

MEMORANDUM

Date: February 15, 2022

To: Chris Pomeroy, Airport Director
Friedman Memorial Airport

From: Bryan O. Elliott, A.A.E. *Bryan O. Elliott*

Subject: SUN MINIMUM STANDARDS PUBLIC COMMENT / STAKEHOLDER ENGAGEMENT SUMMARY

Following is a summary of the Public Comment / Stakeholder engagement process and resulting recommended amendments to the Friedman Memorial Airport Authority (Airport Authority) proposed Minimum Standards for Commercial Aeronautical Service Providers (Minimum Standards).

PUBLIC COMMENT / STAKEHOLDER ENGAGEMENT SUMMARY

Since initiation of the Minimum Standards project in 2021, the Airport Authority has taken proactive measures to inform and seek public / stakeholder comment and feedback. These measures have included:

- Authority staff briefings to the Authority Board on the status of the Minimum Standards project throughout 2021 during the Authority Board's regularly scheduled monthly meetings
- The Authority forming a sub-committee to work with the Authority staff to review and comment on the Minimum Standards document
- Authority staff and its consultants providing background information on the Minimum Standards at one public Minimum Standards sub-committee meeting and 2 regularly scheduled Authority Board meetings
- Posting the Minimum Standards on the Authority's webpage and providing a link and email address for the public to submit comments and feedback. The webpage was active as of late November 2021 and comments were received through early January 2022 (approximately 45 days)
- Notifying 38 Airport stakeholders through 5 separate emails of the availability of the webpage and how to submit comments
- Conducting 2 virtual stakeholder meetings where background information on the Minimum Standards was provided and participants were afforded time to provide comments or questions; and
- Conducting a public hearing on the Minimum Standards at the February 1, 2022 Airport Authority Board meeting

Feedback and questions received through the Authority's Public Comment / Stakeholder Engagement effort was consolidated into a question and answer document and provided to the Authority in late January 2022.



This document was reviewed by the Board's subcommittee and distributed to the Authority Board in advance of its February 1, 2022 meeting. In addition, this consolidated question and answer document was posted on the Authority's Minimum Standards webpage.

RECOMMENDED AMENDMENTS TO THE MINIMUM STANDARDS

Based on the previously referenced question and answer document as well as the public comments received during the Authority's February 1, 2022 public hearing, it is recommended that the Authority consider amending the Minimum Standards as follows:

1. SECTION 2. STATEMENT OF POLICY

Recommendation: Delete Paragraph G related to waivers and insert a new standalone section entitled: "Waivers and Variances." This proposed standalone section is included as an attachment to this memorandum.

Comment: Because of some of the aspirational and visionary elements contained in the Minimum Standards, it is recommended the Authority allow an applicant to request a waiver or variance to a specific requirement or standard based upon market conditions, available space, or demand for such services at the Airport that exist at the time of the submittal of an application.

2. SECTION 2. STATEMENT OF POLICY

Recommendation: Paragraph I states: "All existing Operators shall become subject to the then-current Minimum Standards upon the modification, amendment, extension, or renewal of an existing Agreement."

Comment: The intent of this Paragraph I is to clarify that any entity holding a lease and use agreement at the time of adoption of new or amended Minimum Standards is to be held to the minimum standards in effect at the date of the commencement of their respective lease and use agreement rather than the new or amended Minimum Standards (i.e. "grandfather clause"). Such entities shall be held to the minimum standards in effect for the Airport upon the modification, amendment, extension, renewal, or acceptance of a new lease and use agreement.

3. SECTION 5. GENERAL REQUIREMENTS

Recommendation: Include language in the Minimum Standards that specifically incorporates, by reference, policies and requirements outlined in the Federal Aviation Administration's (FAA) "FAA Policy on Non Aeronautical Use of Airport Hangars", 81 Fed. Reg. 38906 (June 15, 2016).

Comment: The Minimum Standards requires Operators to "comply with all applicable federal, state, and local laws, rules, regulations, orders and permits required by the FAA, TSA, Authority and any other federal, state, or local agencies and successor having jurisdiction over the Airport." Nevertheless, given the relatively extensive number of existing, and potentially new, hangars at the Airport coupled with the FAA's specific guidance on hangars, it is recommended that the final version of the Minimum Standards specifically incorporate reference to and compliance with the FAA's Hangar Use Policy.

4. SECTION 9. APPLICATION PROCESS

Recommendation: Incorporate language into the Minimum Standards allowing an applicant seeking to provide a Commercial Aeronautical Activity on the Airport the opportunity to submit a request for a waiver or variance to a specific requirement or standard. Note that should the Authority accept this recommendation, it will also be necessary to amend Section 10, Action on Applications to Offer Commercial Aeronautical Activities, to enumerate that the Authority may deny an application if supporting documentation requesting such waiver or variance is not provided.

Comment: The Minimum Standards represent a policy document of the Authority that establishes, to the greatest extent possible, an operating environment that is safe and where high-quality aeronautical products and services are being provided to the public. In addition, the Minimum Standards seek to protect against unlicensed and unauthorized entities operating on the Airport and also offers a platform to guide the design and development of high-quality facilities which should translate to the orderly development of Airport property. Finally, the Minimum Standards will promote the economic health of the Airport and its aeronautical businesses and offer consistent policies for similar treatment of like Entities. It is recognized that the Minimum Standards, upon adoption, will reflect some aspirational and visionary elements that may not be reflective of the operating environment of the Airport at the time a request or application is filed with the Authority.

5. SECTION 11. REQUIREMENTS AND STANDARDS FOR FIXED BASE OPERATORS

Recommendation: Delete the requirement for a Fixed Base Operator to provide flight instruction and aircraft rental services and replace with a requirement obligating a Fixed Base Operator to reserve appropriate space (i.e. Office, tiedowns, public parking) within its Premises to accommodate a SASO such as a flight instruction / aircraft rental operation during the Term of its Airport Lease and Operating Agreement. Note that should the Authority accept this recommendation it will also be necessary to amend Section 12, Minimum Standards for Specialized Aviation Service Providers, to include the current flight instruction and aircraft rental standards contained in Section 11.

Comment: Requiring a Fixed Base Operator to provide directly, or indirectly, through an authorized SASO, flight instruction and aircraft rental services may not align with the market realities of the Airport at the time an Entity submits an application. Providing the opportunity for an applicant seeking to become a Fixed Base Operator to offer such services on an optional basis provides greater flexibility and an acknowledgement of the realities of the market environment that may exist at the time an application is submitted to the Authority. At the same time, requiring a Fixed Base Operator to have available space for sublease to a qualifying SASO promotes the Authority's goals and objectives for its Minimum Standards.

6. SECTION 12. MINIMUM STANDARDS FOR SPECIALIZED AVIATION SERVICE PROVIDERS

Recommendation: Amend all references to the "City of Hailey, Idaho" to include "Blaine County, Idaho."

Recommendation: The Authority may acquire property in the future which is within the boundaries of Blaine County, Idaho. If such land acquisition occurs, and the Authority deems that any such acquired land is appropriate to support the provision of Commercial Aeronautical Activities, the rules, regulations, and policies of Blaine County, Idaho will apply to this acquired property.

7. SECTION 14. VIOLATIONS

Recommendation: Incorporate language into the Minimum Standards referencing Blaine County as having jurisdictional rights and may impose penalties in addition to the City of Hailey.

Comment: The Authority may acquire property in the future which is within the boundaries of Blaine County, Idaho. If such land acquisition occurs, and the Authority deems that any such acquired land is appropriate to support the provision of Commercial Aeronautical Activities, the rules, regulations, and policies of Blaine County, Idaho will apply to this acquired property.

Thank you for the opportunity to provide this summary of public comments and stakeholder feedback on the Minimum Standards and offer corresponding recommendations for amendments. Please let me know if you have any questions or would like to discuss this in greater detail.

cc: 21011210-01

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