

**MINIMUM STANDARDS
FOR COMMERCIAL AND NONCOMMERCIAL
GENERAL AVIATION OPERATORS**

SKYHAVEN AIRPORT (DAW)
ROCHESTER, NEW HAMPSHIRE
PEASE DEVELOPMENT AUTHORITY
AIRPORT MANAGEMENT DEPARTMENT
PORTSMOUTH, NEW HAMPSHIRE
March 28, 2011

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ARTICLE 1

INTRODUCTION

1.01 STATEMENT OF PURPOSE

This document outlines minimum standards that must be met for the conduct of commercial and noncommercial general aviation activities at Skyhaven Airport (the “Airport”). This document states the privileges and restrictions associated with each category of activity and sets forth the minimum standards for facilities, land area, improvements, services required, equipment, personnel, operating requirements and hours of operation.

The general aviation development goals of the Pease Development Authority (the “PDA” or the “Authority”) are to:

- a. Ensure that general aviation activities at the Airport are conducted in a safe, fair, and equitable manner, in accordance with PDA, state, and federal standards.
- b. Promote first-class general aviation services and facilities.
- c. Promote aviation and related business interests at the Airport.

The operating standards outlined in this document are the minimum requirements that must be met by Commercial Operators as a condition of their right to conduct stated commercial activities on the Airport and by Noncommercial Operators as a condition of their right to lease premises on the Airport.

1.02 DEFINITIONS

As used in these Minimum Standards, the following terms will have the following meanings:

- a. “Aircraft” means any aeronautical device including, but not limited to, powered aircraft, gliders, ultra lights, kites, helicopters, gyroscopes, gyro copters, ground effect machines, and balloons.
- b. “Airport” means the entirety of Airport.
- c. “Apron” means a paved area suitable for aircraft parking.
- d. “Building” means the main portion of each structure; all projections or extensions there from; any additions or changes thereto; and all garages, outside platforms and docks, carports, canopies, eaves, and porches. Paving, ground cover, fences, signs, and landscaping shall not be included.

- e. “Commercial Operator” means an Entity engaging in an activity that involves, or makes possible, the offering for sale of a general aviation service for the purpose of obtaining earnings, income, compensation, or profit, whether or not such objective is accomplished. All commercial operators must be duly registered with the New Hampshire Department of Transportation, Division of Aeronautics.
- f. “Commercial Operations” means the operation of an enterprise for compensation or hire, and engaging in one or more of the following activities utilizing Airport facilities or property; air cargo, aircraft charter, aircraft fueling, aircraft rental, aircraft sales, airframe and/or power plant maintenance, avionics sales and maintenance, aerial advertising, aerial fire fighting, aerial powerline/pipeline patrol, banner towing, flight training conducted by individuals and entities in their owned or leased aircraft and sightseeing. Where it is doubtful that the operation involves “compensation or hire,” the test applied is whether the operation is merely incidental to the person’s other business or is, in effect; an enterprise for profit, or as regulated by the Federal Aviation Regulation.
- g. “Entity” means any person, proprietorship, association, firm, joint venture, partnership, limited liability corporation, corporation, other business organization, or any combination of the above.
- h. “Equipment” means all machinery, together with the necessary supplies, tools, and apparatus necessary to the proper conduct of the activity being performed.
- i. “Exclusive Right” means a power, privilege, or other right excluding or debarring another from enjoying or exercising a like power, privilege, or right. The granting of an Exclusive Right to conduct a commercial aeronautical activity on an airport developed or improved with federal funds is expressly prohibited.
- j. “FAA” as used in this document shall mean the Federal Aviation Administration.
- k. “Full-Service Fixed Base Operator” means a general aviation Commercial Operator that is required to offer for sale to the public a range of basic and essential general aviation services and products as specified in Article 2. Additionally, a Full-Service Fixed Base Operator may be permitted to provide for sale other specialized general aviation services as specified in Article 3.
- l. “General Aviation” means that portion of civil aviation, which encompasses all facets of aviation except air carriers holding a certificate of public convenience and necessity from the Federal Aviation Administration and large aircraft commercial operators.
- m. “Improvements” means all buildings, structures, and facilities including paving, ground

cover, fences, signs, and landscaping constructed, installed, or placed on, under, or above any leased area by or with the concurrence of a Lessee and the Airport. Plans and specifications for all Improvements must be approved by the PDA with review and advice of SAAC, and must meet development standards established by the PDA.

- n. “Lease” means a contractual agreement between the PDA and an Entity in which the PDA leases or subleases real property and grants rights and privileges on the Airport to the Entity for the purpose of conducting stated general aviation activities, which agreement is defined in writing and enforceable under law.
- o. “Leased Premises” means the entirety of the ground area leased to an entity including all buildings, improvements, and fixed and removable structures identified as the premises in the lease.
- p. “Lessee” means an entity having a valid lease with the PDA.
- q. “Limited-Service Specialty Operator” means a commercial operator that is permitted to offer for sale one or more of the permitted services listed in Article 3, but is not a Full-Service Fixed Base Operator.
- r. “Line Service” means routine day-to-day servicing necessary for the safe operation of an Aircraft and may include recharging batteries, oxygen, braking, and lubrication systems; cleaning Aircraft windows, etc.
- s. “Noncommercial Operator” means an entity or governmental agency, which maintains a facility or provides a general aviation service solely for its own benefit, and not for the benefit of the public. Such noncommercial operators are specifically prohibited from offering general aviation products or services for sale to others.
- t. “Sublease” means a sublease on the Airport granted to an entity by a lessee and approved by the Airport for the use of all or part of the property leased by the Airport to the lessee.
- u. “Sub-Operator” means an entity engaged in any of the general aviation services that a Limited-Service Specialty Operator may provide, which services are provided under a sublease with a Full-Service Fixed Base Operator having a valid Lease with the Airport.
- v. “Tie down” means the paved or grass area on the airport suitable for the parking of aircraft wherein suitable aircraft tie down points have been installed.

1.03 APPLICATION PROCEDURE

Any entity wishing to establish a commercial or noncommercial general aviation activity on the

airport shall be furnished a copy of these minimum standards and shall be required to make an application in writing to the PDA Executive Director detailing the following:

- a. The name and address of the applicant.
- b. The proposed land use and/or services to be offered.
- c. The requested or proposed date for commencement of the activity and the term.
- d. The facilities and/or amount of land to be leased, if applicable.
- e. The cost of building facilities and the method of financing, if applicable.
- f. The financial responsibility and ability of the entity to carry out the activity.
- g. The names and qualification of key personnel to be involved.
- h. The specific types and amounts of insurance to be maintained.
- i. The number of aircraft to be provided, if applicable.
- j. The tools, equipment, services and inventory, as required.
- k. The estimated number of persons to be employed.
- l. Proposed hours of operation.

Upon receipt of an application, it shall be referred to the Skyhaven Airport Advisory Council for review. Thereafter, the application will be referred to the Pease Development Authority Board of Directors for consideration at one of its regularly scheduled meetings.

ARTICLE 2

MINIMUM STANDARDS AND REQUIREMENTS FOR FULL-SERVICE FIXED BASE OPERATORS

2.01 FULL-SERVICE FIXED BASE OPERATOR REQUIRED SERVICES

A Full-Service Fixed Base Operator shall provide the following aeronautical services:

- a. Aircraft fuel and oil sales
- b. Ground handling (parking and tie down)
- c. Customer services
- d. Line service
- e. Hangar space as available
- f. Aircraft recovery
- g. Collection of fees

2.02 MINIMUM STANDARDS FOR REQUIRED SERVICES

- a. Aircraft Fuel and Oil Sales
 - 1. Storage and into-plane dispensing of suitable aviation fuel together with a selection of lubricants of sufficient ratings, grades, quality, and quantity to meet the needs of general aviation aircraft using the airport.
 - 2. Maintain fuel dispensing reports on file for a minimum of 12 months, and have such reports available for auditing at any time by the Authority.
- b. Ground Handling (Parking and Tie Down)
 - 1. Tie down facilities and equipment, including ropes, chains, or other types of restraining devices and wheel chocks for transient aircraft.
 - 2. Equipment capable of towing aircraft into and out of the hangar(s).

c. Customer Services

1. Passenger facilities to include waiting area and restrooms for patrons.
2. An aviation sales counter offering for sale a reasonable variety of pilot supplies.

d. Line Service

1. Qualified personnel and proper equipment for providing services such as: inflating aircraft tires, cleaning aircraft windows, and disposal of waste associated with such.
2. Adequate ground support equipment for normal turnaround of aircraft, including energizers and starters, ground power units, and fire extinguishers.
3. Adequate towing equipment to move aircraft safely and efficiently.

e. Hangar Space

A minimum 2,500 square foot hangar.

f. Aircraft Recovery

Have access to equipment, material, and personnel sufficient to remove a disabled aircraft.

g. Collection of Fees

Personnel and process to collect any fees assessed by the airport from aircraft using the FBO if applicable.

2.03 MINIMUM LAND AND FACILITY REQUIREMENTS

- a. Lease a minimum ground area determined by the PDA.
- b. Site sufficient to support an aircraft hangar with not less than 2,500 square feet.
- c. A terminal facility adequate to accommodate an office, an area for customers, telephone, and restroom facilities. This facility may be attached to/part of the aircraft hangar.
- d. Management of paved apron area aircraft parking and tie downs in space leased by FBO. Management responsibilities include installation and maintenance of tie down equipment,

sweeping/FOD control, and snow removal.

- e. Access on site to permanent fuel storage for a minimum capacity of 5,000 gallons of suitable aviation fuel. The fuel storage tanks shall comply with all applicable federal, state, local, and PDA rules and regulations pertaining to installation, maintenance, operation, fuel handling safety, and environmental protection.
- f. Access to paved off-street parking with an adequate number of parking spaces appropriate to the nature of the business.

The facility requirements may be met by leasing existing facilities or by new construction. Where existing facilities are to be leased, the foregoing criteria will be used as a general measure of the adequacy of such existing facilities.

All improvements shall be constructed or leased in areas designated for general aviation use in the currently approved Airport Master Plan and shall be in conformance with local laws, ordinances, and regulations and such future property development and design standards as may be adopted by the PDA.

2.04 MINIMUM MANAGEMENT AND STAFFING REQUIREMENTS

- a. The activities of a Full-Service Fixed Base Operator on the Airport shall be supervised by an on-site manager who shall at all times be responsible for conducting, in a first-class manner, the services required and permitted herein and in the Full-Service Fixed Base Operator's Lease.
- b. An adequate number of properly trained, qualified and, where applicable, licensed staff shall be on duty during required minimum hours of operation, or on call during other times, to provide the level of service specified herein.
- c. All employees shall wear protective clothing and equipment as appropriate or necessary.

2.05 MINIMUM HOURS OF OPERATION

A Full-Service Fixed Base Operator shall be staffed adequately to provide the required services daily except on holidays as recognized and approved by PDA. At all other times, the required services must be available on an on call or prior notice basis.

2.06 MINIMUM INSURANCE REQUIREMENTS

A Full-Service Fixed Base Operator shall be required to carry insurance in conformance with the PDA's risk management requirements.

2.07 MINIMUM SERVICE STANDARDS-PERMITTED SERVICES

A Full-Service Fixed Base Operator may provide any or all of the permitted services listed in Article 3 and shall be subject to the minimum standards and requirements for Limited Service Specialty Operators set forth in Article 3 of these Minimum Standards.

2.08 RATES AND CHARGES FOR SERVICES

Rates and charges shall be determined by the Full Service Fixed Base Operator and shall be reasonable, competitive, and applied fairly to all users of such services. All rates and charges will be filed with the Airport Manager.

2.09 STATE REGISTRATION

All Full-Service Fixed Base Operators must maintain a current registration with the New Hampshire Department of Transportation, Division of Aeronautics, as required.

ARTICLE 3

MINIMUM STANDARDS AND REQUIREMENTS FOR LIMITED-SERVICE SPECIALTY OPERATORS

3.01 LIMITATIONS ON LIMITED-SERVICE SPECIALTY OPERATORS

The PDA may enter into separate agreements with a Limited-Service Specialty Operator or a Limited-Service Specialty Operator may enter into a Sublease with a Full-Service Fixed Base Operator. In either case, such services will be permitted only in areas designated for such uses on the currently approved Airport Master Plan. Such specialized limited services shall specifically exclude the sale of aviation fuel.

Any Commercial Operator desiring to perform limited services must enter into an agreement with the PDA.

3.02 LIMITED-SERVICE SPECIALTY OPERATOR PERMITTED SERVICES

A Limited-Service Specialty Operator may provide (including but not limited to) one or more of the following permitted services:

- a. Air charter services
- b. Aircraft Maintenance to include Aircraft Engine and Airframe Overhaul and Repair, and Avionics and Instrument Repair
- c. Flight Instruction and Aircraft Rental

3.03 MINIMUM STANDARDS FOR PERMITTED SERVICES

Except as provided in this subsection, Limited-Service Specialty Operators offering the permitted services listed above shall be subject to the minimum standards individually specified in the Limited-Service Specialty Operator's agreement with the Airport. The following minimum standards shall apply:

a. Air Charter Services

A Limited-Service Specialty Operator offering air charter services shall provide the following services:

- 1. An aircraft charter or air taxi operation certificated under FAR Part 135.
- 2. Not less than one single-engine aircraft available for charter or air taxi purposes.

3. Adequate services and equipment for providing passenger check in, handling luggage and ticketing.
- b. Aircraft Engine and Airframe Overhaul and Repair
1. Sufficient tools, equipment, supplies, and parts as required under the applicable FAR Part 43, 91, 135, 145 and other related FAR's pertaining to the type of operation conducted.
 2. Never less than one person currently holding the appropriate FAA rating(s) for the operations being conducted.
 3. Adequate building space necessary to perform the services offered.
- c. Flight Instruction and Aircraft Rental
1. A flight training school in accordance with FAR Part 61 and/or FAR Part 141.
 2. Availability for flight training or aircraft rental at least one certificated and currently airworthy aircraft. Such aircraft can be owned or leased.

3.04 MINIMUM LAND AND IMPROVEMENT REQUIREMENTS

A Limited-Service Specialty Operator offering any permitted service shall be required to:

- a. Lease a minimum ground area determined by the PDA as may be required and appropriate to the proposed operation.
- b. Provide adequate building space for the services offered, and when required is equipped with suitable heating, lighting, air conditioning, accommodations for an office, area for customers, restrooms, and public telephone.
- c. Manage a paved Aircraft parking apron of sufficient size for the activities contemplated, with paved access to the Airport taxiway system and suitable tie down Equipment for all owned or leased Aircraft.
- d. Access to paved off-street parking with an adequate number of parking spaces approved by the PDA.

The facility requirements may be met by leasing existing facilities, by new construction, or through a sublease with an on airport full-service FBO. Where existing facilities are to be leased, the foregoing criteria will be used as a general measure of the adequacy of such existing facilities.

All improvements shall be constructed or leased in areas designated for the use in the currently approved Airport Master Plan and shall be in conformance with local laws, ordinances, and regulations and such future property development standards as may be adopted by the PDA.

3.05 MINIMUM INSURANCE REQUIREMENTS

A Limited-Service Specialty Operator shall be required to carry insurance in conformance with the PDA's risk management requirements. An outline of current insurance requirements may be obtained at PDA's Administrative Offices located at 55 International Drive, Portsmouth, NH 03801.

3.06 MULTIPLE PERMITTED SERVICES

A Limited-Service Specialty Operator shall be permitted to provide two or more of the permitted services listed in this Article only where it can be demonstrated to the satisfaction of the PDA that the services are in the public interest. In the event of no like services being offered on airport, applicable standards may be waived by the PDA until such a time that a long term agreement meeting the minimum standards can be made with like services.

The minimum standards for Limited-Service Specialty operators providing multiple services shall be the same as those established for the individual services outlined herein. Where the individual minimum standards are repetitious, the provisions will not necessarily be cumulative. In such cases, applicable minimum standards will be determined and agreed upon between the Limited-Service Specialty Operator and the PDA in their agreement.

3.07 SUB-OPERATORS

A Sub-Operator shall conduct its business on the Airport in compliance with the same minimum standards and the same terms and conditions as are applicable to the Operator. Sub-operators are permitted to coattail with the operator to meet the requirements for the minimum standards. A copy of all Subleases shall be provided to the Airport Manager.

3.08 NON-BASED COMMERCIAL OPERATORS

Non-based Commercial Operators may provide ad hoc services on a case by case basis with prior approval from the PDA. When applicable, arrangements should be made with a Skyhaven-based

commercial operator offering like services to provide the needed service in the based commercial operator's facility.

3.09 RATES AND CHARGES FOR SERVICES

Rates and charges shall be determined by the Limited-Service Specialty Operator and shall be reasonable, competitive and applied fairly to all users of such services. All rates and charges will be filed with the Airport Manager.

3.10 STATE REGISTRATION

All Limited Service Specialty Operators must maintain a current registration with the New Hampshire Department of Transportation, Division of Aeronautics, as required.

ARTICLE 4

AIRCRAFT SALES

4.01 GENERAL

Any Entity or individual wishing to engage in the business of selling or leasing new or used Aircraft shall be required either to (1) enter into a Full-Service Fixed Base Operator agreement and meet the requirements of this class of service provider or (2) enter into a subcontractor arrangement with an Entity that has a valid Full-Service Fixed Base Operator agreement with the Airport.

ARTICLE 5

NONCOMMERCIAL OPERATORS

5.01 PERMITTED ACTIVITIES

A Noncommercial Operator may undertake the following activities:

- a. The parking on the Leased Premises of any Aircraft owned, leased, or operated by the Noncommercial Operator, and the housing on the Leased Premises of any function necessary to the permitted noncommercial activities.
- b. The maintenance and servicing of its own Aircraft, which shall include overhauling, rebuilding, repairing, inspection, and licensing.
- c. Using public Airport facilities and navigational aids and facilities for purposes of noncommercial landings, takeoffs, and taxiing.
- d. The acquisition, sale, exchange, or disposal of any Aircraft engines, motors, instruments, devices, supplies, and accessories associated with any Aircraft owned, leased, or operated by the Noncommercial Operator, as incidental to its noncommercial activities on the Airport.
- e. Aircraft based at Skyhaven must have a current New Hampshire aircraft registration, as required.

5.02 PROHIBITED ACTIVITIES

- a. The rights and privileges granted to Noncommercial Operators are expressly limited to noncommercial aviation activities, as defined above. These rights and privileges specifically exclude the sale of aviation services, the sale of Equipment or supplies, and repairs of any type whatsoever on aircraft other than those owned or leased by the Noncommercial Operator.
- b. Noncommercial Operators shall not be permitted to acquire, store, or dispense fuel in connection with the operation of Aircraft other than the Aircraft owned, leased, or otherwise operated by the Noncommercial Operator.

5.03 FLYING CLUBS

a. Exempt Flying Clubs

A flying club shall be exempt from the requirements of these Minimum Standards if that flying club meets the following conditions. Violation of such conditions shall be grounds for termination of a flying club's exempt status.

1. The flying club must be a non-profit New Hampshire corporation or partnership.
2. Each member of the flying club must be a bona fide owner of the Aircraft or be a member of the corporation or a partner in the partnership operating the flying club.
3. The flying club may not realize a profit from the operation, maintenance, or replacement of its Aircraft.
4. Flying club Aircraft may not be used by other than bona fide members for rental and by no one for commercial operations.
5. The flying club shall file with the Airport Manager a copy of its bylaws, articles of incorporation, partnership agreement, or other documents supporting its existence; a complete and current list of the flying club's membership including names of officers and directors; evidence that ownership of flying club Aircraft is vested in the flying club; and the operating rules of the flying club. Upon providing reasonable notice, such other records and documents which substantiate the existence and non-profit status of the flying club shall be made available for review or provided to the Airport Manager or his/her representative to the extent the same may be required.
6. Flying club Aircraft must have a current New Hampshire aircraft registration.

b. Non-Exempt Flying Clubs

Non-exempt flying clubs shall be considered commercial aeronautical activities and shall be subject to these Minimum Standards.