

RESOLUTION NO. 1596

A RESOLUTION OF THE PORT COMMISSION OF THE PORT OF PASCO APPROVING MINIMUM STANDARDS AT THE TRI-CITIES AIRPORT

WHEREAS, the Port Commission of the Port of Pasco owns, operates, and is responsible for the administration of the Tri-Cities Airport; and

WHEREAS, the minimum standards are designed to minimize the potential for violation of federal obligations at the airport as well as outline the minimum requirements necessary to conduct a specific activity at the airport.

NOW, THEREFORE, BE IT RESOLVED that the Port of Pasco Commission hereby adopts the Tri-Cities Airport Minimum Standards, effective January 1, 2023, as set forth in Exhibit A.

ADOPTED this 15 day of December 2022,

PORT OF PASCO COMMISSION



Vicki Gordon, President



Jean Ryckman, Vice-President



Jim Klindworth, Secretary

Exhibit A

**Tri-Cities Airport
Minimum Standards**

1. Legal Authority

- 1.1. These Minimum Standards for the Tri-Cities Airport (“Airport”) are effective as of the date of adoption by the Board of Commissioners of the Port of Pasco, which date is January 1, 2023 (“Effective Date”).
- 1.2. The Port adopts these Minimum Standards pursuant to the authority of Revised Code of Washington (“RCW”) Section 14.08.120(2), RCW Section 53.08.220(1), and the Port’s authority as the owner, operator and sponsor of the Airport.
- 1.3. In addition to these Minimum Standards, all persons on the Airport are subject to applicable provisions of federal laws, regulations and directives of the Federal Aviation Administration and Transportation Security Administration; laws of the State of Washington; the laws and ordinances of the County of Franklin and the City of Pasco; the Airport Rules and Regulations; the Airport Leasing Policy; Protective Covenants and Restrictions applicable to the Airport; and the directives of the Airport Director concerning the safe, secure and efficient operation of the Airport.
- 1.4. The Port recognizes the jurisdiction of the federal government, delegated to the Federal Aviation Administration, concerning the licensing and regulation of pilots, Air Carriers and aircraft; and concerning the navigable airspace. Nothing herein is intended to assert jurisdiction by the Port over matters under the exclusive jurisdiction of the federal government, and the provisions hereof shall be interpreted consistent with this purpose.
- 1.5. These Minimum Standards cancel and supersede any and all previously-adopted Minimum Standards governing Commercial Aeronautical Activities at the Airport, except as provided explicitly herein.
- 1.6. The Port may, in its sole discretion, revisit and amend these Minimum Standards from time to time as circumstances warrant. Any amendments to these Minimum Standards shall be considered at a duly-noticed regular or special meeting of the Board of Commissioners in accordance with the Bylaws.
- 1.7. The invalidation of any specific provisions hereof shall not affect the validity of the remainder of these Minimum Standards.
- 1.8. Except as may be prescribed herein or pursuant to an Agreement, the standards and requirements of these Minimum Standards are minimums and may be exceeded.

2. Purposes

- 2.1. These Minimum Standards set forth the conditions that must be satisfied in exchange for the privilege of conducting Commercial Aeronautical Activities at the Airport.
- 2.2. In establishing these Minimum Standards, the Port's goals are as follows:
 - 2.2.1. To encourage growth and development of the Airport by ensuring a minimum level of aeronautical services and facilities for Airport users.
 - 2.2.2. To promote safety in all Airport activities.
 - 2.2.3. To maintain a higher quality of service for Airport users.
 - 2.2.4. To protect Airport users from unlicensed and unauthorized products and services.
 - 2.2.5. To enhance the availability of service for all Airport users.
 - 2.2.6. To provide a clear and objective distinction between service providers that will provide a satisfactory level of service and those that will not.

3. Administration and Enforcement

- 3.1. The Airport Director has primary responsibility for the administration and interpretation of these Minimum Standards and is authorized to issue determinations and interpretive guidance in conformity with these Minimum Standards.
- 3.2. An Entity may request an advisory opinion from the Airport Director as to the application of these Minimum Standards to such Entity. Any person may seek reconsideration of the Airport Director's advisory opinion through a written appeal to the Board of Commissioners.
- 3.3. These Minimum Standards are not intended to be independently actionable. Rather, compliance with these Minimum Standards is an obligation in each Lease, License or Agreement between the Port and a Commercial Aeronautical Operator. Violation of these Minimum Standards may constitute an event of default under the Lease, License or Agreement and subject the Operator to enforcement action, claims for damages, termination, and requests in judicial proceedings for injunctive relief, specific performance and other remedies.
- 3.4. These Minimum Standards shall be posted on the Airport website maintained by the Port and copies made available for inspection in the Airport administrative office.

4. Application

4.1. These Minimum Standards shall apply to the following:

- 4.1.1. Any Entity proposing to conduct a Commercial Aeronautical Activity at the Airport, including Fixed Base Operators (FBOs) and Specialized Aviation Service Operators (SASOs), after the Effective Date. These Minimum Standards shall apply to existing FBOs and SASOs operating on the Airport prior to the Effective Date in accordance with Section 4.3.
- 4.1.2. The Port, in any instance in which the Port is conducting a Commercial Aeronautical Activity at the Airport, provided that the Port shall not, in conducting a Commercial Aeronautical Activity, be required to satisfy the procedural requirements of Section 8.

4.2. Non-Covered Entities and Activities

4.2.1. These Minimum Standards shall not apply to the following Entities:

- 4.2.1.1. Air carriers, with respect to the conduct of scheduled passenger operations or all-cargo operations at the Airport in accordance with a use and lease agreement or operating permit between the Port and the air carrier.
- 4.2.1.2. Scheduled or non-scheduled air carriers providing service to and from the Airport in accordance with the operating regulations in 14 C.F.R. Part 135 and the economic regulations in 14 C.F.R. Part 135, Part 298, Part 380 or similar regulations of the U.S. Department of Transportation, but not as a tenant at the Airport. This includes, without limitation, an air taxi or charter operator accessing the Airport for the limited purpose of picking up or dropping off passengers when the operator is neither a tenant nor subtenant at the Airport.
- 4.2.1.3. A flight instructor accessing the Airport for the limited purpose of picking up or dropping off a student pilot or conducting flight training at the Airport when the flight instructor is neither a tenant nor subtenant at the Airport.
- 4.2.1.4. An aircraft manufacturer providing parts and services at the specific request of an aircraft owner or operator pursuant to a "rapid response" or similar program.
- 4.2.1.5. Flying Clubs, to the extent that they are exempt from these Minimum Standards as outlined in the Airport Rules and Regulations.

4.2.2. These Minimum Standards shall not apply to the following activities:

4.2.2.1. Non-commercial Aeronautical Activities, including, without limitation, private aircraft storage; Civil Air Patrol; aviation museums; temporary air shows and other special events; air ambulance and similar life flight services.

4.2.2.2. Self-servicing and self-fueling by a Tenant to the extent permitted by the Airport Rules and Regulations.

4.3. Application to Pre-Existing Commercial Aeronautical Operators

4.3.1. Consistent with the purposes hereof, the Port encourages all Commercial Aeronautical Operators operating at the Airport prior to the Effective Date to enhance their facilities and services as may be necessary to achieve compliance with the standards set forth herein.

4.3.2. All Commercial Aeronautical Operators whose Lease, License or Agreement requires compliance with the Airport Minimum Standards "as may be amended", or words to that effect, shall have six (6) months from the Effective Date to achieve compliance with these Minimum Standards. In the event of a conflict between these Minimum Standards and the requirements of the Lease, License or Agreement, the higher or more demanding requirement shall apply. In the event that the application of these Minimum Standards requires an Operator to increase the leased space at the Airport or make capital improvements to its leasehold, the Operator may request a Variance or Waiver in accordance with Section 5.

4.3.3. All Commercial Aeronautical Operators who are not required by operation of their Lease, License or Agreement to come into compliance with these Minimum Standards as provided in the preceding paragraph must achieve compliance with these Minimum Standards upon any of the following:

4.3.3.1. Any material amendment of the Operator's Lease, License or Agreement.

4.3.3.2. Any extension of the term of the Lease, License or Agreement, except an extension of the term in accordance with a provision that provides the Operator with the unilateral right to extend the term.

4.3.3.3. The execution of a new Lease, License or Agreement to the same Operator in accordance with Section 8.

4.3.3.4. Any increase or change in the types of Commercial Aeronautical Activities provided by the Operator.

4.3.3.5. Any assignment or subcontract requiring the Port's approval by which a new or different Operator will perform and provide Commercial Aeronautical Activities.

4.4. Non-Tenant Operators

4.4.1. The Port intends for all Commercial Aeronautical Operators to lease space at the Airport in the minimum area prescribed by these Minimum Standards. The purpose of this policy is to ensure that Commercial Aeronautical Operators do not attempt to gain an unfair competitive advantage by operating without the same level of financial investment in the Airport and in their business operation as on-Airport Commercial Aeronautical Operators. Nevertheless, the Port recognizes that there may be limited instances in which a Commercial Aeronautical Activity may be performed by an Entity that does not lease space at the Airport. Specifically, an Entity may be permitted to provide products and services at the Airport upon demonstrating, to the satisfaction of the Airport Director, that no Commercial Aeronautical Operator leasing space at the Airport has the requisite certificate, certified personnel, or access to equipment and parts to provide the product or perform the service. The Airport Director may approve the request from an Entity meeting these conditions provided that (i) the Entity enters into an Agreement with the Port identifying the Commercial Aeronautical Activity that may be performed and the rates and charges assessed for the privilege of conducting the Commercial Aeronautical Activity, and (ii) the Entity satisfies all applicable Minimum Standards, other than minimum leased area, prescribed herein for the Commercial Aeronautical Activity.

4.5. Prohibited Activities

4.5.1. Through-the-Fence Operations (TTF). Commercial Aeronautical Activities involving the taxiing of aircraft between the Airport and adjacent property are prohibited. The Port's obligation to make the Airport available for the use and benefit of the public does not extend to providing airfield access from adjacent property. TTF operations can provide unfair competitive advantage with on-Airport Commercial Aeronautical Operators, limit the Port's ability to regulate the quality of commercial aeronautical products and services; and derogate the safe, secure and efficient operation of the Airport.

4.5.2. Cross-Ownership. Consistent with the Port's obligation to avoid granting exclusive rights, no Person or Entity may hold or control, directly or indirectly, any ownership, voting, management or debt interests (actual or contingent) in

more than one on-Airport commercial aeronautical service provider, absent written authorization by the Airport Director.

- 4.5.3. Prohibited Aeronautical Activities. No Entity shall be permitted to conduct a Commercial Aeronautical Activity at the Airport in support of an Aeronautical Activity that is prohibited by the FAA, the State of Washington, or the Port, including by operation of the Airport Rules and Regulations,

5. Waivers and Variances

- 5.1. Procedure. An Entity may apply in writing to the Airport Director for a Waiver or Variance from any of the requirements of these Minimum Standards. The request shall contain all information considered relevant by the requesting Entity to form a basis for the Port's decision. The Airport Director shall submit the request, along with the Airport Director's recommendation, to the Board of Commissioners at a regular or special meeting of the Board within sixty (60) days of the Airport Director's receipt of all information necessary to base a decision. The Board's decision shall be issued in accordance with the standards set forth in this section and any additional standards as may be considered relevant and appropriate by the Board.
- 5.2. Permanent Waiver for Government Agencies. The Port may issue a permanent Waiver for all or any portion of these Minimum Standards for the benefit of any government or government agency providing public or emergency services, including, for example, and without limitation: law enforcement, disaster relief, search and rescue, fire prevention and firefighting.
- 5.3. Other Permanent Waivers. In extraordinary circumstances, in order to further the Purposes outlined in Section 2.1, the Airport Director, in his/her sole discretion, may grant a permanent Waiver for any portion of these Minimum Standards.
- 5.4. Temporary Waivers and Temporary Variances. The Port may approve a temporary Waiver or temporary Variance of these Minimum Standards upon finding that each of the following conditions is satisfied:
 - 5.4.1. A special condition or unique circumstance exists that makes the application of these Minimum Standards unduly burdensome.
 - 5.4.2. The temporary Waiver or temporary Variance is narrowly tailored to address the special condition or unique circumstance.
 - 5.4.3. The Commercial Aeronautical Operator has agreed to come into full compliance with these Minimum Standards within a prescribed schedule and such schedule is made enforceable by the Port.

- 5.4.4. The Port finds that the temporary Waiver or temporary Variance will not materially interfere with the Commercial Aeronautical Operator's ability to provide high quality products, services and facilities to Airport users.
- 5.4.5. The temporary Variance will not create an unfair competitive relationship among Commercial Aeronautical Operators at the Airport.
- 5.5. Any temporary Waiver or temporary Variance approved by the Port hereunder shall apply only to the specific Commercial Aeronautical Operator and the specific circumstance and shall not serve to amend, modify, or alter these Minimum Standards.

6. Additive Standards and Conflicts

- 6.1. Unless authorized in writing by the Airport Director or otherwise provided herein, Commercial Aeronautical Operators must meet every minimum standard for every authorized Commercial Aeronautical Activity.
- 6.2. In the event of conflicting minimum standards, the Commercial Aeronautical Operator will be required to satisfy the higher or more demanding standard. In the event of a conflict between the Lease, License or Agreement and these Minimum Standards, the terms of the Lease, License or Agreement shall apply.
- 6.3. The Port may permit a SASO conducting multiple Commercial Aeronautical Activities to satisfy a minimum standard hereunder that is less than the sum of the standards for each Commercial Aeronautical Activity, if the Port finds each of the following conditions is satisfied:
 - 6.3.1. The off-set will not affect the Commercial Aeronautical Operator's ability to provide high quality products, services and facilities to Airport users in keeping with the purposes hereof.
 - 6.3.2. The off-set will not create an unfair competitive relationship among Commercial Aeronautical Operators at the Airport. An off-set granted pursuant to his provision shall not constitute a temporary Waiver or temporary Variance as provided in Section 5.

7. Reservation of Rights

- 7.1. The grant of permission by the Port to conduct Commercial Aeronautical Activities at the Airport shall not be construed as granting an exclusive right to conduct a Commercial Aeronautical Activity.
- 7.2. The Port reserves and retains the right to conduct Commercial Aeronautical Activities at the Airport either in competition with other Entities or by exercising a proprietary

exclusive right as recognized by the FAA in Order 5190.6B, *Airport Compliance Manual* (2009) and Advisory Circular 150/5190-6, *Exclusive Rights at Federally-Obligated Airports* (2007).

- 7.3. The Port reserves and retains the right for use of the Airport by others who may desire to use the same, pursuant to applicable federal, state and local laws, ordinances, codes, minimum standards and other regulatory measures pertaining to such use.
- 7.4. The Port reserves and retains the right to plan and develop the Airport in the best interest of the Port, tenants, Airport users and the community without hinderance or interference from any Commercial Aeronautical Operator.
- 7.5. The Port reserves and retains the right to designate the specific Airport areas in which specific Aeronautical Activities may be conducted. Such designation shall give consideration to the nature and extent of the operation and the land and improvements available for such purposes, consistent with the orderly and safe operation of the Airport. The Port reserves the right to refuse to renew, extend or issue a new Lease, License or Agreement to conduct a Commercial Aeronautical Activity on a parcel that has been redesignated for an alternate Aeronautical Activity.
- 7.6. The privilege of using the Airport and any and all of its facilities shall be conditioned on the assumption of full responsibility and risk by the user thereof. The Port reserves the right to claim immunity from liability in connection with its operation of the Airport and to assert any other defense available, including without limitation substantive or procedural defenses pursuant to RCW 4.96 (Actions Against Political Subdivisions, Municipal and Quasi-Municipal Corporations) and RCW 4.24.470 (Liability of Officials and Members of Governing Body of Public Agency – Definitions).

8. Selection of Commercial Aeronautical Operators

- 8.1. This section shall not apply to the Port in its conduct of Commercial Aeronautical Activities at the Airport.
- 8.2. Procurement. Consistent with the purposes set forth in Section 2.1 and the Airport Leasing Policy, the Port shall promote competition for the conduct of Commercial Aeronautical Activities at the Airport through the open, fair and competitive selection of new Commercial Aeronautical Operators in the manner provided in this section.
- 8.3. The Port may, in its sole discretion, initiate a competitive solicitation under the following circumstances, without limitation:
 - 8.3.1. Upon the expiration or termination of a Lease, License or Agreement with an Entity conducting Commercial Aeronautical Activity(ies) at the Airport, in which event the Port may request Statements of Qualifications or proposals from

Entities to conduct the same Commercial Aeronautical Activity(ies), different Activity(ies), or not prescribe whether the submittals must be for commercial or non-commercial use. Notwithstanding the foregoing, nothing in these Minimum Standards shall preclude the Port from entering into negotiations with the incumbent Commercial Aeronautical Operator to extend, renew or enter into a new Lease, License or Agreement.

- 8.3.2. Upon the determination of need for additional Commercial Aeronautical Activity(ies) at the Airport, based on, for illustration and without limitation, the following: traffic forecasts, waiting lists for aircraft storage facilities, activities by Non-Tenant Operators, and the findings and recommendations in updates to the Airport Master Plan.
 - 8.3.3. Upon the determination that vacant improved or unimproved property exists at the Airport that is suitable for Commercial Aeronautical Activity(ies) in accordance with the Airport Master Plan and Airport Layout Plan.
 - 8.3.4. Upon receipt of a Statement of Interest, as provided immediately below.
- 8.4. Unsolicited Statement of Interest. An Entity seeking to conduct a Commercial Aeronautical Activity at the Airport may submit an unsolicited Statement of Interest to the Airport Director.
- 8.4.1. There is no required form for a Statement of Interest. However, the Statement of Interest should address, at a minimum, the following:
 - 8.4.1.1. General overview and scope of the proposed Commercial Aeronautical Activity(ies), including the general area in which the proposed Activity(ies) shall occur.
 - 8.4.1.2. Contact information, including the name, mailing address, email address and telephone number of the Entity.
 - 8.4.2. Upon receipt of a Statement of Interest, the Port may, in its sole discretion, initiate direct negotiations with the Entity, initiate a competitive selection in accordance with Section 8.3 and the Airport Leasing Policy, or take no action if the Statement of Interest contains sufficient information to determine that one or more of the disqualifying factors enumerated in Section 8.5.2 is present.
- 8.5. Proposals
- 8.5.1. If the Port elects to conduct a competitive selection process, it will request a written proposal from interested parties. If the Port decides to enter into direct negotiations with an Entity submitting a Statement of Interest, the Port will

request a proposal from that Entity. Written proposals shall be in the form prescribed by the Port, or, in the absence of a form, shall include the following information and any additional information as may be requested by the Airport Director:

- 8.5.1.1. A comprehensive listing of all services proposed to be offered on or from the Airport.
 - 8.5.1.2. A map, to scale, of the amount, configuration, and location of the land requested or desired to be leased.
 - 8.5.1.3. The size and position of the building(s) to be constructed or leased and the proposed design and terms for the construction of any additional space and the ownership, leasing or subleasing thereof. An identification of any necessary or desirable capital improvements to be constructed in conjunction with the operation and applicant's proposal for financing the same.
 - 8.5.1.4. The requested or proposed date for commencement of the service and the term of conducting the same.
 - 8.5.1.5. The number of persons to be employed (including the qualifications and certifications of each person).
 - 8.5.1.6. Relevant information regarding the Entity's past experience and its key employees in providing the proposed Commercial Aeronautical Activity(ies), together with a statement that the Entity has the financial and managerial ability to perform the selected services.
 - 8.5.1.7. Evidence of the Entity's financial responsibility, in such form as determined reasonably necessary by the Airport Director, including for example and without limitation a letter from a recognized financial institution, copies of audited financial statements, a current credit report, SEC Form 10-K's, and/or annual reports for the previous three years.
- 8.5.2. The Port reserves the right to deny a Statement of Interest or proposal upon finding any of the following:
- 8.5.2.1. The Commercial Aeronautical Activity proposed by the Entity would not meet these Minimum Standards.
 - 8.5.2.2. The Statement of Interest or proposal includes a Commercial Aeronautical Activity that the Port has reserved for itself as a proprietary exclusive right.

- 8.5.2.3. The Port has determined, upon examination of the Entity's business plan, financial plan and/or credit report that the Entity is unlikely to be able to continue to meet these Minimum Standards throughout the term of a Lease, License or Agreement, including the payment of rates and charges.
- 8.5.2.4. The Entity applying or interested in the business cannot provide a performance bond or applicable insurance in the amounts and types required by the Port for that Commercial Aeronautical Activity.
- 8.5.2.5. The Entity has, either intentionally or unintentionally, supplied the Port, or any other Person, with false or misleading information or has failed to make full disclosure in their proposal or supporting documents.
- 8.5.2.6. There is no suitable space on the Airport to accommodate the proposed Commercial Aeronautical Activity without requiring the reduction in space leased to another Entity; or the development or use of the area requested by the Entity will result in a congestion of Aircraft or buildings or will result in unduly interfering with the operations of any present Commercial Aeronautical Operator on the Airport.
- 8.5.2.7. The proposed Commercial Aeronautical Activity is inconsistent with the Airport Layout Plan or the Airport Master Plan.
- 8.5.2.8. The FAA has determined that any proposed development would constitute an obstruction or hazard to air navigation.
- 8.5.2.9. The proposed Commercial Aeronautical Activity would require the Port to spend funds or to supply resources, and such funds or resources are not available or budgeted, or the operation will result in a financial loss to the Port.
- 8.5.2.10. The Entity, an immediate family member of the Entity, a principal of the Entity, or another entity of which a principal of the Entity was a principal, was party to an agreement with the Port that was terminated for cause, was previously evicted from the Airport, or has been party to vexatious or frivolous litigation, including, without limitation, administrative litigation, against the Port concerning Commercial Aeronautical Activities at the Airport.
- 8.5.2.11. The Entity, an immediate family member of the Entity, a principal of the Entity, or an entity of which a principal of the Entity was a

principal, has been debarred by any department, agency or bureau of the U.S. Government or State of Washington or by the Port.

9. Standards Applicable to All Commercial Aeronautical Operators

9.1. Lease, License or Agreement

9.1.1. Commercial Aeronautical Operators must enter into a Lease, License or Agreement with the Port setting forth, at a minimum, permitted and prohibited Commercial Aeronautical Activity(ies) and requiring compliance with these Minimum Standards, as the same may be amended from time to time.

9.1.2. Any Lease shall contain the terms required by the Airport Leasing Policy.

9.2. Personnel and Customer Service

9.2.1. Commercial Aeronautical Operators are to provide high quality customer service by meeting or exceeding Airport customer needs through consistent, responsive, and professional service.

9.2.2. Commercial Aeronautical Operators are to employ the necessary number of trained staff, on-duty management and supervisors to provide for the efficient, safe and orderly operations of its business.

9.2.3. Each Commercial Aeronautical Operator shall provide to the Airport Director a list of contacts, including after-hours contacts in the event of emergencies. The Operator shall update the contact list when changes occur.

9.2.4. Commercial Aeronautical Operators are to control the conduct and demeanor of their personnel, agents, subcontractors, and subtenants, as well as conduct their business operations in a safe, orderly, efficient, and proper manner so as not to unreasonably disturb or endanger any Airport customers, Tenants or other operators.

9.2.5. All personnel employed by a Commercial Aeronautical Operator to perform duties on the Airport are required to be appropriately dressed and identifiable while on duty and to wear a Port-issued airport security badge, as may be required by regulation or directive of TSA. The business name shall be included in the means of identification on each person whose job responsibilities include regular interaction with Airport customers.

9.3. Compliance with Federal, State and Local Requirements

- 9.3.1. Commercial Aeronautical Operators are to comply with all federal, state and local requirements applicable to their operations.
- 9.3.2. Commercial Aeronautical Operators are to conduct all activities so as to allow the Port to remain in compliance with all federal and state statutes, regulations, orders, policies, and grant assurances applicable to the Port in the operation, maintenance, and development of the Airport, including without limitation the Port's obligations under 14 C.F.R. Part 139 and the Port's Airport Compliance Manual.
- 9.3.3. Commercial Aeronautical Operators are to comply with the rules imposed by the Port and the City of Pasco applicable to conduct on the Airport, including without limitation applicable provisions of the Pasco Municipal Code, the Airport Rules and Regulations, and applicable Protective Covenants and Restrictions.
- 9.3.4. Without limiting the generality of the foregoing, Commercial Aeronautical Operators are to comply with the following requirements:
 - 9.3.4.1. Security. Commercial Aeronautical Operators are to comply with the laws, regulations, orders and directives of TSA, as each may be amended; instructions of law enforcement personnel; and the policies, orders and directives of the Port in furtherance of the Airport Security Program.
 - 9.3.4.2. Safety. Commercial Aeronautical Operators are to comply with federal, state and local law applicable to workplace and aviation safety; and the orders and directives of the Airport Director in furtherance of a Safety Management System or similar or related program at the Airport designed and intended to enhance safety.
 - 9.3.4.3. Environmental. Commercial Aeronautical Operators are to comply with all applicable federal, state and local environmental laws; orders and directives of a federal or state agency with requisite jurisdiction over environmental conditions at the Airport; Port environmental policies and procedures, including, for example and without limitation, Spill Prevention Control and Countermeasure ("SPCC") Plan, Stormwater Management Plan ("SWMP") and spill response plan; and generally accepted industry environmental policies and standards.
 - 9.3.4.4. Licenses, Permits, Certifications and Ratings. Commercial Aeronautical Operators shall, at their own costs, obtain, maintain, and comply with all necessary licenses, permits, certifications, or rating required for the conduct of their activities at the Airport. Upon request,

Operator shall provide copies of such licenses, permits, certifications, or rating to the Airport Director.

9.4. Hours of Operation

- 9.4.1. Commercial Aeronautical Operators are encouraged to be and remain open seven (7) days per week, each day throughout the year, during normal business hours, except as otherwise provided herein.
- 9.4.2. Commercial Aeronautical Operators are encouraged to provide on-call, after-hours services and conspicuously post contact information on the Operator's leased premises, website or by other means.

9.5. Signage

- 9.5.1. Each building, vehicle, and piece of mobile or vehicular equipment used on the Airport in conjunction with the Commercial Aeronautical Activity shall bear the Commercial Aeronautical Operator's identification in the form of a company logo, sign, emblem, or other means to designate to whom the building, vehicle, or equipment belongs or is assigned.
- 9.5.2. Identification shall be legible on a contrasting background and shall be visibly displayed.
- 9.5.3. All Commercial Aeronautical Operator identification shall be professionally designed and affixed.

9.6. Vehicles and Equipment

- 9.6.1. The specific equipment requirements contained in these Minimum Standards shall be deemed satisfied if the Commercial Aeronautical Operator owns, leases or otherwise has sufficient access to the equipment to provide the applicable aeronautical services promptly on demand without causing any flight delays or other operational impacts on aircraft at the Airport.
- 9.6.2. Equipment must be maintained in safe operating condition and good appearance.
- 9.6.3. All vehicles operating at the Airport shall comply with applicable rules and regulations governing vehicles and traffic and have required authorization, including authorization to operate on the Movement Area and Safety Areas.

9.7. Reasonable and Not Unjustly Discriminatory Fees and Services

- 9.7.1. Commercial Aeronautical Operators shall furnish and offer services on a reasonable, and not unjustly discriminatory, basis to all customers and prospective customers.
 - 9.7.2. Commercial Aeronautical Operators shall charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the Operator may make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- 9.8. Subcontracting, Subleasing and Assignment
- 9.8.1. As provided in these Minimum Standards and a Lease, License or Agreement, Commercial Aeronautical Operators may sublease or subcontract to another Entity to conduct a Commercial Aeronautical Activity. In such event, the sublessee or subcontractor shall be responsible for complying with all applicable Minimum Standards; provided, however, that the Commercial Aeronautical Operator shall remain liable to the Port for compliance with these Minimum Standards and the terms of an Agreement.
 - 9.8.2. Each Lease, License and Agreement shall require the Board's approval of any assignment, or the Airport Director's approval if such approval authority has been formally delegated to the Airport Director.
 - 9.8.3. No Entity shall conduct a Commercial Aeronautical Activity as a lessee or sublessee of Airport property that is leased or designated for a non-commercial use, including, for example and without limitation, a hangar leased for private, non-commercial use.
- 9.9. Insurance
- 9.9.1. Each Entity conducting Commercial Aeronautical Activities at the Airport must maintain insurance policies and coverage limits that are relevant and appropriate to the activities conducted at the Airport.
 - 9.9.2. Each Lease, License or Agreement shall prescribe the insurance types and coverage limits for the Commercial Aeronautical Operator based upon the circumstances and the risks presented by the proposed Commercial Aeronautical Activity. The applicable insurance coverage shall be in force during the period of any construction of the Commercial Aeronautical Operator's facilities and/or prior to its entry upon the Airport for the conduct of its business. Each Entity must maintain the required insurance throughout the term of a Lease, License or Agreement. Lapses in insurance coverage may result in denial of access to the Airport.

- 9.9.3. Any Commercial Aeronautical Operator who, by nature of its size, has become self-insured shall furnish evidence of financial capacity to self-insure and shall hold the Port and all its personnel, officers, agent and assigns harmless in the event of any claims or litigation arising out of the Entity's operation on the Airport.
- 9.9.4. Insurance shall be secured by a company authorized to conduct business in the State of Washington. Each insurance policy, except workers' compensation, shall cover both bodily injury and property damage. Each policy shall be primary and non-contributory. Each Entity required to maintain insurance by operation of these Minimum Standards or a Lease, License or Agreement will provide a Certificate of Insurance listing the Port as an additional insured. This obligation shall not apply to any workers' compensation policy. Each policy, except a workers' compensation policy, shall insure the defense and indemnity obligations assumed by the Entity under a Lease, License or Agreement. It shall be the Entity's responsibility to pay any retention or deductible for the coverages required herein and in a Lease, License or Agreement. Insurance policies must include a requirement that a 30-day notice of cancellation, material change or non-renewal will be sent to the Airport Director.
- 9.9.5. In prescribing insurance types and coverage limits, the Port is not representing or guaranteeing that the types and limits are adequate to protect the Entity's interests and liabilities. It is understood that the specified amounts of insurance shall in no way limit the liability of an Entity. In requiring Entities to maintain insurance hereunder, the Port in no way assumes liability for injury or damage occurring on or in connection with the Airport, and the Port reserves the right to claim any defenses or immunity available under law.

10. Fixed Base Operators

10.1. Required and Optional Services

- 10.1.1. A Fixed Base Operator or FBO engages in and furnishes a full range of aeronautical products, services and facilities to the public, which shall include, at a minimum, the following: aircraft fueling, to include Jet-A and AVGAS; commercial self-service fueling of AVGAS; aircraft line services; customer services; aircraft storage; and aircraft maintenance and repair.
- 10.1.2. An FBO may be permitted to provide, as optional services, any other Commercial Aeronautical Activities for which Minimum Standards have been prescribed herein.

10.1.3. Each FBO shall provide or have under an approved contract the personnel, equipment, and facilities required to service all types of Aircraft normally operating at the Airport.

10.1.4. FBO services shall be provided (1) on the FBO's leased premises; (2) within areas of the Airport leased to another Entity, at the Entity's specific request; and/or (3) within public areas of the Airport managed by the Port or by the FBO, in which event each FBO shall provide products and services in common with other FBOs or Commercial Aeronautical Operators. No FBO shall be authorized to exercise exclusive use and possession of any areas of the Airport outside of the FBO's leased premises, including for example and without limitation any portion of the Movement Area.

10.2. Agreements and Sub-Agreements

10.2.1. Each FBO shall have in effect a Lease with the Port at all times during which Commercial Aeronautical Activities are conducted on the Airport, which Lease shall provide for the use of space in accordance with these Minimum Standards, prescribe the specific Commercial Aeronautical Activities that may be provided by the FBO, contain such terms and conditions as prescribed by the Airport Leasing Policy, and contain such other terms and conditions as may be included in the Port's standard form Agreement or Agreement prepared for the specific FBO.

10.2.2. The term of a Lease to an FBO generally shall be no longer than twenty (20) years but may be longer, in accordance in the Airport Leasing Policy, based on the level of financial investment at the Airport to be made by the FBO.

10.2.3. The Lease or other Agreement with an FBO may provide for the management and preferential use of public-use ramp and apron, including pavements constructed or improved with federal financial support, provided that the Lease or other Agreement shall require the FBO to ensure public use of the ramp or apron on reasonable and not unjustly discriminatory terms and conditions and require the FBO to assume responsibilities for the maintenance and safe use of the area.

10.2.4. FBOs may subcontract, sublease, or use third-party contractors approved by the Airport Director to provide FBO services, except for aircraft fueling and aircraft line services, which services must be provided directly by the FBO and its personnel. Subcontractors, sublessees, and third-party operators shall meet all Minimum Standards applicable to such services. All subcontractors, sublessees, and third-party operators must be approved by the Airport Director in writing prior to the FBO entering into any binding contracts with such subcontractors, sublessees and third-party operators.

10.3. Fees and Charges

- 10.3.1. The Port shall charge each FBO for the lease and use of Airport facilities, for services provided by the Port, and for the privilege to conduct Commercial Aeronautical Activities at the Airport.
- 10.3.2. Fees may be imposed through a Lease or other Agreement or by resolution or other action of the Board of Commissioners.
- 10.3.3. Fees may be calculated per square foot of space leased to the FBO, as a percentage of gross revenues, or both. Rental rates may reflect whether the land is improved or unimproved, whether improvements were constructed by the FBO, and similar and related factors.
- 10.3.4. The Port reserves the right to vary the fees and charges imposed on FBOs, if the Port determines that two or more FBOs are not similarly situated, based on, for example and without limitation, the location, size, age and use of the land and facilities and similar and related factors.
- 10.3.5. The Port may require each FBO to collect fees from FBO customers, to include without limitation fuel flowage fees and landing fees, which the FBO shall collect without markup and remit promptly to the Port.

10.4. Land and Facility Requirements

- 10.4.1. Total Leased Area. Each FBO must lease sufficient area from the Port as necessary to satisfy the requirements of these Minimum Standards and the present and forecast needs of based and itinerant users of the Airport. Each FBO must lease, at a minimum, (i) an FBO terminal for use by its customers; (ii) hangar space for purposes of aircraft storage, maintenance and repair; and (iii) setback and appurtenant areas surrounding the FBO terminal and hangar. The Port and FBO further may negotiate for the lease by the FBO of parking areas for ground vehicles, ramp and apron, aircraft tie-down, and other improved and unimproved areas for use in connection with the FBO. The Port prefers that each FBO lease contiguous space rather than multiple, nonadjacent parcels.
- 10.4.2. Improvements. Building improvements shall be permanent in nature and constructed only upon issuance of a building permit and approval by the Port.
- 10.4.3. FBO Terminal. The FBO terminal building, or portion of hangar dedicated to crew and passenger services, shall be sufficient in size to provide the customers services prescribed hereunder and to accommodate the present and forecast needs of FBO customers.

- 10.4.4. Aircraft Storage. Each FBO shall lease one or more fully-enclosed, climate-controlled aircraft hangars, which shall be equipped with a fire suppression system as may be required, and capable to store one or more large corporate, jet aircraft. The FBO shall ensure that some portion of the leased hangar space is available for short-term rental by itinerant users of the Airport.
- 10.4.5. Ramp. Each FBO shall either lease from the Port, or secure through a management agreement or preferential use right, sufficient ramp and apron space to satisfy the requirements for fueling, line service, and customer service prescribed hereunder and to accommodate the present and forecast needs of FBO customers. Each FBO shall coordinate with the Port to ensure that the weight-bearing capacity of such pavements can accommodate the largest aircraft to be serviced at the FBO without causing undue stress or degradation to the pavement. As of the Effective Date, the Airport experiences more than 500 annual operations by General Aviation aircraft in Aircraft Approach Category B and Airplane Design Group II (Airport Reference Code B-II).
- 10.4.6. Fuel Storage and Mobile Refueler Parking. Each FBO shall lease from the Port, or construct at its own cost, fuel storage facilities with sufficient capacity to accommodate the present and forecast demand by FBO customers for Jet-A and AVGAS. The Port reserves the right to designate an area on the Airport for a consolidated fuel farm, in which event all new Agreements with FBOs shall provide for fuel storage within the consolidated fuel farm. Each FBO shall have access, through the Lease or other Agreement, for sufficient and properly designed and equipped space to park and store mobile refueling trucks and equipment.
- 10.4.7. Tie-Downs. Each FBO may, but is not required, to provide tie-downs as considered desirable to accommodate the forecast demand for short- and long-term outside aircraft storage. Tie-down areas to be made available to FBO customers shall be designed and operated consistent with FAA design standards, currently found at FAA Advisory Circular 150/5300-13B, *Airport Design*, App. E.2.3 (Tiedowns). FBOs may lease paved tie-down areas from the Port, in which event the FBO shall provide adequate equipment, including ropes, chains and other types of restraining devices, and wheel chocks for the typical number and type of aircraft using tie-downs. Alternatively, FBOs may contract with the Port to manage tie-down spaces owned by the Port, in which event the Lease shall prescribe the Port's and FBO's responsibilities for operating and maintaining the tie-down area.
- 10.4.8. Ground Vehicle Parking. Each FBO shall ensure that access is available to ground vehicle parking in close proximity to the FBO terminal and aircraft storage hangars sufficient to accommodate the parking demands of all employees,

customers and visitors to the FBO during peak periods. The Lease shall indicate whether ground vehicle parking is included within the leased premises and, if not, how ingress, egress and access to ground vehicle parking shall be provided. If the leased premises includes a parking area for ground vehicles, the Lease further prescribe the FBO's responsibilities for the design, operation and maintenance of the parking area, including, without limitation, lighting, snow removal and the provision of ADA-compliant parking spaces.

10.4.9. Walkways. Each FBO shall provide paved walkways within the leased premises to facilitate pedestrian access.

10.5. Hours of Operation

10.5.1. Fuel sales, line services and customer services shall be provided during those hours necessary to adequately meet public demand for such services. This service shall be provided a minimum of twelve (12) hours per day, seven (7) days per week, including holidays, with a thirty (30) minute response call out service outside normal business hours.

10.5.2. Other services, both required and optional, shall be available, at a minimum, to the public between the hours of 8:00 a.m. and 5:00 p.m. local time daily, five (5) days per week, excluding holidays.

10.5.3. Each FBO shall provide the Airport Director with written notice of the FBO's hours of operation and any changes in hours of operation.

10.6. Staffing and Personnel Qualifications

10.6.1. Staffing. During the required hours of operation, each FBO shall employ and have on duty sufficient staff to meet the Minimum Standards for each Commercial Aeronautical Activity provided. A staffing plan shall be submitted to the Airport Director for reference. Each FBO shall have at least two (2) personnel, trained and certified as required below, on site at all times during required hours of operation. Additional personnel must be available within thirty (30) minutes on call outside normal hours of operation. A manager/supervisor must be on site or on call within thirty (30) minutes during all required hours of operation.

10.6.2. Supervision. The general manager or operations manager overseeing the FBO's day-to-day activities must have a minimum of five (5) years' continuous work experience in the general aviation industry, with at least two (2) years' experience specific to FBO or FBO operations management. FBO shall provide the Airport Director with a point-of-contact including phone numbers for personnel empowered to make decisions during emergency situations.

10.6.3. Personnel Qualifications. All FBO aircraft fuel handling personnel shall be fully trained in the safe and proper handling, dispensing, and storage of aircraft fuel. Acceptable training shall be NATA Safety 1st Professional Line Service Training or an equivalent training program. Records identifying completed training programs shall be kept on file and submitted to the Airport Director upon demand.

10.7. Procedures

10.7.1. Each FBO shall prepare and distribute standard operating procedures, an employee manual or similar document providing instruction and guidance to managers, supervisors and personnel on the provision of FBO services at the Airport. The document shall address, at a minimum, operations, safety, security, customer service, billing, recordkeeping, and other routine and emergency matters. The document shall be specific to FBO services at the Airport, notwithstanding whether the FBO provides services at one or more other airports.

10.7.2. Each FBO shall submit the document referred to in the preceding paragraph to the Airport Director for review and approval prior to initiating any Commercial Aeronautical Activity at the Airport and further shall provide any material update to the Airport Director before implementing the proposed change in procedures.

10.8. Required Fuel Services

10.8.1. Each FBO must provide the sale and into-plane delivery of common and recognized brands of aircraft fuels, lubricants and other aviation petroleum products and pay the Port a fuel flowage fee for all gallons of fuel dispensed. All equipment used for the storage or dispensing of aircraft fuel must meet all applicable federal, state, local laws, rules and regulations. The location of the aircraft fuel storage area shall be in conformance with the airport layout plan and airport master plan, and the facility must comply with all federal, state and local environmental requirements. The location and design must be approved in writing by the Port.

10.8.2. Each FBO shall provide for the dispensing of aviation fuels, oils and lubricants by uniformed employees of the FBO whose duties will not prevent them from providing such sales and services on an immediate basis.

10.8.3. Each FBO shall have two metered, filter equipped dispensers, fixed or mobile, for dispensing two grades of aviation fuel (AVGAS and Jet-A) from storage tanks having a minimum capacity of twelve thousand (12,000) gallons of AVGAS and twenty thousand (20,000) gallons of Jet-A. Mobile dispensing trucks shall have a total minimum capacity of seven hundred fifty (750) gallons of AVGAS and three

thousand (3,000) gallons of Jet-A. A separate dispensing pump for each grade of fuel is required.

- 10.8.4. Fuel service vehicles for AVGAS and Jet-A shall be equipped and operated consistent with federal, state and local laws and regulations and with National Fire Prevention Association Code No. 407 (Standard for Aircraft Fuel Servicing) and FAA Advisory Circular 150/5230-4 (Aircraft Fuel Storage, Handling and Dispensing on Airports). Without limiting the generality of the foregoing, each fuel service vehicle shall be equipped with adequate bonding apparatus to eliminate the hazards of static electricity and further shall be equipped with approved types of fire extinguishers or other equipment commensurate with the hazard involved in the refueling and servicing of aircraft, including spill kits.
 - 10.8.5. Each FBO shall provide to the Airport Director a copy of an enforceable Agreement whereby a reputable aviation gasoline and lubricant distributor agrees to provide the FBO with fuel and oil in quantities necessary to meet the requirements set forth herein.
 - 10.8.6. Each FBO shall maintain at all times an adequate inventory of AVGAS and Jet-A, sufficient to meet no less than five-days' supply by the FBO's customers, based on historical demand during the same time period.
 - 10.8.7. Each FBO shall maintain an adequate inventory of generally accepted grades of aviation engine oil and lubricants.
- 10.9. Required Line Services
- 10.9.1. Marshalling. Each FBO shall provide necessary equipment, supplies, and a minimum of two trained personnel for aircraft apron assistance, towing, parking, and tie-downs, within the leased premises. The trained personnel may also serve as the required refuelers. Equipment shall be sufficient to facilitate the handling of aircraft from single engine up to and including corporate jets. Equipment to be provided and maintained by the FBO shall consist of one tug, one ground power unit, one universal tow bar, and one tow bar with changeable heads for turbine aircraft.
 - 10.9.2. Line Service. Each FBO shall provide personnel and proper equipment for engine preheating, aircraft starting, repairing and inflating aircraft tires, servicing struts, changing engine oil, servicing oxygen systems, washing aircraft and aircraft windows and windshields, lavatory and potable water service, and recharging or energizing discharged aircraft batteries and starters.
 - 10.9.3. Deicing and Anti-Icing. Each FBO shall provide Aircraft deicing and anti-icing services within areas designated by the Port for this purpose, using only FAA-

approved fluids, and in accordance with procedures established by the FBO in accordance with best industry practice.

10.9.4. Disabled Aircraft. Each FBO shall be prepared to remove disabled aircraft. Each FBO shall have personnel trained and have access to the equipment or be able to arrange for the equipment and/or services required to remove damaged aircraft from the Airport Movement Areas. Each FBO shall have personnel on call and be able to respond to a damaged aircraft within 15 minutes of notification during regular hours of operation and within 45 minutes after hours.

10.10. Required Customer Service

10.10.1. Each FBO shall provide the following services and concessions inside an FBO terminal building located within the leased premises:

- 10.10.1.1. Customer service counter stocked with basic pilot supplies
- 10.10.1.2. Public lounge and waiting area
- 10.10.1.3. Pilot Rest Area
- 10.10.1.4. Flight planning work area with flight service station and weather service communication links and personal computers with free high speed internet access
- 10.10.1.5. Free high speed internet access for personal laptop computers and other personal mobile devices used within the facility
- 10.10.1.6. Free courtesy car for travel within ten (10) miles of the Airport
- 10.10.1.7. Snack food and beverage service, which may be satisfied by automated vending machines
- 10.10.1.8. Local ground transportation services or contacts

10.10.2. Lounge or waiting rooms shall be heated and air conditioned with appropriate furnishings for passengers and airplane crews of itinerant aircraft, and include public, sanitary restrooms for men and women.

10.11. Required Aircraft Storage

10.11.1. Each FBO shall maintain sufficient space to accommodate reasonable demand for overnight and short-term aircraft storage.

10.11.2. Each FBO shall require all subtenants leasing space within the hangar for more than thirty (30) days to have an executed agreement prior to occupancy, the form of which provides adequate insurance and indemnification protection for the Port. A copy of the standard sublease form must be approved by the Airport Director in writing prior to commencement of leasing activities. FBO must provide a listing and copies of all executed subleases of all aircraft stored within the hangar facilities.

10.11.3. Each FBO must ensure that hangar subtenants perform no maintenance within the hangar other than preventative maintenance on their own aircraft, utilizing their own employees, to the extent permitted in 14 C.F.R. Part 43, as currently in effect or as it may hereafter be amended. Painting, welding, and any type of hazardous material storage shall not be permitted within aircraft hangars unless authorized specifically by the Airport Director in writing prior to conducting such work or engaging in such usage. The piling and storage of crates, boxes, barrels, containers, refuse and surplus property shall not be permitted.

10.11.4. Each FBO shall provide a waste oil receptacle within the immediate vicinity of the hangar(s). This receptacle shall be capable of holding a minimum of fifty (50) gallons, have secondary containment protection and be emptied at regular intervals and be in compliance with all regulatory requirements as currently in effect or as they may hereafter be amended.

10.12. Required Aircraft Maintenance and Repair

10.12.1. Each FBO shall have available at the Airport at least one technician eight hours per day, five days per week. Personnel must be FAA-certified and possess an airframe, power plant, or aircraft inspector rating as specified in 14 C.F.R. Part 65, as currently in effect or as it may hereafter be amended, or the maintenance facility shall be certified under and satisfy all the requirements as specified in 14 C.F.R. Part 145, as currently in effect or as it may hereafter be amended.

10.12.2. Each FBO must maintain an adequate inventory of parts and supplies regularly used in routine maintenance and repair functions and access to vendors for additional parts and supplies required in performing aircraft airframe and power plant maintenance and repair.

10.12.3. Each FBO must provide work space for any aircraft upon which airframe or engine repairs are being performed.

10.12.4. Each FBO must provide storage space for aircraft before and after repair and maintenance have been accomplished.

10.12.5. Each FBO must provide adequate equipment, including without limitation machine tools, jacks, lifts and testing equipment, as required for its operation and further shall provide adequate shop space to house all equipment.

10.13. Required Commercial Self-Service Fueling

10.13.1. Each FBO shall provide commercial self-service fueling equipment in addition to the required aircraft fuel equipment, with the prior written consent

of the Airport Director. Commercial self-service fueling equipment will be located at the Airport's designated self-fuel apron and must comply with all applicable federal, state, local laws, rules and regulations.

10.13.2. Each FBO shall provide an AVGAS tank with a five hundred (500) gallon minimum capacity and associated pumps, metering equipment, credit card acceptance device and other equipment as necessary for this level of service. The tank shall be an aboveground, fire rated, heavy duty industrial strength and concrete coated tank with pumping equipment which shall meet all local fire codes and the requirements and/or regulations of the Washington State Department of Ecology, U.S. Environmental Protection Agency, OSHA, NFPA and any other local, state or national governmental agencies having jurisdiction.

10.13.3. The commercial self-service fueling facility shall be available for use twenty-four (24) hours a day, seven (7) days each week.

10.13.4. FBO must post signage communicating the location and procedures for the emergency shut-off valve and any emergency service contact phone numbers.

10.13.5. FBO shall inspect the facility daily and have trained personnel during normal hours of operation available to answer questions, provide other assistance, and respond to fuel spills from the facility.

10.14. Optional FBO Services

10.14.1. Each FBO may conduct Commercial Aeronautical Activities at the Airport in addition to the required FBO services, with the prior written consent of the Airport Director, which may include, but are not limited to, the Commercial Aeronautical Activities identified in Section 11 below. Any FBO providing optional FBO services through a sublessee or subcontractor shall submit to the Airport Director a copy of the sublease or subcontract which must be approved in writing and must comply with the requirements of these Minimum Standards.

11. Specialized Aeronautical Service Operators

11.1. General Requirements

11.1.1. SASOs shall be required to satisfy the general requirements set forth in Section 9, the specific requirements of this Section 11, and the terms and conditions of a Lease, License or Agreement.

11.1.2. SASOs shall not be permitted to provide commercial aircraft fueling services, such services being reserved to FBOs.

11.1.3. Each SASO shall provide, by means of an office or a telephone, a point of contact for the public desiring to utilize the SASO's services.

11.2. Flight Training

11.2.1. Statement of Concept. Flight training means the Commercial Aeronautical Activity of instructing pilots in dual and solo flight, in fixed or rotary wing aircraft, and related ground school instruction as necessary to complete an FAA written pilot's examination and flight check ride for various categories of pilots' licenses and ratings. Flight training includes any portion of a flight between two or more airports or other destinations where the primary purpose is to increase or maintain pilot or crew member proficiency. Flight training also includes simulator training for pilot or crew proficiency.

11.2.2. Each SASO conducting flight training and each FBO providing flight training as an optional FBO service must satisfy the following minimum requirements:

11.2.2.1. Maintain such certifications as may be required in accordance with 14 C.F.R. Part 61 (Certification: Pilots, Flight Instructors, and Ground Instructors) or 14 C.F.R. Part 141 (Pilot Schools), as each of the same may be amended or superseded.

11.2.2.2. Provide ground-based instruction on the Airport. Sufficient space must be provided on the Airport for classroom training.

11.2.2.3. Provide at least one (1) flight instructor and ground instructor, properly rated and experienced.

11.2.2.4. Not operate from a t-hangar or tie-down.

11.2.2.5. Own, subcontract or lease two or more dual-equipped, single-engine airworthy aircraft. Aircraft may be fixed or rotary wing.

11.2.2.6. Include adequate mock-ups, pictures, digital media, DVDs, videotapes, or other training aides necessary to provide proper and effective ground school instruction. All materials shall meet FAA requirements for the training offered.

11.2.2.7. Keep premises open and services available a minimum of eight (8) hours a day, hours of operation must fall between 6:00 a.m. and 10:00 p.m., seven (7) days per week. Hours of operation shall reflect student needs and aircraft availability. Premises may be closed during flight training if insufficient personnel are available during that time.

11.2.2.8. Satisfy all safety and security requirements imposed on flight schools by the Federal Aviation Administration and Transportation Security Administration, including, and without limitation, the Flight Training Security Program.

11.2.3. Flying clubs, which are organized for the express purpose of providing their members with aircraft for their personal use and enjoyment, shall not be authorized to conduct flight training as a commercial aeronautical activity. Flying club aircraft shall not be used for flight training. A SASO or FBO authorized to conduct flight training may train a member of a flight club for compensation.

11.3. Aircraft Storage

11.3.1. Statement of Concept. Aircraft storage means the business of renting and leasing hangar storage space to aircraft owners or operators solely for aircraft storage purposes. This does not include assigning or subleasing an aircraft hangar to another Entity.

11.3.2. Each SASO conducting aircraft storage must satisfy the following minimum requirements:

11.3.2.1. Require all tenants who lease space to have an executed agreement with the SASO prior to occupancy, the form of which provide adequate insurance and indemnification protection for the Port. A copy of the standard sublease form must be approved by the Airport Director in writing prior to commencement of leasing activities. SASO must provide a listing and copies of all executed lease or subleases of all aircraft stored with the SASO or sublessee's hangar facilities to the Airport Director, including Aircraft tail numbers.

11.3.2.2. Ensure that hangar subtenants perform no maintenance within the hangar other than preventative maintenance on their own aircraft, utilizing their own employees, to the extent permitted in 14 C.F.R. Part 43, as currently in effect or as it may hereafter be amended. Painting, welding, and any type of hazardous material storage shall not be permitted within aircraft hangars unless authorized specifically by the Airport Director in writing prior to conducting such work or engaging in such usage. The piling and storage of crates, boxes, barrels, containers, refuse and surplus property shall not be permitted.

11.3.2.3. Provide a waste oil receptacle within the immediate vicinity of the hangar(s). This receptacle shall be capable of holding a minimum of fifty (50) gallons, have secondary containment protection and be emptied at

regular intervals and be in compliance with all regulatory requirements as currently in effect or as they may hereafter be amended.

11.3.2.4. Ensure that hangar subtenants do not store vehicles or property not related to the use, operation or maintenance of aircraft, without the prior written permission of the Airport Director. This prohibition shall include, without limitation, storage of automobiles, recreational vehicles, boats, personal items, and non-airworthy aircraft (without a present intention to restore the aircraft to an airworthy condition). The Lease, License or Agreement with the SASO shall provide the Airport Director and his/her designee with the right of inspection to ensure compliance with this requirement. This prohibition shall not preclude the storage of ground vehicles on a temporary basis while the occupant is traveling in an aircraft stored in the hangar.

11.3.3. Hangar cooperatives shall not provide fuel services to members of the cooperative or to the public.

11.4. Aircraft Airframe and Power Plant Maintenance and Repair

11.4.1. Statement of Concept. Aircraft airframe and power plant maintenance and repair means the Commercial Aeronautical Activity of providing airframe and power plant services, which includes the repair, maintenance, inspection, constructing, and making of modifications and alterations to aircraft, aircraft engines, propellers and appliances including the removal of engines for major overhaul as defined in 14 C.F.R. Part 43, as currently in effect or as it may hereafter be amended.

11.4.2. Each SASO conducting Aircraft airframe and power plant maintenance and repair must satisfy the following minimum requirements:

11.4.2.1. Have available at the Airport at least one technician eight hours per day, five days per week. Personnel must be FAA-certified and possess an airframe, power plant, or aircraft inspector rating as specified in 14 C.F.R. Part 65, as currently in effect or as it may hereafter be amended, or the maintenance facility shall be certified under and satisfy all the requirements as specified in 14 C.F.R. Part 145, as currently in effect or as it may hereafter be amended.

11.4.2.2. Maintain an adequate inventory of parts and supplies regularly used in routine maintenance and repair functions and access to vendors for additional parts and supplies required in performing aircraft airframe and power plant maintenance and repair.

- 11.4.2.3. Provide work space for any aircraft upon which airframe or engine repairs are being performed.
- 11.4.2.4. Provide storage space for aircraft before and after repair and maintenance have been accomplished.
- 11.4.2.5. Provide adequate equipment, including without limitation machine tools, jacks, lifts and testing equipment, as required for its operation and further shall provide adequate shop space to house all equipment.

11.5. Air Charter, Air Taxi and Aircraft Management

11.5.1. Statement of Concept. Air charter and air taxi means the Commercial Aeronautical Activity of providing air transportation (persons or property) to the public for hire, either on a charter basis or as an air taxi, as each is defined and regulated by the Federal Aviation Administration under the Federal Aviation Regulations. Aircraft management means the Commercial Aeronautical Activity of providing aircraft flight dispatch, flights crews, or aircraft maintenance coordination on behalf of an aircraft owner.

11.5.2. Each SASO conducting air charter, air taxi or Aircraft management services and each FBO providing air charter, air taxi or Aircraft management services as an optional FBO service must satisfy the following minimum requirements:

11.5.2.1. Have available for hire, either owned or under written lease to the SASO or FBO, at least one (1) four-place aircraft equipped for and capable of use in instrument conditions, or a sufficient number of Aircraft properly certificated to handle the proposed scope of its operation.

11.5.2.2. If flight crew services are provided, employ or subcontract with and have on duty at least one (1) person who holds a current FAA commercial pilot certificate and current Class I or Class II medical certificate. In addition, all flight personnel shall be properly rated for the aircraft operated. If flight dispatch services are provided, the SASO or FBO shall have dispatch capability within four (4) hours of a customer request and shall employ or subcontract with at least one (1) individual with experience and ability to provide charter quotes, schedule and dispatch support and customer service. The Port reserves the right to require, in a Lease, License or Agreement, that the SASO or FBO provide additional personnel as necessary to meet reasonably anticipated customer demand.

11.5.2.3. If air charter and/or air taxi services are provided, have available qualified operating crews and personnel for checking in and ticketing passengers, handling of luggage, and for furnishing or arranging for suitable ground transportation.

11.5.2.4. If air charter and/or air taxi services are provided, have and display in public view, a current 14 C.F.R. Part 135 certificate or provisional 14 C.F.R. Part 135 certificate and the aircraft identification page from the operating specifications manual of each aircraft listed on the certificate.

11.5.2.5. If rotorcraft operations are conducted, have and display in public view, if applicable, a current copy of 14 C.F.R. Part 133 for rotorcraft operations detailing the external-loading requirements.

11.5.2.6. If aircraft management services are provided, conduct aircraft management activities in accordance with 14 C.F.R. Part 91.

11.6. Specialized Commercial Flying Services

11.6.1. Statement of Concept. Specialized commercial flying services means the Commercial Aeronautical Activity of providing one or a combination of the following Aeronautical Activities for hire: nonstop sightseeing tours, aerial photography or surveying, powerline or pipeline patrol, firefighting or fire patrol, air ambulance, airborne mineral exploration, and other air transportation operations specifically excluded from 14 C.F.R. Part 135, as now in effect or as may hereafter be amended.

11.6.2. Each SASO conducting specialized commercial flying services and each FBO providing specialized commercial flying services as an optional FBO service must satisfy the following minimum requirements:

11.6.2.1. Employ or subcontract with and have available sufficient personnel who hold current FAA commercial pilot certificates and medical certificates with ratings appropriate for the operator's aircraft.

11.6.2.2. Maintain a reservation system, for services made available to the general public, and keep the premises open eight (8) hours per day, between the hours of 7:00 a.m. and 5:00 p.m., five (5) days per week.

11.6.2.3. Not conduct or offer any Aeronautical Activity that is prohibited by federal, state or local law or ordinance, including the Airport Rules and Regulations. In the event the Airport Rules and Regulations requires the Port's or Airport Director's prior permission to conduct the Aeronautical

Activity, the SASO or FBO must seek and obtain such permission prior to advertising the service, holding itself out to the public as available to provide the service, or taking reservations to provide the service at the Airport.

11.6.3. The Port reserves the right to add to these minimum requirements in a Lease, License or Agreement with additional standards that are relevant, appropriate and attainable based on the specific circumstances surrounding the specialized commercial flying service.

12. Definitions

Aeronautical Activity – An activity that involves, makes possible, or is required for the operation of aircraft, or that contributes to or is required for the safety of such operations.

Agreement – A written, legally enforceable contract between the Port and an Entity that, for purposes of these Minimum Standards, concerns access to and use of the Airport.

Aircraft – Any contrivance now known or hereafter invented which is used or designed for navigation of or flight in air, except a non-powered parachute or other contrivance designed for such navigation but used primarily for safety equipment. This includes, but is not limited to, airplanes, airships, balloons, dirigibles, rockets, helicopters, gliders, gyrocopters, ground-effect machines, sailplanes, ultra lights and sepalanes.

Airport – The TriCities Airport located in Pasco, Washington and all of the area, buildings, facilities and improvements within the interior boundaries of such Airport as it now exists or as it may be hereafter extended or enlarged and as depicted on an Airport Property Map prepared by the Port.

AVGAS – Aviation gasoline, 100LL or equivalent, intended for use in a piston aircraft.

Commercial Aeronautical Activity – Any commercial operation that is related to the operation of Aircraft as prescribed by these Minimum Standards. This does not include any commercial operation not directly related to the operation of Aircraft, e.g., restaurant, rental car, or other concession.

Commercial Aeronautical Operator – Any Entity or Person conducting, or intending to conduct, a Commercial Aeronautical Activity at the Airport. For purposes of these Minimum Standards, an Entity or Person shall be considered a Commercial Aeronautical Operator subject to these Minimum Standards if the Entity or Person holds themselves out, by advertising or otherwise, as available to provide commercial aeronautical products, services and/or facilities at the Airport.

Commission – The Commission of the Port of Pasco.

Entity – Each natural person, partnership, organization or business that has a legal and separately identifiable existence.

Fixed Based Operator – An Entity that maintains and operates facilities at the Airport for the purpose of providing commercial aeronautical products and services including but not limited to the retail sale of aviation fuels, aircraft line services, and aircraft and airframe and engine repair and maintenance at the Airport.

Lease – A contractual agreement between the Port and an Entity that confers a leasehold interest and the right to occupy, on an exclusive basis or otherwise, a portion of the Airport. A Lease is written and enforceable by law.

License – A contractual agreement between the Port and an Entity that does not confer a leasehold interest but rather grants or otherwise authorizes the use of and access to land or building space at the Airport to conduct specified activities. A License is written and enforceable by law.

Port – The Port of Pasco.

Specialized Aeronautical Service Operator – An Entity that is authorized to provide one or a combination of Commercial Aeronautical Activities that does not include commercial fueling, as described more fully in Section 11.

Variance – The grant of a modification to these Minimum Standards requirements, often for only a temporary period to address unique facts or hardships.

Waiver – The grant of an exception from a requirement of these Minimum Standards.