

**LEWISTON-NEZ PERCE COUNTY REGIONAL
AIRPORT AUTHORITY**



**Minimum Standards for
Commercial Aeronautical Activities**

December 20, 2022

Lewiston-Nez Perce County Regional Airport Authority

MINIMUM STANDARDS FOR COMMERCIAL AERONAUTICAL ACTIVITIES

December 20, 2022

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References:

FAA Advisory Circular 150/5190-7, Minimum Standards for Commercial Aeronautical Activities

FAA Advisory Circular 150/5190-6, Exclusive Rights at Federally-Obligated Airports

Minimum Standards for Commercial Aeronautical Activities, Aircraft Owners and Pilots Association, Copyright 1998

PART I

INTRODUCTION, PURPOSE & DEFINITIONS

INTRODUCTION: The Lewiston-Nez Perce County Regional Airport Authority ("Airport Authority") is obligated to make the airport available for public use under reasonable conditions and without unjust discrimination. Inherent in that obligation is the responsibility to develop standards that promote safety in all airport activities, protect airport users from unlicensed and unauthorized products and services, maintain and enhance the availability of adequate services for all airport users, promote the orderly development of airport land, and ensure efficiency of operations.

PURPOSE: These minimum standards shall be used by the Airport Authority staff and Board of Commissioners ("Airport Authority Board") to evaluate applications to conduct commercial aeronautical activities at the Airport.

DEFINITIONS:

•**Aeronautical Activity:** Any activity conducted on airport property that makes the operation of an aircraft possible or that contributes to or is required for the safe operation of aircraft. The following activities are considered to be aeronautical activities:

- Aerial application
- Aerial surveying
- Aerial photography
- Aircraft paint or upholstery
- Aircraft rental
- Aircraft sales
- Aircraft storage
- Air carrier operations (passenger and cargo)
- Air taxi and charter operations
- Aviation fuel and oil sales
- Avionics or instrument sales and repair
- Banner towing
- Engine or propeller sales and repair
- Flying clubs
- General and corporate aviation
- Sky-diving
- Pilot training
- Repair and maintenance of aircraft
- Sale of aircraft parts
- Sightseeing
- Any other activities that, because of their direct relationship to the operation of aircraft, can appropriately be regarded as an aeronautical activity.

•**Aeronautical Service-Provider Classes:**

- Fixed Base Operator ("FBO")
- Specialized Aviation Service Operation ("SASO")

•**Agreement or Lease:** A contract executed between the Airport Authority and an entity granting a concession that transfers rights or interest in property, or otherwise authorizes the conduct of certain activities. An agreement or lease must be in writing, executed by both parties, and enforceable by law.

•**Air Charter:** An entity that provides on-demand, non-scheduled passenger service in aircraft having no more than 30 passenger seats, and which must operate under the appropriate Federal Aviation Regulations (FARs).

•**Aircraft:** Any contrivance now known or hereafter invented, used, or designed for navigation of, or flight in the air. Excluded from this definition are ultra-lights, gliders, hot air balloons, and paragliders.

•**Aircraft Maintenance:** The repair, maintenance, adjustment, or inspection of aircraft. Major repairs include major alterations to the airframe, power-plant, and propeller, as defined in Part 43 of the FARs. Minor repairs include normal and routine annual inspections with attendant maintenance, repair, calibration, adjustment or repair of aircraft and associated accessories.

•**Airport Sponsor:** A local municipal or state government body or entity obligated to the federal government to comply with the assurances contained in grant agreements or property- conveyance instruments. A sponsor may be an entity that exists only to operate the airport, such as an airport authority established by local law. For this document, the terms airport sponsor and airport owner are used interchangeably.

•**Assurance:** A provision contained in a federal grant agreement to which the recipient has voluntarily agreed, in consideration for the assistance provided.

•**Aviation-Related Activity:** Any activity conducted on airport property that provides service or support to aircraft passengers or air cargo, such as:

- Auto parking lots
- Car rentals
- Concessions
- Ground transportation
- Restaurants
- Any other service or support activities that can appropriately be called aviation related.

•**Commercial Aeronautical Activity:** Any aeronautical activity that involves, makes possible, or relates to the operation of Aircraft, the purpose of such activity being to secure income, earnings, compensation or profit, whether or not such objective is accomplished.

•**Commercial Non-Aeronautical Activity:** Any activity not directly related to the operation of Aircraft, (e.g., restaurant, rental cars, ground transportation, or other concessions), the purpose of such activity being to secure income, earnings, compensation or profit, whether or not such objective is accomplished.

•**Commercial Self-Service Fueling:** A fueling concept that enables a pilot to fuel an aircraft from a commercial fuel pump installed for that purpose. This fueling facility is not attended.

•**Entity:** Any person(s), firm, partnership, limited-liability company, corporation, unincorporated proprietorship, association, or group.

•**Equipment:** All personal property and machinery together with the necessary supplies, tools, and apparatus necessary for the proper conduct of the activity being performed.

•**FAA:** Federal Aviation Administration.

•**FAR:** Federal Aviation Regulation.

•**Fixed Base Operator (FBO):** Commercial business providing multiple aeronautical services which may include aircraft fueling, storage, tie-down and parking, base-line services and associated pilot and passenger facilities (lobby, restrooms, flight planning room, etc.).

•**Grant Agreement:** Any agreement made between an airport sponsor and the FAA, acting on behalf of the United States, for the grant of federal funding or a conveyance of land, either of which the airport sponsor agrees to use for airport purposes.

•**Improvements:** All buildings, structures, and facilities. Improvements may include pavement, fencing, signs, and landscaping that are constructed, installed, or placed on, under, or above any leased area.

•**Independent Operations (IO):** Individual operators performing single-service aeronautical activities (such as aircraft washing, flight instruction, and maintenance) on the airport without approval of the airport authority. An Independent Operator engaged in commercial activities on the airport without permission from the Authority is considered a Free Lance Operator.

•**Lease:** A contract between the airport owner and an entity granting a concession that transfers rights or interests in property, or otherwise authorizes the conduct of certain activities. The lease must be in writing, executed by both parties, and enforceable by law.

•**Minimum Standards:** The criteria established by an airport sponsor as the minimum requirements that must be met by businesses, in order to engage in providing on-airport aeronautical activities or services.

•**Operator:** The term applies to both commercial and non-commercial operators.

•**Self-Fueling:** Self-fueling means the fueling an aircraft by the owner of the aircraft with his or her own employees and using his or her own equipment. Self-fueling cannot be contracted out to another party. Self-fueling implies using fuel obtained by the aircraft owner from the source of his/her preference. As with many self-service activities that can be conducted by the aircraft owner or operator by his or her own employees using his or her own equipment, self-fueling, differs from using a self-service fueling pump made available by the airport, an FBO, or an aeronautical service provider. The use of a self-service fueling pump is a commercial activity and is not considered self-fueling as defined herein.

•**SMS:** Safety Management System for use by certificate holders, managed by the FAA.

•**SPCC:** Spill Prevention Control and Countermeasures.

•**SWPP:** Storm Water Pollution Protection (plan).

•**Specialized Aviation Service Operation (“SASO”):** a commercial business providing less than full (i.e., limited) FBO services. Generally, SASOs are single-service providers (e.g., maintenance, flight school, avionics shop), however, they may provide more than one aeronautical service.

•**Sublease:** A lease agreement entered into by a lessee with another entity that transfers rights or interests in property or facilities, and that is enforceable by law.

•**Tenant:** A person or entity who occupies or leases property on the Airport, or who conducts business operations of any kind upon the Airport premises, regardless of whether there exists a written agreement with the Airport Authority.

•**Through-the-Fence Rights:** The rights of access directly onto airport property from private property which is contiguous to the airport.

PART II

APPLICATIONS FOR LEASES AND PERMITS

Requests for new leases or for the assignment of existing leases of ground and/or facilities on the Airport or for permission to carry on any commercial, business, or aeronautical activity on the Airport shall be made to the Airport Director. The Airport Director shall thereafter present the application to the Airport Authority Board for review and approval consideration. The applicant shall submit all information and materials necessary or requested to prove that the applicant will qualify under and will comply with the Minimum Standards. The application shall be signed and submitted by an owner of the business, a partner (if a partnership), or a corporate officer/director. The Airport Director shall not accept applications for through-the-fence activities.

Minimum Application Information: The Airport Director will not accept or take action on an application or in any way permit the installation of a commercial activity until the proposed lessee submits in writing, a completed application which sets forth the scope of the proposed operation, including the following:

- Contact Information:** Name, address, phone number, and email address of the applicant.
- Proposed Use:** A detailed explanation of the proposed land use, facility use, and/or activity.
- Personnel Qualifications:** The names and the qualifications of the personnel to be involved in conducting such activity.
- Applicant Qualifications:** Explanation of how the applicant meets all of the qualifications and requirements established by these Minimum Standards, as well as the Airport's and FAA's Rules and Regulations.
- Safety Hazard:** Does the applicant's proposed operations or construction create a safety hazard on the Airport?
- Cost to the Airport:** Will granting of the application require the Airport Authority to spend Airport funds or to supply labor or materials in connection with the proposed operations, or will the operation result in a financial loss to the Airport?
- Availability:** Is there adequate available space on the Airport to accommodate the entire activity of the applicant at the time of application?
- Compliance with Master Plan:** Will the proposed operation, airport development, or construction be consistent with the Master Plan and Airport Layout Plan?
- Congestion:** Would the development or use of the area, as requested by the applicant, deprive existing users of portions of their operations area? Would the development or use cause undue congestion of aircraft or buildings? Would the development or use unduly interfere with the operations of any present user by interfering with aircraft traffic or preventing free access to any other facility?

•**Ecological Considerations:** Does the proposed uses comply with Environmental Protection Agency, Department of Environmental Quality, Regional Health District and City Planning and Zoning requirements for the protection of the health, welfare and safety of the inhabitants of the City of Lewiston and/or County of Nez Perce?

Supporting Documents: If requested by the Airport Director or Airport Authority Board, the applicant shall submit the following supporting documents to the Airport Director, together with such other documents and information, as may be requested:

•Financial statements, including current/actual balance sheet and income statement, and projected/pro-forma balance sheet and income statement, with the use/activity-sought included.

•Credit report authorization.

•An economic-feasibility study.

•Authorization for release of information from such persons as the Airport Director shall deem necessary, to determine the applicant's qualifications to perform as set forth in the application. The applicant shall also provide a release for any information, which may be required under federal or state law or regulation.

•The Airport Authority Board may require the applicant to post a performance bond.

Review of Application: The Airport Authority Board, with the evaluation and recommendation of the Airport Director shall determine whether or not the applicant meets the standards and qualifications as herein set out, and whether or not such application should be granted in whole or part, and if so, upon what terms and conditions. In reviewing an application, the following additional factors will be considered:

•**Misrepresentation:** The applicant supplied the Airport Authority Board or Airport Director with any false information or misrepresented any material fact in the application or supporting documents, or the applicant failed to make full disclosure on the application or supporting documents.

•**History of Violations:** If any party applying or having an interest in the applicant's business has a record of violating the Minimum Standards or Rules and Regulations of this or another airport or the FAA or has violated any Federal or other state's statutes.

•**Prior Defaults:** If any party applying or having an interest in the business defaulted in the performance of any lease or other agreement with the Airport or the City of Lewiston-Nez Perce County.

•**Poor Business Record:** If any party applying for or having an interest in the business has a record indicative of unsatisfactory business practices.

Lease or Agreement: Upon the approval of any such applications as submitted or modified, the Airport Authority Board, after considering the recommendations of the Airport Director, shall cause to be prepared a suitable lease or agreement which sets forth the terms and conditions of the land and/or the facility use. The lease shall incorporate the Minimum Standards, and any permissions issued for commercial aeronautical activities shall be conditional upon or contain the minimum conditions and assurances, and the Airport Authority Board may require such additional terms, conditions and assurances, as is deemed necessary in any particular instance. Those standards and or conditions shall include:

•The lessee/operator is in compliance with and will remain in compliance with the Minimum Standards required for each activity.

- Any structure or facility to be constructed or placed upon the Airport shall conform to all federal, state and local safety regulations, current building codes, Authority policies and development standards, and fire regulations. Any construction once commenced will be diligently pursued to completion. Completion and occupancy of the structure must occur within 24 months after the execution of the lease. Failure to achieve either substantial progress or completion shall constitute cause for the Airport Authority to cancel the lease, or to extend the completion dates for construction.
- All new construction, external modifications to an existing building, and underground excavation will be coordinated with the Airport Director, approved by the Airport Authority, and approved by all appropriate federal, state, and city agencies.
- The Airport Authority Board reserves the right—after careful consideration—to amend these Minimum Standards. Any lease or agreement may be terminated or cancelled in the event of failure to comply with the applicable Minimum Standards after notice thereof has been given. Any lessee who is aggrieved by such amendments may apply to the Airport Authority Board for a variance.
- Adequate assurance of performance of the lease by the lessee will be provided to the Airport Authority. Such assurance may be in the form of a security agreement, cash bond, or in such other manner or form as the Airport Authority Board deems adequate, in its sole discretion.
- Proper insurance and hold-harmless clauses in such amounts and under such conditions, as the Airport Authority Board deems proper shall be incorporated in said lease.
- There shall be no assignment, transfer or sales of the lease without prior written consent of the Airport Authority Board, which shall not be unreasonably withheld.

PART III

MINIMUM STANDARDS FOR COMMERCIAL AERONAUTICAL ACTIVITIES

In addition to meeting the requirements of Part II, every person conducting commercial aeronautical activities shall meet the additional requirements as hereinafter set out. No Fixed Base Operation (FBO), Specialized Aviation Service Operation (SASO), or other lessee or licensee shall engage in any business or activity other than those for which they have received express written approval from the Airport Authority Board. By definition, all activities conducted herein are considered commercial and must therefore present at an appropriate time a business license issued by the City of Lewiston.

The fact that an applicant has received a lease or license to conduct a specific activity upon the Airport conveys no exclusive rights. The opportunity to carry on business at the Airport is a privilege conveyed by the Airport Authority Board and which may be granted concurrently to any other party. Furthermore, it is the Airport Authority Board's policy to grant the opportunity and privilege to carry on business at the Airport to all qualified persons who meet the requirements set forth herein. It is the intent of this policy to promote fair competition at the Lewiston-Nez Perce County Regional Airport, but not to expose those who have undertaken to provide commodities and services to unfair competition. This policy sets minimum standards to be met by those who propose to conduct a commercial aeronautical activity. These standards, by expressing minimum levels of service offered and insurance coverage obtained, relate primarily to the public interest. Uniformly applied, appropriate requirements discourage substandard enterprises, thereby protecting both established aeronautical activities and Airport patrons. It is not the policy of the Airport Authority to impose an unreasonable requirement or standard not relevant to the proposed activity. The Airport Authority Board reserves the right to waive any of the standards listed under this part, with the evaluation and recommendation of the Airport Director—if in the opinion of the Airport Authority Board—existing conditions justify such a waiver.

Aeronautical service providers of more than one aeronautical activity must meet the more restrictive standard, if the standard is different from one activity to another. Also, aeronautical service providers cannot satisfy a standard by sharing the same asset used by a different provider, unless they are co-located in the same facility. See the Appendix for the minimum standards applicable to each aeronautical activity applicable to FBOs and SASOs.

PART IV

IMPLEMENTATION, AMENDMENT, REVIEW AND EFFECTIVE DATE

Implementation: These Minimum Standards supersede existing contracts and/or leases, and in the event of a contradiction between the two, these Minimum Standards shall prevail.

Where new standards differ markedly from existing conditions, those conditions may be deemed pre-existing and allowable until such time as contractual circumstances allow change, at which time the commercial operator/owner or leaseholder shall correct the nonstandard pre-existing condition. In situations where these standards are less than those required by City Code, the City Code shall prevail; where these standards exceed those required by code, these standards shall prevail.

Commercial scheduled airline service and related commercial non-aeronautical activities shall only be conducted from the airline terminal building and only from facilities therein designated and approved by the Airport Authority.

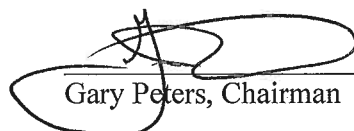
Amendment: The Airport Authority Board, with careful consideration and the recommendation of the Airport Director, may upgrade or amend these Minimum Standards at any time it deems appropriate for the equitable and improved use of the airport by commercial entities and in the best interests of Airport users. Such standards will not be modified for the sole purpose of accommodating new business without consideration given to its impact upon existing business.

Review: The Airport Authority Board shall undertake a full review of these Minimum Standards five (5) years from the effective date.

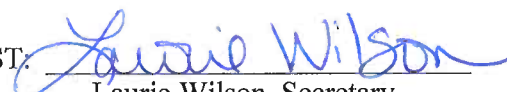
Effective Date: These Minimum Standards shall be in full force and effect from the date of their adoption by the Airport Authority Board by resolution duly enacted and signed.

DATED this 20th day of December, 2022.

BOARD OF COMMISSIONERS



Gary Peters, Chairman

ATTEST: 

Laurie Wilson, Secretary

Appendix

Standards \ Commercial Aeronautical Activity	Aircraft Maintenance and Repair	Aircraft Rental	Flight Instruction
	<i>Airframe, power plant, and accessory maintenance and repair</i>	<i>Renting or leasing of aircraft and/or ultralight vehicles</i>	<i>Instructing pilots in ground school, dual and solo flight, fixed or rotary wing</i>
Leases, Licenses/Permits Required	Land lease, sublease, or rented space. Comply with all necessary licenses & permits.	Land lease, sublease, or rented space. Comply with all necessary licenses & permits.	Land lease, sublease, or rented space. Comply with all necessary licenses & permits.
Size, Type, and Amount of Facilities Required	1 permanent restroom; shop space and outside aircraft storage consistent with type of proposed operation	1 rest room, permanent office. Hangar and/or outside storage.	1 permanent restroom, classroom/office space as appropriate
Automobile Parking Required	Customer and employee parking in accordance with city ordinance.	In accordance with City ordinance	In accordance with City ordinance
Personnel: Number, Training & Certifications	At least 1 FAA certified A&P mechanic	N/A	At least 1 FAA CFI
Equipment Needed	As required for FAA certification	At least 1 aircraft available for rent	At least 1 aircraft suitable for flight instruction
Type and Amount of Inventory Needed	As required for FAA certification	N/A	As required
Environmental, Safety, and Security	As required by regulation	As required by regulation	As required by regulation
Contact Methods/Public Accessibility	After hours contact number posted on building	Posted after hours contact number on building and at Airport Director's office	Posted contact number on building and at Airport Director's office
Days and Hours of Operation	Posted on building	Posted on building	N/A
Insurance Requirements			
General Liability:	Minimum \$2,000,000 combined single limit (CSL)		
Premises Liability	Yes	Yes	Yes
Products & Completed Operations	Yes	No	Yes
Hangarkeepers:	Limit as appropriate for operations		
Ground Only	Yes	No unless non-owned aircraft are under operator's control	Yes, if instructing in owner's aircraft
In-Flight	Required if test flights are conducted	No unless non-owned aircraft are under operator's control	Yes, if instructing in owner's aircraft
Aircraft Liability:	Minimum SIM CSL subject to \$100K/seat passenger liability		
	No unless operator conducts flight operations	Yes	Yes

Commercial Aeronautical Activity Standards	Aircraft Storage/ Hangar Rentals	Full-Service Fuel & Oil Sales	Self-Service Fuel Sales ³
	<i>Short/long term rental of aircraft storage hangar or outside aircraft storage.</i>	<i>Sales of fuels, lubricants & other services supporting itinerant & Y local aircraft operations</i>	<i>Provides fuels supporting itinerant & locally based aircraft operations</i>
Leases, Licenses/Permits Required	Land lease, sublease, or sublet/rented space;	Leasehold to provide aircraft storage, customer parking, building with aircraft storage, office, lounge, rest room, public telephone, etc. Comply with required licenses & permits	Leasehold of appropriate size for buildings with sufficient floor space for lounge, rest room, properly heated. Comply with all necessary licenses & permits.
Size, Type, and Amount of Facilities Required	Suitable storage space.	Permanent restroom & facilities; flight planning area; pilot lounge & waiting area	Flight planning area, pilot lounge & waiting area
Automobile Parking Required	N/A	As required by City ordinance	In accordance with City ordinance
Personnel: Number, Training & Certifications	N/A	At least one trained line service technician	24/7 response capability with contact names and phone numbers posted on site.
Equipment Needed		Fixed fuel system & filters meeting all Federal, state, airport requirements; equipment for ancillary services including aircraft towing (as appropriate), tire inflating, aircraft windscreen washing, & battery charging	Fixed fuel storage system w/safety fixtures & filters meeting all Federal, state & airport requirements.
Type and Amount of Inventory Needed	As required by regulation	As applicable to operation	Not Specified
Environmental, Safety, and Security		As required by regulation	Approved SPCC plan
Contact Methods/Public Accessibility	Posted contact number on site and at Airport Director's office	Posted after hours contact number on building and at Airport Director's office; 24-hour callout capability	24/7 response capability with contact names and phone numbers posted on site
Days and Hours of Operation	N/A	Posted on Building open 7 days/week, 4 ours/day excluding government holidays, etc.	Fuel available 24/7, customer facilities open 8/7.
Insurance Requirements			
General Liability:	Minimum \$2,000,000 combined single limit (CSL)		
Premises Liability	Yes	Yes	Yes
Products & Completed Operations	Yes	Yes	Yes
Hangarkeepers:	Limit as appropriate for operations		
Ground Only	Yes	Yes	No
In-Flight	No	No	No
Aircraft Liability:	Minimum SIM CSL subject to \$100K/seat passenger liability		
	No	No	No

Standards	Commercial Aeronautical Activity	Air Taxi/Charter	Specialty Commercial Flying	Engine, Propeller, Avionics, Aircraft Paint, and/or Upholstery
		<i>Air transportation of persons and/or cargo to the general public for hire on unscheduled basis under Part 135</i>	<i>Sky Diving, sightseeing, aerial application, banner towing, power pipeline patrol, firefighting, or other activities excluded from Part 135</i>	<i>Sales of new or used avionics, propellers, instruments, and GA aircraft accessories. May include repair and service of the same</i>
Leases, Licenses/Permits Required		Comply with all necessary licenses & permits	Land lease, sublease, or sublet/rented space as appropriate	Land lease, sublease, or rented space. Comply with all necessary licenses & permits.
Size, Type, and Amount of Facilities Required		Building with sufficient floor space for office, customer lounge, rest room, etc.	As appropriate to the concept of operations.	1 permanent restroom; shop space and outside aircraft storage consistent with type of proposed operation.
Automobile Parking Required		In accordance with City ordinance.	In accordance with City ordinance.	Customer and employee parking in accordance with City ordinance.
Personnel: Number, Training & Certifications		Properly certified and qualified operating crew	Properly certified and qualified operating crew	At least 1 FAA certified A&P mechanic
Equipment Needed		Suitable, properly certified aircraft.	Suitable, properly certified aircraft	As required for FAA certification.
Type and Amount of Inventory Needed		N/A	N/A	As required.
Environmental, Safety, and Security		As required by regulation(s)	In accordance with regulation(s)	In accordance with regulations.
Contact Methods/Public Accessibility		Posted after hours contact number on building.	Posted after hours contact number on building.	Posted after hours contact number on building.
Days and Hours of Operation		Posted on Building	Posted on Building	Posted on Building
Insurance Requirements				
General Liability:	Minimum \$2,000,000 combined single limit (CSL)			
Premises Liability	Yes	Yes	Yes	
Products & Completed Operations	N/A	No	Yes	
Hangarkeepers:	Limits appropriate for operation.			
Ground Only	No	N/A	Yes	
In-Flight	Yes	N/A	Required if test flights are conducted	
Aircraft Liability:	Minimum SIM CSL subject to \$100K/seat passenger liability			
	Yes	Yes	No unless operator conducts flight operations	

Standards	Commercial Aeronautical Activity	Air Taxi/Charter		
		<i>A flying club or aero club is a not for profit, member run organization that provides its members with access to aircraft</i>		
	Leases, Licenses/Permits Required	Land lease, sublease or sublet/rented space N/A		
	Size, Type, and Amount of Facilities Required	A		
	Automobile Parking Required	In accordance with City Ordinance		
	Personnel: Number, Training & Certifications	N/A		
	Equipment Needed	One airworthy aircraft		
	Type and Amount of Inventory Needed	N/A		
	Environmental, Safety, and Security	In accordance with regulations		
	Contact Methods/Public Accessibility	N/A		
	Days and Hours of Operation	N/A		
Insurance Requirements				
	General Liability:	Minimum \$2,000,000 combined single limit (CSL)		
	Premises Liability	Yes		
	Products & Completed Operations	No		
	Hangarkeepers:	Limits appropriate for operation		
	Ground Only	N/A		
	In-Flight	No		
	Aircraft Liability:	Minimum SIM CSL subject to \$100K/seat passenger liability		
		Yes		