June 24, 2022

Federal Aviation Administration  
Federal Aviation Administration – Eastern Region  
National Freedom of Information Act Staff, AFN-400E

FOIA Coordinator:

This is a request under the Freedom of Information Act. I request that a copy of the following documents (or documents containing the following information) be provided to me:

On March 18, 2022, FAA issued a notice that purported to be a conditional no objection to the deactivation of East Hampton Airport (HTO) by the Town of East Hampton, New York (no. 2022-AEA-313-NRA). The notice stated that: "Any subsequent action to convey equipment for reactivation would be done by APM-413 Personal Property Lifecycle Section and with the local SSC Management (Long Island SSC, Kimberlee Valdes, 631 619-9050) to transfer ownership of the FAA REIL to the Town of East Hampton, Aviation Property Management." The notice also stated that: "Coordination will be required with the airport operator and the FAA National Flight Data Center (NFDC) to update the FAA Chart Supplement with the airport decommissioning data. The airport needs to coordinate with the NFDC to remove these services from Aeronautical Information Services." The notice also stated that: "The licensee, (Town of East Hampton) is required to modify their Airport identifier in their current FCC license's WQPY 735 121.9 MHz Ground, 125.225 MHz Local Tower, and WQWJ 751 118.075M AWOS. No changes to technical parameters or updates are required at this time. Modifications should be completed as part of any activation process. In addition, the applicant (Town of East Hampton) should submit an application to the FAA for coordination through the WebFCR process and their modifications should be completed in the FCC Universal Licensing System (ULS)." The notice also stated that: You will need to acknowledge and return an email indicating you want to proceed with the De-Activation on May 17th, 2022 to [Diogenes.Ramos@faa.gov](mailto:Diogenes.Ramos@faa.gov)." Additionally, a March 22, 2022 press release issued by the Town states that it "has confirmed to the FAA its intention to proceed with the airport deactivation at 11:59 p.m. on May 17, 2022." Please provide: (1) all correspondence between the Town and Kimberlee Valdes and/or any other employees of SSC

Management that was triggered by the notice, and any related correspondence or other documents, (2) correspondence between the Town and the National Flight Data Center that was triggered by the notice, and any related correspondence or other documents, (3) any application submitted by the Town through the WebFCR process, and any related correspondence or other documents, and (4) the email indicating that the Town wants to proceed with de-activation as sent to Diogenes Ramos and/or any other FAA employees, and any related correspondence or other documents. Additionally, on March 18, 2022, FAA issued a notice that purported to be a conditional no objection to the establishment of a private-use airport by the Town of East Hampton, New York (no. 2022-AEA-415-NRA). The notice stated that: "Any Eastern Service Area (ESA) non-Fed Program Office maintenance oversight for Non-Fed equipment remaining at the Private-Use airport should be deferred to Planning and Requirements - P&R (POC, Phil Barr philip.barr@faa.gov) and agreements established as appropriate." The notice also stated that: "The licensee, (Town of East Hampton) is required to modify their Airport identifier in their current FCC license's WQPY 735 121.9 MHz Ground, 125.225 MHz Local Tower, and WQWJ 751 118.075M AWOS. Those modifications should be completed as part of an Airport Activation process. No changes to technical parameters or updates are required. In addition, the applicant (Town of East Hampton) should submit an application to the FAA for coordination through the WebFCR process and their modifications should be completed in the FCC Universal Licensing System (ULS)." The notice also stated that: "Please complete, sign and date the enclosed Airport Master Record Form and return it to my attention. East Hampton Town Airport is activated and assigned/secured a private use location identifier. Please indicate on the Airport Master Record Form if you desire to have your airport charted. Please be advised that charting of private use airports is not guaranteed. Additionally, if charted, there is no guarantee your airport will remain on FAA published charts. Charting of private use airports relies heavily on landmark value and chart clutter. The inclusion on a chart may take several charting cycles and does not coincide with the issuance of a location identifier. Instructions for completion of the 5010-5 Form can be found online at <https://www.faa.gov> in Advisory Circular (AC) 150/5200-35, "Submitting the Airport Master Record in Order to Activate a New Airport". The notice also stated that: "Please return the Signed 5010 to the FAA indicating you want to proceed with the Activation on May 19th, 2022. Please return/email the signed 5010 to Diogenes.Ramos@faa.gov." Please provide (1) all correspondence between the Town and Phil Barr and/or any other employees of Planning and Requirements that was triggered by the notice, and any related correspondence or other documents, (2) any application submitted by the Town through the WebFCR process, and any related correspondence or other documents, (3) any airport master record form submitted by the Town, and any related correspondence or other documents, and (4) the signed 5010 as returned to Diogenes Ramos and/or any other FAA employees, and any related correspondence or other documents.

In order to determine my status to assess fees, you should know that my fee category is:

affiliated with a private company and seeking records for the company's business.

The maximum dollar amount I am willing to pay for this request is \$100. Please notify me if the fees will exceed \$25.00 or the maximum dollar amount I entered.

Thank you for your consideration of this request.

Sincerely,

Jol A Silversmith

Phone: 2029737918

jsilversmith@kmazuckert.com

Page last modified: October 12, 2012 9:24:22 AM EDT



Exhibit 45

**Jol A. Silversmith**

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**From:** dedra.goodman@faa.gov  
**Sent:** Friday, October 7, 2022 5:21 PM  
**To:** Jol A. Silversmith  
**Subject:** Acknowledgement of FAA FOIA Request FAA-2023-00235  
**Attachments:** AckLtr\_2023-00235 (Silvermsith).pdf

October 7, 2022

Re: Freedom of Information Act (FOIA) Request FAA-2023-00235

Dear Mr. Silversmith:

Please find attached a letter acknowledging the FAA's receipt of your FOIA request dated June 24, 2022, concerning the following: "*[o]n March 18, 2022, FAA issued a notice that purported to be a conditional no objection to the deactivation of East Hampton Airport (HTO) by the Town of East Hampton, New York (no. 2022-AEA-313-NRA). The notice stated that: "Coordination will be required with the airport operator and the FAA National Flight Data Center (NFDC) to update the FAA Chart Supplement with the airport decommissioning data. The airport needs to coordinate with the NFDC to remove these services from Aeronautical Information Services." Please provide correspondence between the Town and the National Flight Data Center that was triggered by the notice, and any related correspondence or other documents.*"

Sincerely,

Dedra Goodman

FAA FOIA Officer



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

FOIA Program Management Division

800 Independence Avenue, SW  
Washington, DC 20591

October 7, 2022

Jol A Silversmith  
KMA Zuckert LLC  
888 17th Street N.W. #700  
Washington, DC 20006

Re: Freedom of Information Act (FOIA) Request FAA-2023-00235

Dear Mr. Silversmith:

This letter acknowledges receipt of your FOIA request dated June 24, 2022. Your request stated, "*[o]n March 18, 2022, FAA issued a notice that purported to be a conditional no objection to the deactivation of East Hampton Airport (HTO) by the Town of East Hampton, New York (no. 2022-AEA-313-NRA). The notice stated that: "Coordination will be required with the airport operator and the FAA National Flight Data Center (NFDC) to update the FAA Chart Supplement with the airport decommissioning data. The airport needs to coordinate with the NFDC to remove these services from Aeronautical Information Services".*" Specifically, you requested "*correspondence between the Town and the National Flight Data Center that was triggered by the notice, and any related correspondence or other documents.*"

Your request has been assigned for action to the office(s) listed below:

Federal Aviation Administration  
Air Traffic Organization  
800 Independence Avenue, SW  
Washington , DC 20591

Contact: Elena Richardson  
elena.richardson@faa.gov

Should you wish to inquire as to the status of your request, please contact the assigned FOIA coordinator(s). Please refer to the above referenced number on all future correspondence regarding this request.

Sincerely,

Dedra Goodman  
FAA FOIA Officer

Exhibit 46

**Jol A. Silversmith**

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**From:** 7-AWA-ARC-FOIA@faa.gov  
**Sent:** Friday, October 7, 2022 5:15 PM  
**To:** Jol A. Silversmith  
**Subject:** Acknowledgement of FAA FOIA Request FAA-2023-00233

October 7, 2022

Re: Freedom of Information Act (FOIA) Request FAA-2023-00233

Dear Mr. Silversmith:

Please find attached a letter acknowledging the FAA's receipt of your FOIA request dated June 24, 2022, for records

related to FAA notices 2022-AEA-313-NRA and 2022-AEA-415-NRA and the purported deactivation of East Hampton Airport

by the Town of East Hampton, New York and the establishment of a private-use airport by the Town of East Hampton, New York, respectively.

Sincerely,

Dedra Goodman

FAA FOIA Officer