

8-07-01

LAKE

HOOD

FLOAT

PLANE

ALASKA STATE LEGISLATURE

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Administrative Regulation Review Committee

AGENDA

Tuesday, August 7, 2001 10:00am-12:00n, 2nd floor Conference Room, Anchorage

I. Title 17 in reference to Lake Hood Float Plane Slips

This hearing will be teleconferenced

II. Arguments- Lake Hood.

17 AAC 42.500. SCOPE, FINDINGS, AND PURPOSE

Statute text

(a) 17 AAC 42.500 - 17 AAC 42.599 apply only to Ted Stevens Anchorage International Airport.

(b) The department finds that

(1) the demand for float spaces on the airport substantially exceeds the number of spaces available;

(2) the demand for certain wheel spaces on the airport exceeds the number of spaces available;

(3) the demand for spaces to park transient light aircraft on the airport frequently exceeds the number of spaces available; and

(4) it is in the best interest of the state to ensure that float spaces and wheel spaces that are in high demand be used by pilots who operate airworthy aircraft and regularly fly the aircraft.

(c) The purpose of 17 AAC 42.500 - 17 AAC 42.599 is to regulate the issuance of permits for aircraft tiedown spaces in a manner that

(1) provides a fair, pilot-focused program;

(2) provides permits for individual pilots who fly their owned or leased airworthy aircraft for either commercial or non-commercial use;

(3) provides maximum use of available tiedown spaces;

(4) reduces the wait lists for tiedown permits; and

(5) provides a fair system for issuance and cancellation of permits and reassignment of tiedown spaces.

(d) 17 AAC 42.500 - 17 AAC 42.599 do not apply to transient aircraft parking areas.

History

History: Eff. 1/14/2001, Register 157

Annotations

Authority: AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.510. APPLICATION, APPROVAL, AND CATEGORIES

Statute text

(a) To qualify for a tiedown permit, an individual must

(1) hold a current private, commercial, or airline transport pilot certificate;

(2) hold a current FAA first, second, or third class airman's medical certificate;

(3) subject to 17 AAC 42.550(g) , own or lease at least a one-third interest in an airworthy aircraft that

(A) the individual intends to park in a tiedown space;

(B) the individual lists in an application submitted under (d) of this section;

(C) is not listed on a tiedown permit issued at the airport to a different individual; and

(D) is not the only airworthy aircraft listed on another tiedown permit issued at the airport to the same individual.

(b) If an individual requests that more than one aircraft be listed on a permit, the individual must, together with any other permittee on the permit, hold a 100 percent ownership or leasehold interest in each listed aircraft.

(c) In addition to the requirements of (a) and (b) of this section, to qualify for a float space an individual's pilot certificate must show that the applicant holds a current seaplane rating.

(d) To obtain a tiedown permit, an individual must submit a completed application to the airport manager and pay the permit fee established under 17 AAC 42.125. The application must be on an airport form and, subject to 17 AAC 42.550(g) , must include

(1) the applicant's name, mailing address, and, if available, telephone and facsimile numbers and electronic mail address;

(2) the make, model, and registration number of each aircraft that the applicant intends to park in the tiedown space;

(3) whether the space is to be used for commercial or for strictly non-commercial purposes;

(4) a copy of the applicant's private, commercial, or airline transport pilot certificate;

(5) a copy of the applicant's FAA first, second, or third class airman's medical certificate;

(6) a statement of the interest that the applicant owns or leases in each aircraft identified under (2) of this subsection, together with the name of and interest held by all other persons who own or lease an interest in that aircraft;

(7) if the applicant leases an aircraft identified under (2) of this subsection, an original lease for the aircraft, which must be in writing, must bear the notarized signature of each party to the lease, and must include the expiration date of the lease;

(8) if desired by a permittee who is not the sole owner of the aircraft identified under (2) of this subsection, a statement of the name, address, and telephone number of no more than two other pilots who the permittee wishes to have listed on the permit as co-owner pilots and who each also hold at least a one-third ownership or leasehold interest in that aircraft, along with the information required under (4) - (7) of this subsection for each such pilot; and

(9) a notarized statement signed by the applicant that the information provided in the application is true and accurate and that the applicant has read and understands the provisions of 17 AAC 42.500 - 17 AAC 42.599 and understands that the airport manager will cancel the applicant's permit if the manager determines that the applicant

(A) was not eligible for a permit on the date that the permit was issued, regardless of whether the applicant became eligible after that date;

(B) is not eligible for a permit, regardless of whether the applicant was eligible on the date that the permit was issued; or

(C) has failed to comply with the applicable requirements of this chapter or other applicable law.

(e) The airport manager shall approve an application for a permit unless

(1) the applicant is not in compliance with the applicable requirements of 17 AAC 42.500 - 17 AAC 42.599;

(2) the applicant does not hold a current pilot certificate as required under (a) of this section;

(3) if the application is for a float space, the applicant's pilot certificate does not indicate that the applicant holds the seaplane rating required under (c) of this section;

(4) the applicant does not hold a medical certificate as required under (a) of this section;

(5) the applicant does not own or lease the minimum interest in the aircraft listed on the application as required under (a) of this section;

(6) the space is needed for airport expansion, development, operation, or other state purpose;

(7) the application must be denied under 17 AAC 42.010(g) ;

(8) the aircraft does not conform to the dimension, weight, use, or type limits the manager has established under 17 AAC 42.030 for the category of space for which the permit is sought;

(9) approval of the application would result in the applicant exceeding the number of permits allowed the applicant under 17 AAC 42.525(b) ; or

(10) no space is vacant and available in the category requested by the applicant.

(f) The airport manager's denial of an application must be in writing and state the reasons for the denial.

(g) The categories for permits under 17 AAC 42.500 - 17 AAC 42.599 are float permit, wheel permit, and ice permit.

(h) The categories for switch lists under 17 AAC 42.540 are float, wheel, and Lake Hood Strip.

(i) The categories for wait lists under 17 AAC 42.550 are float, wheel, and Lake Hood Strip.

(j) The airport manager may establish other categories of permits, switch lists, or wait lists if the manager determines that other categories are necessary.

History

History: Eff. 1/14/2001, Register 157

Annotations

Authority: AS 02.15.020

AS 02.15.060

AS 02.15.070

AS 02.15.090

17 AAC 42.520. TERMS AND CONDITIONS

Statute text

(a) The terms and conditions set out in this section apply to and are incorporated into all tiedown permits issued under 17 AAC 42.500 - 17 AAC 42.599.

(b) The initial term of a float or wheel permit expires on March 31 following the fourth anniversary of issuance. The term for each subsequent permit that the manager issues to the same permittee for the same space or for another space to which the permittee is reassigned begins at the expiration of the preceding permit and expires on March 31 five years later. An ice permit is issued for a single season beginning November 1 of one year and expiring on March 31 of the next year.

(c) A permittee shall pay the fee established for the applicable category of tiedown permit under 17 AAC 42.125.

(d) A permittee may not transfer or sublet a permit or, except as provided under (1) of this section, allow a person who is not listed as a permittee or co-owner pilot on the permit to fly to or from the permitted space or allow any person to park an aircraft not listed on the permit in the permittee's space.

(e) Subject to the applicable requirements and limitations established under 17 AAC 42.525, a permittee may use a tiedown space only to

(1) park an airworthy aircraft that is listed on the permit issued for the space;

(2) perform all maintenance and repair on an aircraft that is listed on the permit so long as the permittee is authorized to perform the work under 14 C.F.R. Part 43, as amended through January 1, 2000;

(3) authorize others to perform maintenance and repair on an aircraft listed on the permit, subject to the requirements of 17 AAC 42.105;

(4) subject to (f) of this section, park a vehicle while the permittee or a co-owner pilot is present at the space or using an aircraft listed on the permit; and

(5) subject to (f) of this section, park an operational vehicle used for aircraft support, such as a float trailer or boom truck, but only if the permittee first registers the vehicle with the airport manager and receives the manager's approval.

(f) An individual who accepts a permit for a tiedown space accepts the space on an "as is" basis. A permittee shall keep the space in a clean, neat, and presentable condition. A permittee shall provide adequate aircraft and vehicle parking on the space to avoid any interference with or obstruction of public roads and taxiways and other spaces and premises.

(g) Improvements are authorized only on float spaces. A permittee must obtain an airport building permit under 17 AAC 42.280 before performing any construction on a float space. A building or other structure placed on a float space must be portable, must be located to allow for adequate aircraft and vehicle parking on the space, and must not interfere with operations on an adjacent space or aircraft movement area. To anchor an aircraft on a tiedown space, a permittee may use only screw-in, duckbill, or cable tiedown equipment or another method the airport manager specifically approves for that purpose.

(h) An aircraft or vehicle that is parked on a tiedown space in violation of this section, 17 AAC 42.525, or any other applicable provision of this chapter is subject to impoundment by the airport manager under 17 AAC 42.115.

(i) The department is not obligated to perform snow or ice removal in a tiedown space.

(j) A permittee must begin parking an airworthy aircraft that is listed on the permit on the designated space within 90 days after the permit is issued, unless the space is a float space. On a float space, a permittee must begin parking an airworthy float-equipped aircraft that is listed on the permit on the designated space within 90 days after the permit is issued or 30 days after the Lake Hood Seaplane Base is first unfrozen and open for use, whichever is later.

(k) If an aircraft listed on the permit ceases to be airworthy or if the permittee disposes of or ceases to hold the permittee's required minimum interest in an aircraft listed on the permit and if no other aircraft is listed on the permit that satisfies the requirements of 17 AAC 42.510(a) (3) and (p) of this section, as applicable, the permittee must restore the aircraft to an airworthy condition or obtain at least the required minimum interest in a replacement aircraft equipped as required by (p) of this section, if applicable, to list on the permit and to operate from the tiedown space. The permittee must achieve the restoration or

replacement required under this subsection within 270 days after the date that the aircraft first ceased to be airworthy or the date the permittee disposed of ceased to hold the permittee's required minimum interest in the aircraft, whichever date is earlier. However, a restored or replacement aircraft under this subsection need not be equipped as required under (p) of this section, if applicable, until the Lake Hood Seaplane Base is unfrozen and open for use.

(l) Because of the shortage of transient aircraft parking spaces, a permittee whose space will be vacant for an extended period of time is encouraged, but not required, to make the permittee's space available to the airport manager for use as part of the Lake Hood transient parking pool. When a permittee makes a tiedown space available to the manager for transient parking under this subsection, the department will apply any transient parking revenue from use of the space to reduce the fees that the permittee would otherwise pay for that space.

(m) If a permittee's medical certificate expires during the term of the permit, the permittee must obtain a new medical certificate and provide a copy to the airport manager within 60 days of the date of expiration of the medical certificate.

(n) If a permittee's pilot certificate or medical certificate is revoked or suspended for any reason during the term of the permit, the permittee must obtain a replacement and provide a copy to the airport manager within 120 days of the date of revocation or suspension of the pilot certificate or medical certificate.

(o) Each permittee on a permit must fly the permittee's aircraft listed on the permit at least once from the permit space in each of any three months during each calendar year, using the tiedown space as the primary base of operations from which to fly. Each permittee must also fly at least one third of the listed aircraft's total flights to and from the space. Flights by co-owner pilots may not constitute more than two thirds of the aircraft's total flights to and from the space. For a float permit, only a flight in the listed aircraft flown from the lake when the aircraft is float-equipped is considered toward satisfaction of the requirements of this subsection. *

(p) An aircraft for which a float permit is issued must be float-equipped not less than 90 days each year during the period from May 1 through September 30. If a float space includes a land area large enough to accommodate a second float aircraft or a wheel-equipped aircraft without interfering with or obstructing an adjacent road, taxiway, space, or premises and the airport manager approves, a permittee may park a second aircraft on the float space so long as the permittee, alone or jointly with another permittee on the same permit, holds a 100 percent ownership or leasehold interest in both aircraft. A permittee who is allowed by the manager to park a second aircraft on a float space shall pay any additional fee established under 17 AAC 42.125.

(q) The airport manager shall conduct periodic inspections of tiedown spaces and permit files to monitor compliance with the requirements of 17 AAC 42.500 - 17 AAC 42.599 and specifically to confirm

(1) that a properly equipped, airworthy aircraft listed on the permit is parked on the space within or during the applicable periods required under 17 AAC 42.500 - 17 AAC 42.599; and

(2) that each permittee on the permit

(A) owns or leases at least a one-third interest in the appropriate gear type aircraft parked on the space as required under 17 AAC 42.510 (a) and, as applicable, (p) of this section;

(B) annually satisfies the aircraft flight requirements of (o) of this section;

(C) holds a pilot certificate as required under 17 AAC 42.510(a) and, as applicable, (c); and

(D) has a current FAA medical certificate as required under 17 AAC 42.510(a) .

(r) If the airport manager has reason to believe that a permittee is not in compliance with the applicable requirements of 17 AAC 42.500 - 17 AAC 42.599, the manager may require the permittee to submit to the manager written verification or documentation the manager considers appropriate to establish that the permittee is in compliance with the applicable requirements of 17 AAC 42.500 - 17 AAC 42.599. To verify compliance with the flight requirements of (o) of this section, upon request by the manager a permittee must provide a notarized statement signed by the permittee that lists the dates of flights the permittee has taken to or from the permittee's tiedown space as pilot of the aircraft listed on the permit and, as applicable, states for each listed flight whether the aircraft was equipped with wheels, floats, or skis. Upon request by the manager, the permittee must also provide a signed and notarized statement by each co-owner pilot, if any, that lists the dates of flights the co-owner pilot has taken to or from the permittee's tiedown space as pilot of the aircraft listed on the permit. The permittee shall also provide such other information or documentation that the manager reasonably requests to establish that the permittee satisfied the flight requirements.

(s) If a permittee dies, the permittee's estate, after written notice to the airport manager, may keep the permit for up to 180 days after the date of the permittee's death in order to sell or remove the permittee's aircraft. The estate shall pay the rent for the space as required under this section. The estate shall notify the airport manager when the permittee's aircraft is sold and when the aircraft is removed from the tiedown space. The permit terminates at the earliest of

(1) ten days after the permittee's aircraft is sold;

(2) the date that the aircraft is removed from the tiedown space; or

(3) the expiration of 180 days after the death of the permittee.

(t) At and after cancellation or termination of a permit, expiration of a permit not followed by a subsequent permit, or reassignment to a new space under 17 AAC 42.540 or 17 AAC 42.570, the permittee or permittee's estate, as applicable, shall continue to pay rent for the space until the permittee or permittee's estate

(1) removes all personal property from the space as provided in (u) of this section;

(2) restores the space to a clean, neat, and presentable condition to the satisfaction of the airport manager; and

(3) peaceably and quietly vacates the space.

(u) Except as otherwise provided in 17 AAC 42.570(h) , a permittee whose permit has expired and is not followed by a subsequent permit, whose permit has been cancelled or terminated, or who is reassigned to

a new space under 17 AAC 42.540 or 17 AAC 42.570 shall vacate the permit space at the permittee's own expense. The permittee shall

(1) within 14 days after cancellation, termination, or expiration of the permit or acceptance of the reassignment, as applicable, remove the permittee's aircraft from the old tiedown space and, if applicable, relocate the aircraft to the new tiedown space;

(2) except as provided in (3) of this subsection,

(A) relocate to any new space or remove from the airport all of the permittee's personal property from the vacated space; and

(B) restore the space to a clean, neat, and presentable condition to the satisfaction of the airport manager; and

(3) if the permittee requests information to enable the permittee to offer some or all of the permittee's personal property on the space for sale to the permittee's successor at the vacated space, within 14 days after the airport manager mails or delivers to the permittee the name and address of the permittee's successor at the vacated space,

(A) sell or otherwise transfer to the permittee's successor at the vacated space any of the permittee's personal property that the permittee agrees to transfer and the successor agrees to purchase or accept; and

(B) satisfy the requirements of (2) of this subsection.

(v) If a permittee or a permittee's estate, as applicable, shows good cause to the satisfaction of the airport manager, the manager shall approve a request to extend the time to perform an act required under (k), (m), (n), (s), or (u) of this section. The request must be in writing and include justification for the request and a date by which the required act will be completed. Any extension or combination of extensions granted under this subsection must be in writing and may not exceed one year.

History

History: Eff. 1/14/2001, Register 157

Annotations

Authority: AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.525. PERMIT LIMITATIONS

Statute text

(a) Neither a tiedown permittee nor a co-owner pilot may use the tiedown space for operation of a commercial aviation business or otherwise for commercial purposes unless the permit expressly authorizes that use.

(b) Subject to (c) of this section and excluding an ice permit, a permittee may hold up to two tiedown permits on the airport at one time, each listing a different aircraft in which the permittee holds the minimum interest required under 17 AAC 42.510(a). However, if an individual owns or leases only one aircraft that the individual parks in a tiedown space on the airport, the individual may hold only one permit.

(c) A permittee may not hold more than one float permit on the airport at one time. A permittee may receive and hold two wheel permits only if the permittee states in the application under 17 AAC 42.510 for one of the permits that the space will be used for a float-equipped aircraft not less than 90 days each year during the period from May 1 through September 30.

(d) More than one permittee may be listed on the same permit consistent with the requirements of this subsection. A permittee may add another individual to the permit if the other individual separately applies and qualifies for a permit under 17 AAC 42.510, including holding the minimum interest required under 17 AAC 42.510(a) in an aircraft listed on the permit, and is the first individual on the applicable wait list under 17 AAC 42.550 if there is a wait list for that category of permit. If an individual is added to a permit, that individual shall comply with all requirements applicable to the permit.

(e) A co-owner pilot who is listed on a permit but has not become a permittee under (d) of this section has no interest in the permit and does not have any right to continued use or occupancy of the permitted space at the expiration, termination, cancellation, or suspension of the permit.

History

History: Eff. 1/14/2001, Register 157

Annotations

Authority: AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.530. APPLICATION FOR SUBSEQUENT PERMIT

Statute text

(a) A permittee who wishes to retain a tiedown space after the expiration of a permit shall, during the 180 day period before the permit expires, submit an application for a subsequent permit under 17 AAC 42.510, along with the permit fee established under 17 AAC 42.125. If a permittee does not timely submit an application for a subsequent permit, the permittee's permit expires on its expiration date and, unless the space is needed for airport purposes, the airport manager shall make the space available to the next eligible applicant.

(b) The airport manager shall approve an application for a subsequent permit if the manager determines that the space is not needed for airport expansion, development, operation, or other state purpose and that the permittee qualifies for a permit under 17 AAC 42.510 and is otherwise in compliance with the applicable requirements of 17 AAC 42.500 - 17 AAC 42.599.

(c) If the airport requires the space for other purposes, the airport manager shall follow the procedures established in 17 AAC 42.570 (c) - (h), as applicable.

History

History: Eff. 1/14/2001, Register 157

Annotations

Authority: AS 02.15.020

AS 02.15.060

AS 02.15.090

Statute text

(a) The airport manager shall establish and maintain a switch list by which a permittee may have an opportunity to receive reassignment to a different tiedown space in the same category. Placement on a switch list does not create a right to reassignment to a different space.

(b) An airport manager shall maintain a switch list for each category of space established under 17 AAC 42.510(h) or (i) for which the manager receives a written switch request. Each list must be maintained in chronological order according to the date that the airport manager receives a request for that category of tiedown space as described in (c) of this section. However, a permittee placed on a switch list under 17 AAC 42.570(c) (2) or (3) or (e) shall be placed at the top of the list and ordered chronologically only as to any other permittee also placed on the list under 17 AAC 42.570(c) (2) or (3) or (e). A switch list is a public record and must include each requesting permittee's

(1) name;

(2) mailing address;

(3) date of request;

(4) telephone number, facsimile number, electronic mail address, or other method of contacting the permittee by electronic means; and

(5) list of the specific numbered spaces to one of which the permittee requests reassignment.

(c) A permittee in good standing may request to be placed on a switch list by submitting to the airport manager a written request on an airport form, together with any applicable fee established under 17 AAC 42.125.

(d) To the extent provided in this section, a permittee on a switch list has an opportunity to switch to an available space listed on the permittee's switch request before the space is made available to an individual on a wait list.

(e) When a tiedown space becomes available, the airport manager shall identify the first permittee on the applicable switch list.

The manager shall

(1) if the first permittee on the applicable switch list was placed on the list under 17 AAC 42.570(c) (2) or (3), assign the available space to the permittee and mail or deliver to the permittee notice of assignment to the available space; assignment to a space under this paragraph is effective unless, within 20 days after the assignment, the permittee rejects the permittee's opportunity to receive a space by mailing or delivering to the manager a written rejection of the assignment; a permittee who rejects an assignment to a space under this paragraph abandons the permittee's opportunity to receive a space unless, along with the written rejection, the permittee requests to remain on the top of the switch list to receive an opportunity to switch to another space under the procedures of (2) of this subsection; and

(2) in all other cases, including placement on the switch list under 17 AAC 42.570(e) , make not less than three attempts over the course of two consecutive business days to offer the space to the first permittee who listed the space on the permittee's switch request; the manager shall attempt to contact the permittee by telephone, facsimile, or other electronic means, using the permittee's current contact information required under 17 AAC 42.560(c) .

(f) A permittee whom the manager contacts or attempts to contact under (e)(2) of this section must accept or reject the available space within two business days after the manager first contacts or last attempts to contact the permittee to offer the space. If the manager is unable to contact the permittee as provided under (e)(2) of this section or the permittee declines the offered space or does not respond to the offer within two business days after the manager first contacts or last attempts to contact the permittee, the permittee's opportunity to switch to the new space lapses. In the manner and on the terms of this subsection and (e)(2) of this section, the manager shall, until the space is accepted or the list exhausted, attempt to contact and offer the available space to each successive permittee on the switch list who has listed that space on the permittee's switch request. If no switch list permittee timely accepts the offer of the available space, the manager shall offer the space to the first individual on the wait list as provided under 17 AAC 42.550.

(g) A permittee who accepts an offer to switch to a new tiedown space shall comply with the requirements of 17 AAC 42.520(t) and (u).

(h) The airport manager shall remove from the switch list the name of a permittee who accepts an offer to switch. The manager shall move to the end of the switch list the name of a permittee whom the manager is unable to contact under (e) of this section, who declines an offer to switch to a new space that the permittee had listed on the permittee's switch request, or who fails to respond to an offer before it lapses.

(i) If the airport manager determines that requiring confirmation of a permittee's desire to remain on a switch list will expedite the issuance of tiedown permits for a category of space, the manager shall request at least the first five permittees on the applicable switch list to confirm that desire. The manager's request for confirmation must be in writing. If the manager does not receive written confirmation from the permittee within 30 days after the date that the manager mails or delivers the request for confirmation to the permittee, the manager shall remove the permittee's name from the applicable switch list.

(j) If a permittee's permit terminates, is cancelled, or expires and is not followed by a subsequent permit, the manager shall remove the permittee's name from the switch list for that category of tiedown space effective as of the date that the permit terminated, was cancelled, or expired.

(k) The airport manager shall mail or deliver to the permittee notice that the permittee's name has been removed from the switch list under (i) or (j) of this section.

History

History: Eff. 1/14/2001, Register 157

Annotations

Authority: AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.550. WAIT LIST PROCEDURES

Statute text

(a) If the number of tiedown spaces in a category is not sufficient to meet demand, the airport manager shall establish and maintain, in chronological order according to date of request, a wait list of each pilot and student pilot who has submitted a written request for a tiedown space in that category under (b) of this section. A wait list must include each individual's name, mailing address, date of request, and, if available, telephone and facsimile numbers and electronic mail address. A wait list is a public record.

(b) To be added to a wait list, an individual must

(1) sign the applicable wait list in the Ted Stevens Anchorage International Airport tiedown office;

(2) provide the wait list information required in (a) of this section;

(3) provide a copy of the individual's pilot or student pilot certificate;

(4) sign a notarized statement that the information provided is true and accurate and that the individual has read and understands the requirements of 17 AAC 42.500 - 17 AAC 42.599 and understands that if the individual fails to comply with those requirements the airport manager will remove the individual's name from the wait list; and

(5) pay any applicable fee established under 17 AAC 42.125.

(c) When a space becomes available and is not reassigned through the switch list procedures under 17 AAC 42.540, the airport manager shall mail by a means that provides evidence of receipt, or deliver by hand a notice that a space is available, along with an application for a tiedown permit for that space, to the first individual in chronological order on the applicable wait list.

(d) If an individual to whom the airport manager has mailed or delivered a notice under (c) of this section does not submit a completed and signed application for a permit for the space within 20 days after receipt of the notice and if either the notice is returned to the manager unclaimed or by the 30th day after mailing the notice to the individual the manager has no evidence that the individual received the notice, the notice lapses. In that case, the manager shall offer a permit for the space to the next individual on the applicable wait list by notice in the manner provided under (c) of this section.

(e) If an individual receives a notice mailed or delivered under (c) of this section, but does not timely submit a completed and signed application for a permit for the space, the airport manager shall remove the individual's name from the wait list. Subject to (f) of this section, if the notice is returned to the manager unclaimed or if by the 30th day after mailing the notice the manager has no evidence that the individual received the notice and the manager has never before mailed a notice to that individual regarding a formerly available space under (c) of this section, the airport manager shall leave the individual's name on the top of the wait list.

(f) Notwithstanding (e) of this section, the airport manager shall remove an individual's name from the wait list if the manager has previously mailed to that individual a notice under (c) of this section regarding a formerly available space and

(1) the individual does not submit a completed and signed application for a permit for the presently available space within 30 days after the manager mails the notice regarding that space; or

(2) the notice mailed to the individual regarding the presently available space is returned to the manager unclaimed.

(g) To qualify for a permit under this section, an individual must satisfy all applicable requirements for a permit under 17 AAC 42.510 at the time that the application is submitted, with the exception of owning or leasing an interest in an airworthy aircraft.

An applicant under this section has 90 days from the date that the application is submitted to acquire at least a one-third ownership or leased interest in an airworthy aircraft that the individual will park in the tiedown space and to satisfy the requirements of 17 AAC 42.510(d) (2), (6), (7), and (9).

(h) To remain on a wait list, by September 30 of each year an individual must submit a written request to do so and pay any fee established under 17 AAC 42.125. If an individual on a wait list does not submit a

request to remain on the list and pay the required fee by September 30 of each year, the airport manager shall remove the individual's name from the wait list.

(i) The airport manager shall mail or deliver to the individual notice that the individual's name has been removed from a wait list under this section.

History

History: Eff. 1/14/2001, Register 157

Annotations

Authority: AS 02.15.020

AS 02.15.060

AS 02.15.090

Editor's note: The location of the Ted Stevens Anchorage International Airport tiedown office may be obtained from the airport manager's office at the address provided in 17 AAC 42.005.

17 AAC 42.560. PERMIT, SWITCH LIST, AND WAIT LIST INFORMATION

Statute text

(a) A permittee or an individual on a wait list shall promptly report to the airport manager any change in the information contained in the permit or on a request for placement on a switch list or wait list.

(b) A permittee or an individual on a wait list shall maintain a current mailing address on file with the airport manager at all times. Except as otherwise provided in 17 AAC 42.540(e), the manager shall mail or deliver any notice regarding a permit, switch list, or wait list to the mailing address on file most recently provided by the permittee or individual.

(c) A permittee on a switch list shall maintain on file with the airport manager at all times a current telephone number, facsimile number, electronic mail address, or other method of contacting the permittee by electronic means.

History

History: Eff. 1/14/2001, Register 157

Annotations

Authority: AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.570. CANCELLATION OF PERMIT, REASSIGNMENT OF SPACE, OR SUSPENSION OF PERMIT

Statute text

- (a) A permittee may cancel a tiedown permit for any reason upon written notice to the airport manager.
- (b) The airport manager shall cancel a permit if the permittee fails to comply with an applicable material requirement of 17 AAC 42.500 - 17 AAC 42.599 or other applicable provision of this chapter within 30 days after the manager mails or delivers written notice of the noncompliance to the permittee.
- (c) If the airport manager determines that it is necessary temporarily or permanently to convert a tiedown space to another category of tiedown space or to another use to accommodate airport expansion, development, operation, or other state purpose or that it is otherwise in the best interest of the state to do so, the manager shall require the permittee to vacate the space and
- (1) if another tiedown space in the same category as the space vacated is available, reassign the permittee to that space;
 - (2) if another space in the same category is not available, reassign the permittee to a space in a category as similar as possible to the space vacated and give the permittee the opportunity to provide the information required under 17 AAC 42.540(b) and be placed on the top of the applicable switch list for reassignment under 17 AAC 42.540(e) (1); or
 - (3) if no other space is available, suspend the permit and give the permittee the opportunity to provide the information required under 17 AAC 42.540(b) and be placed on the top of the applicable switch list for reassignment under 17 AAC 42.540(e) (1).
- (d) The airport manager shall mail or deliver written notice to the permittee at least 60 days before reassigning the permittee to another space or suspending the permit under (c) of this section. The notice must state the reasons for reassigning the permittee or suspending the permit.
- (e) If the permittee within 30 days of the reassignment under (c)(1) of this section submits a list of preferred spaces and the other information required under 17 AAC 42.540(b) , the manager shall place the permittee on the top of the switch list to receive an opportunity to switch spaces under the procedures of 17 AAC 42.540(e) (2). The permittee may remain on that list without paying any fee otherwise charged under 17 AAC 42.540 for placement on the switch list so long as the permittee continues to qualify for a permit under 17 AAC 42.510(a) and is otherwise in compliance with the applicable requirements of 17 AAC 42.500 - 17 AAC 42.599.
- (f) If a permittee's permit is suspended under (c)(3) of this section and the permittee is placed at the top of the applicable switch list under that provision, the permittee may remain on that list without paying any fee otherwise charged under 17 AAC 42.540 for placement on the switch list or under 17 AAC 42.520 for holding the permit so long as the permittee continues to qualify for a permit under 17 AAC 42.510(a) and is otherwise in compliance with the applicable requirements of 17 AAC 42.500 - 17 AAC 42.599.

(g) A permittee who is temporarily reassigned to another tiedown space under (c) of this section must pay either the fee for the temporary tiedown space or the fee for the permittee's permanently assigned tiedown space, whichever is less, for the duration of the reassignment.

(h) If, under (c) of this section, the airport manager reassigns a permittee with a float space to another space or suspends the permittee's float permit, subject to availability of an appropriation for this purpose, the manager shall compensate the permittee for the reasonable transportation cost of relocating any portable building from the vacated space to another location on the airport and any electrical disconnect and reconnect fee so long as the manager had approved the portable building or electrical connection, as applicable, in writing before installation.

(i) Except as otherwise provided in (h) of this section, a permittee who is permanently reassigned to another tiedown space under (c) of this section must timely and at the permittee's own expense

(1) pay the fee for the reassigned tiedown space; and

(2) comply with the requirements of 17 AAC 42.520(t) and (u).

(j) Upon cancellation of a permit, the airport manager shall refund the permit fee on a pro rata basis except to the extent of any liability of the permittee to the department under this chapter.

History

History: Eff. 1/14/2001, Register 157

Annotations

Authority: AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.590. PROTEST

Statute text

An applicant or permittee may protest the airport manager's decision to deny an application or to cancel, reassign, or suspend a permit in accordance with 17 AAC 42.910.

History

History: Eff. 1/14/2001, Register 157

Annotations

Authority: AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.595. TRANSITIONAL COMPLIANCE REQUIREMENTS

Statute text

(a) A permit for a tiedown space on the airport issued before and valid on December 31, 2000 is effective until July 13, 2001 and expires on that date unless first terminated for noncompliance with the provisions of this chapter. A prior permittee must apply under 17 AAC 42.510 for a subsequent permit under 17 AAC 42.530 no later than the earlier of sixty days after the airport manager mails or delivers to the prior permittee an application for a permit under 17 AAC 42.510 as provided under (c) of this section or June 13, 2001 in order to retain the permittee's space.

(b) Any switch list or wait list established for a category of tiedown space before January 14, 2001 is canceled effective July 13, 2001. A prior permittee who is on a switch list on January 14, 2001 and who desires to be placed on a new switch list under 17 AAC 42.540 must apply for placement on that list no later than July 13, 2001 in order to retain the permittee's priority on the new switch list. If the individual qualifies for placement on a wait list under 17 AAC 42.550, an individual on a prior wait list must submit the information required under 17 AAC 42.550 and sign a new wait list no later than July 13, 2001 in order to transfer the individual's priority from the prior wait list to the new wait list.

(c) No later than April 14, 2001, the airport manager shall mail or deliver the following to each prior permittee and individual on a prior wait list, as applicable:

(1) for a prior permittee, an application for a permit under 17 AAC 42.510; and

(2) for an individual on a prior wait list, a notice that the prior wait list will be canceled and superseded as of July 13, 2001 and that the individual must provide the required information and sign a new wait list under 17 AAC 42.550.

(d) If a prior permittee who is on a switch list as of January 14, 2001 is in good standing and timely submits an application for a subsequent permit under (a) of this section, the permittee shall be placed on a new switch list established under 17 AAC 42.540 for the same category of space. The permittee's placement on the new switch list shall be in the same order of priority that applied to the permittee with respect to other prior permittees on the superseded list.

(e) If an individual on a prior wait list is qualified and in good standing, timely submits the information required under 17 AAC 42.550, and signs a new wait list under (b) of this section, the individual shall be placed on a new wait list for the same category of space established under 17 AAC 42.550. The individual's placement on the new wait list shall be in the same order of priority that applied to the individual with respect to other individuals on the superseded list.

(f) In this section, unless the context otherwise requires,

(1) "prior permittee" means an individual who on January 14, 2001 holds a valid tiedown permit issued before that date;

(2) "prior wait list" means a wait list established before January 14, 2001.

History

History: Eff. 1/14/2001, Register 157

Annotations

Authority: AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.599. DEFINITIONS

Statute text

In 17 AAC 42.500 - 17 AAC 42.599, unless the context otherwise requires,

(1) "airport" means Ted Stevens Anchorage International Airport;

(2) "available", when used to describe a tiedown space of a particular category, means

(A) not the subject of a tiedown permit;

(B) not being temporarily or permanently converted by the airport manager to a different category space; and

(C) neither needed for nor being held by the manager to accommodate airport expansion, development, operation, or other state purpose;

(3) "commercial purpose" means the use of a tiedown space to park an aircraft that is flown for hire or other business purpose;

(4) "co-owner pilot" means an individual who owns or leases at least a one-third interest in the aircraft listed on a permit under 17 AAC 42.510(c) (2), who holds a pilot license described in 17 AAC 42.510(a) , and who is not a permittee on the permit;

(5) "float permit" means a permit the airport manager issues allowing the permittee to use a specified float space, including any land area approved by the airport manager for parking a second aircraft within the permitted area;

(6) "float space" means a tiedown space that borders the shores of Lakes Hood or Lake Spenard and that the airport manager identifies by a number and designates primarily for parking float-equipped aircraft;

(7) "ice permit" means a permit that the airport manager issues allowing the permittee to use a specified ice space;

(8) "ice space" means a tiedown space on Lake Hood or Lake Spenard during a time when the lakes are sufficiently frozen to safely support aircraft and that the airport manager designates for parking ski-equipped aircraft;

(9) "noncommercial purpose" means the use of a tiedown space to park an aircraft that is flown only for a personal, not-for-profit, or governmental purpose;

(10) "space" means a location on the airport that

(A) is accessible to and is of sufficient dimensions to accommodate a light aircraft;

(B) the airport manager has described by markings on the ground, rough dimensions, or reference points and designated for parking float-, wheel-, or ski-equipped light aircraft; and

(C) may be the subject of a tiedown permit;

(11) "subsequent permit" means a permit issued to a permittee after expiration of a permit and that allows the permittee to continue to hold a space without interruption;

(12) "wheel permit" means a permit the airport manager issues allowing the permittee to use a specified wheel space;

(13) "wheel space" means a land space that the airport manager identifies by a number and designates primarily for parking wheel-equipped aircraft.

History

History: Eff. 1/14/2001, Register 157

Annotations

Authority: AS 02.15.020

AS 02.15.060

AS 02.15.090

Subject: Lake Hood Float Tiedowns

Date: Mon, 06 Aug 2001 16:03:37 -0800

From: Peter Richter <richter@gci.net>

To: Jim_Pound@legis.state.ak.us

For the August 7, 2001 meeting:

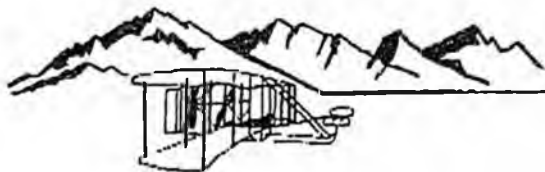
I am opposed to dropping the medical requirement to hold a state lease for a Lake Hood Tiedown site.

Having a current medical certificate is required to fly an aircraft and should be part of the lease requirement.

People on the float wait list don't want to see the creation of family or friend groups that will hold on to sites indefinitely. These are individual sites.

If the state issued these sites to pilots who flew on a weekly basis, there would be no need for any wait lists. Pilots who fly less frequently should be parked on float trailers on land.

Peter Richter



ALASKA AIRMEN'S ASSOCIATION, INC.

REPORT ON TITLE 17 REGULATIONS CONCERNING LAKE HOOD
ALASKA AIRMEN'S ASSOCIATION

The Alaska Airmen's Association is a statewide aviation organization and has over 1500 members, with the mission to enhance general aviation in Alaska.

Many of our members are permit holders at Lake Hood and many are also on the "wait list." Following the Alaska Division of Legislative Audit on Anchorage International and Lake Hood Airports, the Association worked with DOT/PF in making suggested changes to Title 17 prior to the regulations becoming law. The new regulations have been effect for about six months and problems have arisen. We offer the following comments, on a few specific areas, to show the need to look into these regulations. Should the legislature decide to look further into them, we would like the opportunity to offer further comment.

17AAC42.500(c)(1), (2), (3), (4), (5). State the purpose of the regulation: "Fair," "Pilot-focused," "Provides maximum use," "reduces wait list," "fair system for issuance, cancellation, and reassignment."

17AAC42.510(d)(5), 42.510(e)(4), 42.520(m), 42.520(n), 42.520(q)(2)(D). Delete all references to medical certificates. Medical Certification is the FAA's role not DOT/PF. DOT/PF may require a License but FAA determines the medical requirements. The FAA has authorized a Sport Pilot's License and there is NO medical requirement. Under the current regulations A "Sport Pilot" is prohibited from using the Lake by DOT/PF but would be legal by FAA standards. There were objections to any reference to Medical Certificates from the Alaska Airmen's Association in December 1999 and from AOPA president Mr. Phil Boyer in July 1999. If the FAA allows a pilot to fly, under supervision or otherwise, without a current medical certificate, the DOT/PF has no business increasing requirements. "Fair and pilot-focused?"

17AAC45.530(p) and 45.510(h). When two or three authorized co-owner pilots" occupy a float slip that also has room for a land aircraft, it is unreasonable and not "fair" and does not "provide maximum use" when the permittee is not allowed to park his other aircraft on the land spot unless he owns it 100%. Recently, Mr. Gary Rich was refused and told he could have another paved public ramp (letter dated May 4, 2001 ref space 715). The way the regulations are written provides for no flexibility to the airport staff. Consequently, Mr. Rich now will occupy two parking areas and the land space, by the float slip, will be empty. We suggest that the 100% ownership be changed to "1/3 ownership."

17AAC45.510(a)(3)(C): This prohibits 2 pilots who share ownership or jointly lease an aircraft to be permittees on the same tie down. A father and daughter jointly own an aircraft. The father is the permittee and the daughter a listed "co-owner pilot." When the daughter qualifies for her own tie-down permit, she cannot use the co-owned aircraft to qualify and be an additional permittee on her father's space. Surely, allowing both to be joint permittees "reduces the wait list" and "provides maximum use."

17AAC42.54(f): A "fair system" and a "pilot-oriented" system would allow two consenting permittees to swap float slips or tie downs, with the concurrence of the airport management. This section needs this additional paragraph.

August 3, 2001

Felix M. Maguire, Director
 Government & Legislative Affairs

TIEDOWNS AND LEASING AT LAKE HOOD
(Felix Maguire)

The Alaska Airmen's Association has had some meetings with members expressing concern over the new Title 17 regulations as they affect Lake Hood.

There have been many complaints against the airport staff about how the regulations are being implemented. During our discussions, we have collected letters and information that reflect the new regulations. After much discussion we find that the airport staff are implementing the regulations as written. The problem appears that there is no flexibility within the regulations for common sense or to accommodate unusually circumstances.

We know of at least two pilots who were out of State for family sickness and death. They returned to find that they had lost their float spots because they had not used them. One case was settled in court and the pilot got his space back. Regulations should allow for unusual absences without having the costs of lawyers and the hassle of court proceedings especially when someone is already in grief over the loss of a family member.

Another regulation states that to have a second aircraft at a float tie-down, the permit holder has to own 100% of the second aircraft. One pilot was told, that although he has a floatplane at the slip and there is room for another (wheeled) aircraft at the same tie-down, he could not park it there because he only owns 50% of the new aircraft. He was offered a wheeled tie-down on another part of the airport. So, while he has a new tie-down elsewhere and a floatplane at the slip, the space for the wheeled aircraft at the slip sits empty. Common sense dictates that rather than using two tie-downs, he should be allowed to use the one. However, that is how the regulation is written and the airport staff has no flexibility to alter it.

To fully understand the problem at Lake Hood, it is advisable to read the Alaska Division of Legislative Audit produced for the DOT/PF on Anchorage International and Lake Hood. It is available at the Airmen's office or call and we will e-mail all 27 pages to you. It is quite apparent that "discretion" in the old regulations led to abuse and expectation from pilots that the airport staff would always capitulate to all requests and pressure. This was unsatisfactory as it led to a long "wait list" and many of our members are still waiting up to 15 years to get a spot on the lake. Once they get it, they will fight tooth and nail to hold onto the lease.

One of the purposes of the new regulations was to reduce the wait list and have a "fair, pilot-oriented" system in operation. Unfortunately pilots, like any other segment of society, have some who will manipulate and cheat to get a spot on Lake Hood. Most are trying to abide by the honest intent of leasing from the State. Getting the correct balance between hounding permit holders and catching the cheaters is not easy.

Some legislators have expressed an interest in looking at the regulations in answer to the letters they are receiving from pilots concerning the Lake. The Airmen's Association has submitted some ideas and suggestion and will be available to assist legislative aids in preparing a more in-depth constructive look at the new Title 17 regulations as they pertain to Lake Hood. For that we need specifics, such as names and letters, to help identify areas within the regulations that need to be changed. Remember that Title 17 is the law and it will need the legislature to pass a bill in order to change the current somewhat inflexible regulations. Help us to help you.

THE
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DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES



Ted Stevens
Anchorage
International Airport

P.O. Box 196960
Anchorage, Alaska 99515-6960

May 4, 2001

Re: Lake Hood Space 715

Gary Rich
15620 Southpark Loop
Anchorage, AK 99516

Dear Mr. Rich:

This letter is in response to your letter, of April 16, 2001 (copy attached), requesting a waiver to 17 AAC 42.510, APPLICATION, APPROVAL, AND CATEGORIES, (b).

Your letter and tiedown permit application/agreement indicate you own 100% of Cessna 185 (N1856R) and will be purchasing 50% of a Piper Super Cub with Mr. Robert Steiner. 17 AAC 42.510 (b) states, "if an individual requests that more than one aircraft be listed on a permit, the individual must, together with any other permittee on the permit, hold a 100 percent ownership or leasehold interest in each listed aircraft."

The new regulations, adopted on January 14, 2001, provide the airport manager an opportunity to exercise discretion regarding certain portions of the regulations. Unfortunately, your request to waiver 17 AAC 42.510 (b) is not within the airport manager's authority to waive the regulation. As Mr. Steiner is not a co-permittee for Lake 715, you must therefore own or lease 100% interest of every aircraft registered to park at Lake 715.

I understand you're your position on this issue and regret that we cannot approve your request. We can provide wheeled parking for whichever aircraft you operate on wheels at one of the paved public ramps. The total cost for parking one wheeled and one float-equipped aircraft will remain the same, \$135.00 per month. If you have any additional questions regarding the new requirements, please call me Monday through Friday, 7:30 a.m. to 5:00 p.m. at (907) 266-2673.

Sincerely,

Corky Caldwell
Airport Operations Manager

CC/ts

c: Morton V. Plumb, Jr., Airport Director
John Parrott, Airport Operations Superintendent
George V. Frushour, Airport Operations Officer
Andrew N. Hutzal, Airport Leasing Officer

Subject: Lake Hood/Spenard Regulations

Date: Mon, 6 Aug 2001 14:04:03 -0800

From: George L Stewart <glstewart@juno.com>

To: Jim_Pound@legis.state.ak.us

CC: Andy_Hutzel@dot.state.ak.us

Administrative Regulation Review Committee
Representative L. McGuire

I am writing to **STRONGLY SUPPORT** the upgraded regulations for Float Plane Space at the Lake Hood/Spenard complex.

The spaces at this complex are an extremely limited resource for pilots in the Anchorage Bowl area. It is only fair that these spaces be allocated to people who can use them - i.e. licensed and float certificated pilots with active medical certificates who have float planes.

I have waited 12+ years for a space to be available (I meet the requirements in the previous paragraph). It is grossly *unfair* for the spaces to be tied up by people who cannot fly a float plane (either because they have no medical or no plane).

Unfortunately I am unable to attend the hearing on Tuesday August 7. I would be happy to be available by phone if needed. Please continue to support the Upgraded Regulations.

Thank you,

George L Stewart
glstewart@juno.com
907-274-5864 (office) 522-1062 (home)



**Anchorage
International
Airport**

State of Alaska DOT & PF
P.O. Box 196960
Anchorage, Alaska
USA 99519-6960
(907) 266-2525
FAX (907) 243-0663

July 18, 2000

Ted F. Darby
P.O. Box 190628
Anchorage, AK 99519-0628

Dear Mr. Darby:

It was a pleasure to meet with you last week to discuss your concerns regarding Lake Hood and aircraft security. As a follow-up to our discussion, I felt it was important to reiterate that the Airport Police and Operations routinely patrol the Lake Hood complex, even though the Anchorage Police Department has primary jurisdiction regarding criminal action in these areas. There are a number of security and safety issues that we are considering, that when implemented should further improve the security of Lake Hood areas.

While I appreciate your willingness to assist us by spending the night at your floatslip, this simply is not authorized. The Commissioner's policy is very clear on this issue and any temporary or permanent habitation is strictly prohibited.

Again, it was a pleasure meeting with you.

Sincerely,

A handwritten signature in cursive script that reads "Corky Caldwell".

Corky Caldwell
Aviation Operations Manager

CC/ts

Aug 7, 2001

Madam chair and committee members

My name is Andy Anderson. I appreciate you coming to Anchorage and having this meeting concerning the problems with "rule 17" as we discussed in Juneau.

I represent a lot of pilots on the Ted Steven's Int'l Airport complex, the petitions in your packet verify this.

For those of you who are not familiar with this airport, we have the Int'l part, Lake Hood gravel strip and Lake Hood-Lake Spenard sea plane base. The int'l part is no different from any other airport, Fairbanks, SeaTac, Lax, etc. The gravel strip is no different from any other runway other than it is not paved, then we have Lake Hood-Lake Spenard for wheels, skis and floats.

The D. O. T. commissioner has imposed unreasonable rules and regulations on this airport complex that no other airport in Alaska or the other 49 states have. He said this is due to supply and demand.

To have a tie down on this airport, the commissioner requires you to have a private license and a medical, on Lake Hood and Lake Spenard you also need a float rating. No other airport has these rules. Fairbanks Int'l Airport and their float plane lake tie downs do not require a license, medical, float rating, they also have a wait list with 60 people waiting for a float tie down. You should be able to own an airplane, rent a slip from the state and hire a pilot to fly you around if you so wish. This is our right but the D. O. T. commissioner says it is not our right due to supply and demand, HOGWASH, every operation in the state is supply and demand.

If I lose my medical I have four months to get it back, serious problems take a year or more, or I lose my tie down. I can still fly

my plane legally with a licensed pilot on board. By them taking my tie down they are denying me that right and discriminating against me, they are also in violation of the American Disability Act.

Boat slips in Homer, Seward, Whittier have a wait list of several years just like Lake Hood and Lake Spenard. You need a boat to get your slip but once you have it they don't care what you do, you don't have to have a boat in it even, if you don't use it they will put another boat in it. You don't need any Coast Guard Licenses, Medical or nothing. This is a supply and demand also.

A person flies off of Lake Hood and Lake Spenard on wheels and skis for seven months and floats four to five months, yet they put the priority on floats, this is not right. Mr. and Mrs. Hunt fly off of Lake Hood, Mrs. Hunt flies seven to eight months off of the lake on wheels and skis, her husband has a float rating and he flies four months on floats, if Mr. Hunt should lose his medical she could not continue to park because she don't have a float rating but flies more on skis and wheels than he does, this is not right.

Federal Air Regulations state the only people we have to show our licenses and medical to are the FAA, NTSB, and local and state law enforcement officers. The D. O. T. commissioner requires you to show your license and medical to get a tie down, he says this is voluntary in order to be given the privilege of a tie down. This is not voluntary, he is requiring you to do this if you want a tie down, this is wrong, we pay rent for this tie down so it is not a privilege.

A student pilot can not have a tie down on this airport. A student pilots license is a license to learn just like other licenses. I started flying on this lake years ago and got my license on floats, there is nothing wrong with this, a student pilot should have the same privileges on this lake as a private pilot.

There is a new recreational license coming out in the near future. All you need will be a drivers license, no pilots license and no medical, there will be some aircraft on this airport that will fall in this category. This is all the more reason that no pilot license, medical or float rating should be required to have a tie down at this airport.

We need to have uniform policy and rules that apply to all airports and conform to state and federal guidelines. Fairbanks is an excellent example, they have a wait list but the only requirement is that you own or lease an airplane, they are doing it the correct way.

I attended most of the meetings the airport had on rules pertaining to "rule 17". The pilots that are on the lake did not get much input into these rules, the rules are for the people waiting to get on the lake. The audit committee made recommendations and John Barsalou here in Anchorage wrote all the rules. They were shoved down our throats. We need to get rid of these rules and operate like a normal airport. The rules do not benefit any pilot on the lake, only the pilots on the wait list. Please put a moratorium on these rules, effectively immediately, and let the legislature come up with new and reasonable rules like the other airports in Alaska and the airports in the other 49 states, they operate in a more reasonable normal manner.



C. D. "Andy" Anderson:
2527 Arlington Dr.
Anchorage, Ak 99507
Ph 272 2971

1. Rule "17" (pertaining to a pilots license, medical and rating) is not enforced uniformly throughout the State of Alaska. No other airport in the State of Alaska imposes this rule. According to our research there is no airport in any of the other 49 states that imposes this rule. This regulation is in violation of the Due Process Clause and Equal Protection Clause of Alaska and the U.S. Constitution. It is also in violation of Law 42 U.S.C.A. ~12132 American Disability Act.

2. Parts of Rule "17" takes away a persons constitutional rights and discriminates against them. All persons should have the right to own an airplane and hire a licensed pilot to fly him/her around if that person so chooses. A person that owns an aircraft should not be required to have a pilots license, medical, or float rating, to rent a float or wheel tie-down slip at Ted Stevens International Airport Complex, i.e. Lake Hood/Lake Spenard and the Lake Hood Gravel Strip. Nor should any person submitting an application for the waiting list at the Anchorage airport complex be subjected to these regulations.

3. A tie-down or float slip permit holder should be allowed to share equal claim to the tie-down or float slip with his/her spouse.

4. The airport management has no legal right to require a pilot to show his/her medical certificate or license. If a person does not have a current medical certificate it is the job of the FAA to enforce compliance. If a medical certificate is going to be a permanent requirement, than there should be a minimum 15 months compliance period allowed for a person to reapply and get his/her medical certificate reissued without the fear of losing a tie-down slip (the current 4 months is not a reasonable period of time). If a person loses their medical certificate they can still fly with a licensed pilot on board.

5. Who determines which type of aircraft has priority for a tie-down on the lake? During a typical 1 year period aircraft owners at the Lake Hood/Lake Spenard complex are able to fly 12 months on wheels, 7 months on skis, and 5 months on floats. Which tie-down has priority? Wheels, skis or floats?

6. A student license is a permit to learn. Student pilots should be allowed to fly in and out of any airport complex just like all other aircraft owners. A student pilot should be allowed to apply for and keep a tie-down or float slip. A student pilot can rent an aircraft from a commercial operator and still fly in and out of the airport complex. It doesn't make sense to prohibit a student pilot from renting a tie-down slip.

7. All rules and regulations enforced at the Anchorage airport complex by state or federal offices should be consistent and uniform with all other airports throughout the State of Alaska and the United States. The State of Alaska needs to make tie-down fees standard at all airports throughout the state.

8. The Lake Hood/Lake Spenard airport complex is no more "unique" than the boat harbors throughout the State of Alaska. It is wrong to try and enforce discriminating regulations based on "uniqueness".

9. To be on Seward or Homer's boat slip waiting lists you are only required to have a boat. After you are issued a boat slip they do not police which boat owners use their slips or not. No boat "pilot" or coast guard licensing is required.

C.D. "Andy" Anderson
2527 Arlington Dr.
Anchorage, Ak 99517
Home Phone 272-2971

The removal of a tiedown permittee from the airport tiedown list. Based upon Title 17 Chapter 40 and 42, which provides that the purpose of the regulation is to provide tiedown permits for pilots who fly their own airworthy aircraft, is in violation of the Due Process Clause and the Equal Protection Clause of the Alaska and United States Constitution.

Whether or not a tiedown permittee personally flies the aircraft or whether a tiedown permittee allows others to fly the aircraft who may be a licensed pilot(s) is not a matter that can legally be governed by airport leasing. A provision that limits the issuance of a tiedown to a pilot who both flies and owns a aircraft is discriminatory against a person who has an aircraft and may utilize other persons to fly the aircraft.

If a person loses his medical and the airport takes his tiedown away from him, this is discriminatory and in violation of the requirement of 42 U.S.C.A. ~12132, which provides in pertinent part that "No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, program, or activities of public entity, or be subjected to discrimination by any such entity."

The "Americans with Disabilities Act" (ADA) is applicable to the State of Alaska.

The criteria arbitrarily imposed by the Ted Stevens International Airport of requiring a person to hold a pilots license and medical is not necessary for the service of the Ted Stevens International Airport to provide tiedown space for aircraft with a fair system for issuance and termination of tiedowns pursuant to Title 17 Chapter 40 and 42.

The policies, procedures and rules as those are now being applied by Ted Stevens International Airport violate the provisions of ADA 42 U.S.C.A. ~12131 et seq.

Dear

I am writing to you regarding a problem at Ted Stevens International Airport, which also controls Lake Hood Sea-Plane Base in Anchorage, Alaska. Since there are pilots waiting to get a tie down spot on Lake Hood, there is a "wait- list." As of July 14, 2001, Airport Management is requiring that you have a private pilots license and a float rating to be on this list. As well, they also charge you \$25.00 a year to maintain your name on said list. They have no right to charge you. No other airport in Alaska or the United States requires, or operates with the above regulations.

I know of one pilot that flew on a student license for thirty years. He couldn't carry passengers, but he still met all the legal requirements. ~~Now they will not even let you on the wait list with a student pilot's license. This is wrong.~~ A STUDENT PILOT CAN NOT HAVE A Tie down.

The Airport Management requires you to show them your license and medical then proceeds to make a copy of it. The Federal Aviation Rules states that the only people that can legally require you to show your pilots license is the FAA, NTSB, state and local police, and the FBI. This requirement of Airport Management is without merit.

There are many Airport Management personnel on the wait list that are trying to get a float spot. To name a few; George Froshour (OPS officer), Dough Lohr (OPS superintendent), and Andy Hotzei (leasing officer). This is a big conflict of interest. Mr. Corky Caldwell and George Froshour appear to be the main people involved with making these rules, and are very difficult people to deal with. Mr. Caldwell stated that he didn't want any student pilots flying around Lake Hood, because it's "his" airspace. With a student pilots license signed by a CFI and transponder equipped airplane, you can fly to or from just about any airport.

I've had a floatplane on Lake Hood for 40 years now. For nearly ten years, we've been getting threatening and intimidating letters from the airport management. I know several people that just gave up fighting with Airport Management, and have moved their aircraft, or just quit float flying altogether. Great public service you have there.

With new rules (effective July 14th, 2001), the pressure on student pilots to expedite the task of getting all their ratings could lead to a serious safety problem. If these illegal rules are implemented, there should be grandfather rights for all current student pilots and private pilots currently leasing at Lake Hood that don't meet Rule 17.

If I were to loose my medical, I feel that I should be able to keep my float slip and hire a pilot to fly me around. My wife was on my tie-down permit with me, with a student pilot's license. She will be removed from my permit because there is no way she would be able to meet this deadline. I feel our constitutional rights are being taken away, and we are being discriminated against. Thank you for your time.

Sincerely,
C.D. (Andy) Anderson
2527 Arlington Dr.
Anchorage, Alaska 99517
(907) 272-2971

The same standard for issuance of a tiedown permit at a state owned airport are not uniform through out the state of Alaska. At other state owned airports a requirement for a pilot license or medical is not a prerequisite for holding a tiedown. This is in violation of the Due Process Clause and Equal Protection Clause of Alaska and U.S. Constitutions.

Thank you very much for your time and assistance.

Sincerely,



C.D. "Andy" Anderson

- a. **Kenai Airport**
\$250.00 for 6 months
\$450.00 for 1 year
Wheels or floats. No license or medical certificate required.

- b. **Fairbanks Int'l Airport**
\$30.00 month for float tie-down
No license, medical certificate or float rating required.

- c. **Merrill Field Anchorage**
No license or medical certificate required.

- d. **Wasilla**
No license or medical certificate required.

- e. **Homer, Juneau, Ketchikan, Nome & Sitka**
No license or medical certificate required.

- f. **Lake Hood/ Lake Spenard Anchorage**
\$570.00 for 6 months
Private pilot license, & current medical certificate required
If you have a float slip a float rating is also required.



Chapter 02.15. ALASKA AERONAUTICS ACT OF 1949

Sec. 02.15.010. Purpose. *These ARE STILL used
By The STATE FOR Guidelines*

The purpose of this chapter is to

(1) further the public interest in aeronautical progress by providing for the protection of persons and promotion of safety in aeronautics through appropriate measures consistent with and supplementary to but not duplicating federal aeronautics laws and regulations, with a view to the least possible interference with aviation activity compatible with the general welfare;

(2) encourage and develop aeronautics and the establishment and operation of a state system of airports through cooperation with municipalities, and otherwise, including cooperation with the federal government and acceptance and utilization of federal funds allotted for this purpose.

Sec. 02.15.020. Powers of department.

(a) The department may perform acts, issue and amend orders, and adopt reasonable general or special regulations and procedures, and establish minimum standards, consistent with the provisions of this chapter, as it considers necessary to carry out the provisions of this chapter.

(b) The department may enter into contracts necessary or advisable to the execution of the powers granted it by this chapter. Where the planning, acquisition, construction, improvement, maintenance, or operation of an airport or air navigation facility is financed wholly or partially with federal money, the department, as agent of the state, or of a municipality, or person, may let contracts in the manner prescribed by the federal authorities acting under the laws and rules and regulations of the United States.

(c) The department may accept federal money and money from other public or private sources to accomplish in whole or in part any of the purposes of this chapter. All federal money accepted under this chapter shall be accepted and expended by the department upon the terms and conditions prescribed by the United States.

f. Sec. 02.15.030. Conformity to federal law.

The department may not adopt a regulation, order, or standard that is inconsistent or contrary to any act of the Congress of the United States or regulations promulgated or standards established. A regulation, order, or standard may not be adopted that duplicates any current rules or regulations issued by a federal agency, or that applies to aircraft, airports, or air navigation facilities owned or operated by the federal government.

Sec. 02.15.040. Cooperation with federal agencies.

The department shall cooperate with the Federal Emergency Management Agency, the armed forces of the United States government, and the Federal Aviation Agency for the purpose of coordinating aviation activities in carrying out the Civil Defense Program.

lease, condemnation, or otherwise, acquire real or personal property, or any interest in the property including easements in airport hazards or land outside the boundaries of an airport or airport site, necessary to permit the removal, elimination, obstruction-marking, or obstruction-lighting of airport hazards, or to prevent the establishment of airport hazards. The department may acquire existing airports and air navigation facilities in the same manner except it may not acquire or take over an airport or air navigation facility owned or controlled by a municipality or person without the consent of the municipality or person.

(b) The department may, by sale, lease, or otherwise, dispose of all, a portion of, or an interest in a property, airport, or air navigation facility described in (a) of this section. The proceeds of any disposition shall be used for the purposes set out in this chapter.

Sec. 02.15.080. Joint operations.

The department may exercise the powers granted by AS 02.15.060 - 02.15.100 jointly with a person, municipality, or agency of the state, or with the United States.

Sec. 02.15.090. Operation and use privileges.

(a) In operating an airport or air navigation facility owned or controlled by the state, the department may enter into contracts, leases, and other arrangements covering periods not exceeding 55 years with a person, municipality, or the United States, granting the privilege of using or improving an airport or air navigation facility or a portion of it or space in it for commercial, governmental, or other public purposes, including private plane tie down; or conferring the privilege of supplying goods, commodities, services, or facilities at an airport or air navigation facility. The department may establish the terms and conditions and fix the charges, rentals, and fees for the privileges or services that are reasonable and (uniform) for the same class of privilege or service. Charges, rentals, or fees authorized by this subsection may be fixed for the international airports by order of the commissioner or by negotiated or competitively offered contract. Notwithstanding AS 37.10.050 (a), the fixing of charges, rentals, or fees as permitted under this subsection is not subject to the adoption of regulation provisions of AS 44.62 (Administrative Procedure Act). The terms, conditions, charges, rentals, and fees shall be established with due regard to the property and improvements used and the expense of operation to the state. However, use of state land and buildings by the Alaska Wing, Civil Air Patrol and its squadrons shall be permitted without rental charges. If the department permits space in state-owned or state-controlled airports to be used as lounges for members of the United States armed forces, the Alaska National Guard, the Alaska Naval Militia, or the Alaska State Militia and if the lounges are operated by persons exempt from taxation under 26 U.S.C. 501(c)(3) (Internal Revenue Code), rent may not be charged for the use of the space. The department shall provide for public notice and an opportunity to comment before a charge, rental, or fee is fixed by order of the commissioner as permitted under this subsection. The public may not be deprived of its rightful, equal, and uniform use of the airport, air navigation facility, or a portion of them.

(b) The department may by contract or other arrangement, upon a consideration fixed by it, grant to a qualified municipality or person for a reasonable period of time the privilege of operating, as agent of the state or otherwise, an airport owned or controlled by the state. A municipality or person granted that privilege may not operate the airport other than as a public airport or enter into a contract, lease, or other arrangement in connection with the operation that the department may not have undertaken under (a) or (c) - (e) of this section.

airport manager will cancel the applicant's permit if the manager determines that the applicant

(A) was not eligible for a permit on the date that the permit was issued, regardless of whether the applicant became eligible after that date;

(B) is not eligible for a permit, regardless of whether the applicant was eligible on the date that the permit was issued; or

(C) has failed to comply with the applicable requirements of this chapter or other applicable law.

(e) The airport manager shall approve an application for a permit unless

(1) the applicant is not in compliance with the applicable requirements of 17 AAC 42.500 - 17 AAC 42.599;

(2) the applicant does not hold a current pilot certificate as required under (a) of this section;

(3) if the application is for a float space, the applicant's pilot certificate does not indicate that the applicant holds the seaplane rating required under (c) of this section;

(4) the applicant does not hold a medical certificate as required under (a) of this section;

(5) the applicant does not own or lease the minimum interest in the aircraft listed on the application as required under (a) of this section;

(6) the space is needed for airport expansion, development, operation, or other state purpose;

(7) the application must be denied under 17 AAC 42.010(g);

(8) the aircraft does not conform to the dimension, weight, use, or type limits the manager has established under 17 AAC 42.030 for the category of space for which the permit is sought;

(9) approval of the application would result in the applicant exceeding the number of permits allowed the applicant under 17 AAC 42.525(b); or

(10) no space is vacant and available in the category requested by the applicant.

(f) The airport manager's denial of an application must be in writing and state the reasons for the denial.

(g) The categories for permits under 17 AAC 42.500 - 17 AAC 42.599 are float permit, wheel permit, and ice permit.

(h) The categories for switch lists under 17 AAC 42.540 are float, wheel, and Lake Hood Strip.

(i) The categories for wait lists under 17 AAC 42.550 are float, wheel, and Lake Hood Strip.

(j) The airport manager may establish other categories of permits, switch lists, or wait lists if the manager determines that other categories are necessary. (Eff.

___/___/___, Register, ___)

Authority: AS 02.15.020 AS 02.15.070 AS 02.15.090
AS 02.15.060

AIRPORT MANGER AND D.O.T. COMMISSIONER
JOE PERKINS MAKES THESE RULES.

17 AAC 42.520. TERMS AND CONDITIONS. (a) The terms and conditions set out in this section apply to and are incorporated into all tiedown permits issued under 17 AAC 42.500 - 17 AAC 42.599.

(b) The initial term of a float or wheel permit expires on March 31 following the fourth anniversary of issuance. The term for each subsequent permit that the

Comparing Ted Stevens International Airport to Fairbanks International Airport.

	Anchorage	Fairbanks
Float Plane Tie-Down per month	\$95.00	\$30.00
Wait List on East Float Pond		No Fee
Wait List at Anchorage (Lake Hood)	\$25.00 yr.	
Medical, Private License, Float Rating required?	YES	NO
Fuel Tanks to fuel Personal Aircraft?	NO	YES (East Pond)

We pay \$ 0.46 per sq. foot to park our Float Plane. If the adjacent lot is commercial, they pay \$ 0.06 per sq. foot! The Float Plane lot is based on a 50'*50' lot. There is something wrong here!

Fairbanks Float Plane tie-downs pay approx. \$ 0.14 per sq. foot for the same size lot. A big difference between the two cities for the same lot. These are the differences and rules that have been forced on the Lake Hood sea-plane pilots by Ted Stevens International Airport management.

THE AIRPORT MANAGER AT TED STEVENS INT'L AIRPORT IN ANCHORAGE IS MORTON PLUMB, THE D.O.T. COMMISSIONER FOR STATE OF ALASKA IS JOE PERKINS AND HIS OFFICE IS IN JUNEAU, ALASKA. MORTON PLUMB PRETTY MUCH MAKES THE RULES AT TED STEVENS INT'L AIRPORT. ONE OF THE OTHER RULES IS IF YOU LOOSE YOUR MEDICAL YOU HAVE 60-120 DAYS TO GET IT BACK OR YOU LOOSE YOUR TIE DOWN SPOT. IF YOU HAVE A HEART PROBLEM IT COULD TAKE UP TO A YEAR.

We the under-signed oppose "Rule 17". This rule went into effect in January of 2001 and pertains to Lake Hood / Lake Spenard sea plane base, gravel strip and Ted Stevens International Airport.

"Rule 17" (pertaining to a pilots license, medical, and ratings) is not uniform throughout the state of Alaska. There is no other airport in this state that has, or imposes "Rule 17". This ~~new~~ regulation is in violation of the Due Process Clause and Equal Protection Clause of Alaska and the US Constitution. It is also in violation of Law 42 U.S.C.A. ~ 12132 American Disability Act (ADA).

We believe that a person should have the right to own an airplane and hire a pilot to fly him/her around if they so choose. A person should not be required to have a pilots license, medical or float rating to own an airplane and lease a float or wheel tie-down space nor should they be required to meet these new rules to be recorded on the wait-list for a space at Lake Hood / Lake Spenard. We also believe that the airport leasing office should not be able to require permit holders to fly a determined amount of hours per month.

"Rule 17" takes away a persons constitutional rights and discriminates. We need to repeal "Rule 17".

Name	Signature	Phone #
C.D. Andy ANDERSON	Andy Anderson	272-2971
Roger J. Connolly	Roger J. Connolly	243-3293
FAVE M. CONNOLLY	Fave M. Connolly	243-3293
Donald A. Watson	Donald A. Watson	244 4523-2581262
Dale E. Wagner	Dale E. Wagner	243-4926
DAVID E. PARNETT	David E. Parnett	276-5739
PARIS M. PEARCE	Paris M. Pearce	272-0725 DAY
Earl L. Houser	Earl L. Houser	243-4914-2246205
STEPHEN BRYANT	Stephen Bryant	243-4110
Thomas Schrader	Thomas R. Schrader	243-7263
Howard J. Hunt	Howard J. Hunt	333 5714
FRED R. RICHARDS	Fred R. Richards	243-7319 3
Betty ANDERSON	Betty Anderson	272-2971

Name	Signature	Phone #
Gregory A. Miller	<i>Gregory A. Miller</i>	344-9672
DATE HYDRA	<i>[Signature]</i>	211-8427
Michael G. De	<i>Stan Work</i>	243-4166
Richard B. Bore	<i>Richard B. Bore</i>	562-3628
Gary J. Robinson	<i>Gary J. Robinson</i>	349-9685
Robert Shaw	<i>Robert Shaw</i>	270-4190
Timothy P. Hudak	<i>[Signature]</i>	561-1931
Clinton H. Henders	<i>Clinton H. Henders</i>	344-5599
M. Roger Borer	<i>M. R. Borer</i>	562-4590
Col. I. Anderson	<i>Col. I. Anderson</i>	561-0078
TON B. KELLEY	<i>TON B. KELLEY</i>	278-5004
LE ROY N. ALINGER	<i>LE ROY N. ALINGER</i>	336-4408
LESS JARDINS	<i>LESS JARDINS</i>	243-4444
Richard F. Bote	<i>Richard F. Bote</i>	243-1898
Deverer Reimers	<i>Deverer Reimers</i>	346-3573
Roy A. Skarabek	<i>Roy A. Skarabek</i>	344-6655
Clifford P. Pils	<i>Clifford P. Pils</i>	243-6085
A. Allen Pils	<i>A. Allen Pils</i>	248-2233
Donald S. Smith	<i>Donald S. Smith</i>	249-4173
Brad Anderson	<i>Brad Anderson</i>	245-1153
VINCENT J. HILBACH	<i>VINCENT J. HILBACH</i>	333-5176
Michael Sagar	<i>Michael Sagar</i>	243-3710
Steve Karez	<i>Steve Karez</i>	277-4133
Steve Karez	[Signature]	277-4113
Eric Smith	[Signature]	277-4113
Eric Smith	[Signature]	277-4113
Sgt. Serrin	<i>Sgt. Serrin</i>	211-6695
Tom Duvson	<i>Tom Duvson</i>	245-1974
Alan Parsons	<i>Alan Parsons</i>	346-3698

WEST 73

Name	Signature	Phone #
JAMES R BRANHAM	<i>James R. Branham</i>	907-248-0977
HERBERT J. WHITE	<i>Herbert J. White</i>	907-274-4489
Lywood R Marshall	<i>Lywood R. Marshall</i>	907-243-5346
Marko (Rusty) Hayes	<i>Marko Hayes</i>	407-561-8183
Fred W. Wolatka	<i>Fred W. Wolatka</i>	907-248-1666
GEORGE W PEARCE	<i>George W. Pearce</i>	907-272-0725 WAY
DAVID W. PEARCE	<i>David W. Pearce</i>	907-345-0118
IDAN ZIVANICH	<i>Idan Zivanich</i>	907-345-5570
Knight Clum	<i>Knight Clum</i>	907-248-0072
DAVID FURBER	<i>David Furber</i>	907-248-0551
David Clum	<i>David Clum</i>	907-349-1129
FRED GOLF	<i>Fred Golf</i>	907-344-1093
DON DEITZ	<i>Don Deitz</i>	907-255-9187
KEN RIVARO	<i>Kenneth Rivaro</i>	907-376-2140-CF11
Charlesella	<i>Charlesella</i>	907-830-0995
JERRY E. LEWIS	<i>Jerry E. Lewis</i>	907-561-8332

Alaska State Legislature



Official Business

State Capitol
Juneau AK
99801-1182

April 30, 2001

Commissioner Joe Perkins
Department of Transportation and Public Facilities
3132 Channel Dr.
Juneau AK 99801-7898

Dear Commissioner Perkins,


It has come to our attention that the rules for maintaining a tie down slip or being placed on the wait list to receive a tie down slip for the Lake Hood Sea Plane Base in Anchorage were recently revised, and will take effect on July 14, 2001. Members of the public will be required to prove they hold a valid private pilot license with a float rating, a current airman's medical certificate and own a floatplane.

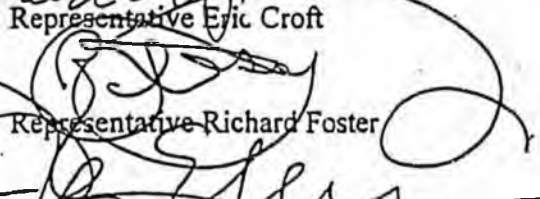
In light of how the Department of Transportation & Public Facilities allots parking at other state facilities these new requirements are unreasonable. No licenses are required to be shown to register for a slip in a public boat harbor, and few if any public tie downs across the state have similar requirements. We ask you to place at least a six-month moratorium on the implementation of these new regulations while their legality is assessed. Specifically, we ask you to look into the implications of this rule change with regard to the Americans with Disabilities Act, the Due Process Clause and Equal Protection Clauses of the Alaska and US Constitutions, 42 U.S.C.A.~12132, and Title 17 Chapter 40 and 42. Additionally, please look into the Federal Aviation Rules which state that the only authorities who can legally require you to show your pilots license are the FAA, NTSB, state and local police, and the FBI.

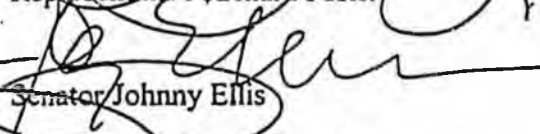
By implementing strict and arguably illegal requirements at the Lake Hood Sea Plane Base the Department opens itself up to a range of potential consequences, ranging from accusations of impropriety to expensive legal challenges.

We urge you to place a moratorium on the implementation of these new requirements, and look forward to your prompt response.

Sincerely,

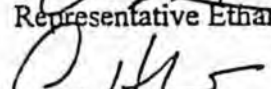

Representative Eric Croft


Representative Richard Foster


Senator Johnny Ellis


Senator Drue Pearce


Representative Ethan Berkowitz


Representative Andrew Halcro


Senator Loren Lemman

CC: Morton Plumb, Airport Director, Ted Stevens International Airport



**Anchorage
International
Airport**

State of Alaska DOT & PF
P.O. Box 110429
Anchorage, Alaska
USA 99519 - 0429
(907) 266-2400
FAX (907) 266-2444

February 1, 1999

RE: Lake Hood 039

Marko C. Hayes
910 Southhampton Dr.
Anchorage AK 99503

Dear Mr. Hayes:

During recent aircraft parking reviews, it was noted that you are parking a second aircraft on your Lake Hood Permit #039. Although a second aircraft is allowed, this aircraft must be registered and there is an additional "wheel rate" charge of \$40 per month.

Please, register this second aircraft as soon as possible or have it removed from your permit site. In addition, please, submit \$40 for January 1999 or \$240 to cover through June of 1999.

If you have any questions on our tiedown policies or regulations, contact me at 266-2890 or George Frushour at 250-2418.

Sincerely,

A handwritten signature in cursive script that reads "Corky Caldwell".

Corky Caldwell
Operations Manager

Enclosure (1)

State of Alaska Department of Transportation and Public Facilities - Alaska International Airport System

State of Alaska DOT & PF
Aircraft Tiedown Office
P.O. Box 196960
Anchorage, Alaska
USA 99519-6960
(907) 266-2410

Re: Lake Hood Float Slip #039
activity request



"At the expiration, cancellation , or termination of a Permit, the Permittee must leave the space in a clean, neat and acceptable condition to the satisfaction of the State."

Upon completion of a satisfactory inspection of the tie-down space by Airport staff, the Airport Accounting Section will refund any monies to which you may be entitled.

If you have any questions, please feel free to contact me at (907) 266-2690 or Operations Officer George Frushour at (907) 727-9102 or (907) 266-2741.

Sincerely,

Corky Caldwell
Airport Operations Manager

CC/ah

cc: Morton V. Plumb, Jr., Airport Director
Doug Lohr, Airport Operations Superintendent
George Frushour, Airport Operations Officer
Andrew N. Hutzler, Airport Leasing Officer



**Anchorage
International
Airport**

State of Alaska DOT & PF
P.O. Box 190629
Anchorage, Alaska
USA 99519 - 0629
(907) 266-2600
FAX (907) 266-2646

February 1, 1999

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910 Southhampton Dr.
Anchorage AK 99503

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If you have any questions on our tiedown policies or regulations, contact me at 266-2690 or George Frushour at 250-2418.

Sincerely,

Corky Caldwell
Operations Manager

Enclosure (1)

I talked to George about this
on the phone. I do not know ~~to~~ what
Aircraft they are talking about. He said
He would take care of it.

Juno e-mail printed Thu, 28 Dec 2000 16:57:31 , page 1

From: Corky Caldwell <CORKY_CALDWELL@DOT.STATE.AK.US>
To: amlebo@juno.com
Cc: "FRUSHOUR, GEORGE" <george_frushour@dot.state.ak.us> , "HUTZEL,
ANDY" <andy_hutzel@dot.state.ak.us>
Date: Thu, 28 Dec 2000 16:07:42 -0900
Subject: Floatslip Renewal for Rusty Hayes

Per our discussion today and in consideration of Mr. Hayes' personal issues, an extension is authorized until January 31, 2001 for him to provide additional information to the Airport regarding the usage of his floatslip #39. Should additional time be required due to Mr. Hayes' personal situation, we will give favorable consideration to his request but every reasonable effort should be made to provide the requested information prior to January 31, 2001..

Juno e-mail printed Thu, 28 Dec 2000 17:01:21 , page 1

From: Andrew M. Lebo <amlebo@juno.com>
To: CORKY_CALDWELL@DOT.STATE.AK.US
Subject: Re: Floatslip Renewal for Rusty Hayes

Thanks for providing this formal confirmation of our telephone conversations of last week. I understand, therefore, that Mr. Hayes will not need to file a formal appeal by December 31, as initially described in your letter of December 6. We will, however, make every effort to provide the requested information to you as soon as possible in January 2001.

Thanks again. -Andrew Lebo

Auditorly -

AS 02.15.020
AS 02.15.060
AS 02.15.090



Anchorage
International
Airport

State of Alaska DOT & PP

MARKO C HAYES
910 SOUTHAMPTON DRIVE
ANCHORAGE AK 99501

ACCOUNTING SECTION
P.O. BOX 196960
ANCHORAGE, AK 99519-6960

(907)266-2414

ORIGINAL INVOICE DATE- 05/15/00
REPRINT DATE-

INVOICE- 8077834
CONTRACT NUMBER-
DUE ON OR BEFORE- 07/01/00
INTEREST RATE- 0.00
INTEREST BEGINS- 07/02/00

CONTACT- ANA MARTINEZ
(907) 266-2414

BILLING PERIOD- 07/01/00 - 12/31/00

DATE	DESCRIPTION	AMOUNT
05/15/00	TIEDOWN LAKE 039	\$ 570.00

TOTAL DUE THIS INVOICE

\$ 570.00

- PLEASE MAKE CHECK PAYABLE TO "STATE OF ALASKA".
- MAIL TO ANCHORAGE INTERNATIONAL AIRPORT ACCOUNTING SECTION
P.O. BOX 196960, ANCHORAGE, AK 99519-6960
- PLEASE REFERENCE INVOICE NUMBER ON YOUR CHECK.

25831455 36000322 64410 570.00

TIE-DOWN PERMITS.

(a) Purpose. The purpose of this section is to regulate the issuance of annual permits for wheel and float plane tie-down space at Anchorage International Airport in a manner that

(1) provides a fair system for issuance and termination of permits;

(2) prevents the transfer of a permit by a permittee who no longer owns or uses the permittee's own aircraft on the tie-down space;

(3) provides permits for pilots who fly their own airworthy aircraft; and

(4) provides maximum use of available permits.

(b) Register. If available tie-down space is not sufficient for demand, the airport director shall maintain a register of potential applicants for each type of tie-down permit. Each register is subject to the following rules:

(1) a permit must be issued from the applicable register on the basis of first come, first served; each current register must be posted twice each year at the airport director's office, with copies available at cost to the public;

(2) to be added to a register, a potential applicant must sign the applicable register and pay a fee of \$25; each potential applicant must pay a fee of \$25 per register by September 30 each year in order to remain on each register;

(3) each potential applicant shall notify the airport director in writing of any change of address for each register; the airport director shall send any notice to the last address provided in writing by the potential applicant;

(4) a person who is a potential applicant and who claims to be incorrectly located on a register shall request a hearing from the airport director within six months after November 10, 1985, or the date the person signed the register, whichever is later;

(5) the airport director may request that a potential applicant verify his or her intent to remain on a register; the request must be in writing, and must be sent by certified or registered mail; if a potential applicant does not respond in writing within 60 days after receipt of the notice, the airport director may remove that person from the register;

(6) the airport director may remove a potential applicant who already has a float or wheel tie-down permit from the applicable register, after notice to the potential applicant.

(c) Vacancies. When a permit becomes available, the airport director shall notify the first potential applicant on the applicable register by certified or registered mail. In order to obtain a permit, the potential applicant must file an application within 20 days after receipt of the notice. After a permit is issued, the permittee has 60 days to meet the requirements in (d) of this section.

(d) Qualifications. The airport director may issue a permit only to a potential applicant who meets the following requirements:

(1) fulfills all United States, Federal Aviation Administration pilot requirements, including current pilot's certificate and current medical certificate; and

(2) is the registered owner or equal joint owner of at least one-third of an airworthy aircraft that meets federal or any other requirement for flight; for the purposes of this paragraph, a leased aircraft or an aircraft owned by a business is not considered to be an aircraft owned by the applicant; however, the airport director may issue the permit if the applicant establishes to the airport director's satisfaction that the purpose of the lease or business ownership is not to allow a person to circumvent the register and use the permit.

(e) Termination. The airport director shall terminate a permit if any of the following provisions are violated:

(1) a permittee shall comply with all requirements in this section; shall pay when due any fee required by the airport; shall file a completed application to renew a permit with the airport director by

December 30 each year; and may not have more than one float and one wheel tie-down space;

(2) a permit is not transferable with an aircraft nor at a permittee's death;

(3) a permittee who owns an aircraft jointly with a person other than a spouse must sign an affidavit, under penalty of perjury, that the ownership arrangement is not to allow a person to circumvent the applicable register and use a permit; for aircraft with more than one owner, the airport director may examine the ownership arrangement to determine whether its purpose is to allow a person to circumvent the applicable register and use the permit; if the airport director determines that the purpose of the ownership arrangement is to allow circumvention of the applicable register, the airport director shall terminate the permit.

(4) for at least six consecutive months each year, the permittee must fly the permittee's aircraft on a regular basis and must use the tie-down space as a base from which to fly and not only to park the aircraft; the airport director may require that the permittee submit an affidavit, under penalty of perjury, to establish the nature and amount of the permittee's use of the aircraft.

(f) Additional Rules. Permits are subject to the following rules and conditions:

(1) a permit is valid for one year; the airport director shall reissue the permit each year to a permittee who meets the requirements in (d)(1) of this section if the permit has not been terminated under (e) of this section.

(2) a permittee temporarily without an airworthy aircraft, valid pilot's certificate, or current medical certificate has 60 days to obtain a replacement.

(3) upon written request, and for good cause, the airport director may extend any time requirement stated in this section.

(4) the airport director may reassign a permittee to another tie-down space for the same type of use if necessary to accommodate the construction, maintenance, or operation of the airport; a permittee will be compensated at appraised fair market value for any improvements to the previously assigned tie-down space if the improvements were approved in writing by the airport director before installation.

(5) a permittee may add a spouse to the permit if the spouse meets the requirements in (d) of this section, and if none of the provisions in (e) of this section are violated; a permittee may add a person other than a spouse to the permit if the person meets the requirements in (d) of this section, if none of the provisions in (e) of this section are violated, and if the person is the first potential applicant on the applicable register.

(6) the airport director may require a permittee to provide any relevant information, or a copy of any document, necessary to establish the permittee's compliance with each requirement for a permit in this section, including aircraft registration, pilot certificate, and pilot log.

(7) a dispute arising under this section must be appealed within 30 days to the commissioner, before a judicial proceeding is commenced.

History -

Eff. 4/27/79, Register 70; am 11/10/85, Register 96

Authority -

AS 02.15.020

AS 02.15.060

AS 02.15.090

ANDREW M. LEBO
ATTORNEY AT LAW
425 G STREET, SUITE 920
ANCHORAGE, ALASKA 99501

TEL (907) 276-8275 FAX (907) 278-4848

January 26, 2001

Corky Caldwell
Airport Operations Manager
Ted Stevens Anchorage International Airport
P.O. Box 196960
Anchorage, AK 99519-6960

Re: Marko Rusty Hayes, Lake Hood Float Slip #039

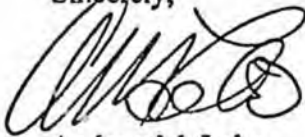
Dear Mr. Caldwell:

Thank you for your cooperative approach to the resolution of questions concerning my client Rusty Hayes' floatplane slip permit at Lake Hood. In response to the concerns of your staff, enclosed are affidavits from Mr. Hayes and four individuals with personal knowledge of Mr. Hayes' usage of his Cub on floats, no. N91219, during the summer of 2000.¹ In my view, the sworn information contained in these affidavits clearly satisfies the usage requirements set out in 17 AAC 40.385.

On the assumption that we have satisfied your concerns, we have also enclosed Mr. Hayes' check for \$570.00 payable to the State of Alaska, representing payment for renewal of the permit. If our assumption is incorrect and you feel there are still some remaining issues to resolve regarding permit renewal, please contact me as soon as possible so we can provide any additional information you might require.

Thanks again for your cooperation in this matter.

Sincerely,



Andrew M. Lebo

cc: Rusty Hayes

¹ In the interest of expediting submittal of this information, Bill Lovett faxed in an affidavit that had not yet been notarized. We will submit his original, notarized affidavit when it is received.

BEFORE THE AIRPORT OPERATIONS DIRECTOR
TED STEVENS ANCHORAGE INTERNATIONAL AIRPORT

IN RE)
LAKE HOOD FLOAT SLIP # 039)
2001 PERMIT RENEWAL)
(Marko Hayes))
_____) Case No.

AFFIDAVIT OF MARKO C. RUSTY HAYES

State of Alaska)
Third Judicial District) ss.

I, Marko C. Rusty Hayes, being first duly sworn on oath, depose and state as follows:

1. I am a resident of Anchorage, Alaska, and have lived here for approximately 34 years. I have been a licensed pilot and flown light aircraft in Alaska for 33 years. I have used a float plane slip and tie-down at Lake Hood for 31 years.

2. Most summers in the past, I have flown about 100 to 150 hours per season in my Cub on floats (#N91219). This past summer, I flew fewer hours than this, due to my daughter Beth's illness and to the demands of a family business (Alaska Ivory Exchange). However, I did fly my Cub on a regular basis during the summer of 2000, as set forth below.

3. I flew my Cub numerous times throughout the summer of 2000, always beginning and ending each trip from my Lake Hood slip. I cannot state the precise dates of these

LAW OFFICES OF
ANDREW M. LEBO
425 G Street, Suite 920
ANCHORAGE, AK 99501
(907) 270-8273
FACSIMILE
(907) 270-4844

flights, as I do not maintain a flight log. However, I can say with certainty that I flew the Cub solo in late May, when it was first placed in the water; I flew it in June, with Keith Slater, to the duck flats across Cook Inlet; I flew it in July, again with Keith Slater, to Granny's Lake in the Talkeetna Mountains, I also flew it in July with Denver Carney, to Homer; I flew it in early August, with my son Matt Hayes, to go ptarmigan hunting in the Kenai Mountains, and again with my son Matt in late August to fish on the Kenai River; I flew it solo in September, before taking it out of the water for maintenance late in the month; and I flew it several times solo throughout the summer to Homer to visit Bill Lovett and go fishing in and around Kachemak Bay.

4. Each of the individuals mentioned above will confirm that they flew with me on these flights.

5. Because of the demands of our family business and constraints on my time, many of these flights took place late in the day. For example, most of my solo flights to Homer took place in the evening, and I would return to Lake Hood late that night or early the next morning. This may explain why Airport staff got the impression that I did not fly on a regular basis during the summer of 2000.

6. No one else flew my Cub during the summer of 2000; all flights of that aircraft were piloted by me.

7. I believe my usage of my Cub described above more than satisfies the requirements of Alaska Regulation 17 AAC 40.385,

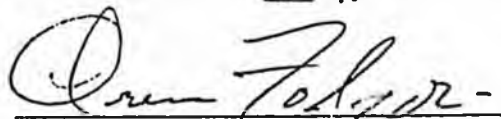
8. Regarding the possible use of my Lake Hood tie-down by another aircraft, I am unaware of any unauthorized use of the tie-down during January through March of 2000, as described in Mr. Caldwell's letter of December 6, 2000.

9. Due to my daughter Beth passing away in November, I will be in Arkansas a few more weeks. If Airport staff need any further information from me concerning use of my Lake Hood float slip or tie-down during 2000, they can contact me through my attorney Andrew Lebo at 276-8275 or at his Email address: amlebo@juno.com.

DATED at Anchorage, Alaska, this 23 day of January, 2001.


Marko C. Rusty Hayes

SUBSCRIBED AND SWORN to before me this 23rd day of January, 2001.


Notary Public - State of Arkansas
My Commission Expires: 7-16-2007

BEFORE THE AIRPORT OPERATIONS DIRECTOR
TED STEVENS ANCHORAGE INTERNATIONAL AIRPORT

IN RE)
LAKE HOOD FLOAT SLIP # 039)
2001 PERMIT RENEWAL)
(Marko Hayes))
_____) Case No.

AFFIDAVIT OF KEITH D. SLATER

State of Alaska)
Third Judicial District) ss.

I, Keith D. Slater, being first duly sworn on oath, depose and state as follows:

1. I am a resident of Anchorage, Alaska, having lived here for approximately six years. I am a friend and business associate of Marko (Rusty) Hayes, and have known Rusty for about four years.

2. It is my understanding that Airport staff are interested in knowing how often Rusty flew his Cub on floats (#N91219), during the summer season of 2000. I believe Rusty flies his Cub on a regular basis. I have personal knowledge of two such instances, as follows.

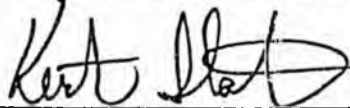
3. I flew with Rusty in his Cub on two occasions in summer 2000. In June, Rusty and I flew in the Cub to the duck flats across Cook Inlet. In July, we flew in the Cub to Granny's Lake in the Talkeetna Mountains.

LAW OFFICES OF
ANDREW M. LEBO
425 G Street, Suite 820
ANCHORAGE, AK 99501
(907) 278-6273
FACSIMILE
(907) 278-4848

4. I do not recall the exact dates of these two flights with Rusty in his Cub. I am certain, however, that they took place in June and July. Both were mid-day flights, where we depart at 2pm or 3pm and return to Anchorage at about 9pm.

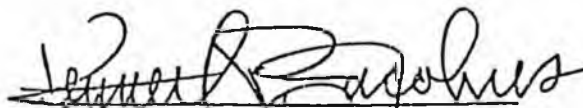
5. If Airport staff have any need for further information from me concerning Rusty's use of his Cub, they can contact me at 227-3267 or 276-1735.

DATED at Anchorage, Alaska, this 18 day of January, 2001.



Keith Slater

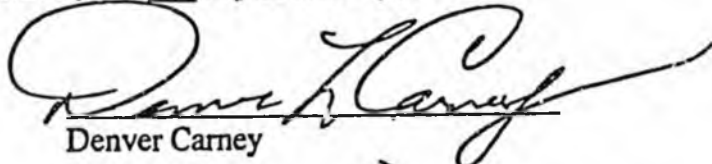
SUBSCRIBED AND SWORN to before me this 18 day of January, 2001.



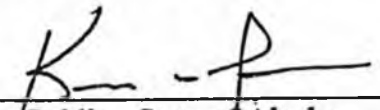
Notary Public - State of Alaska
My Commission Expires: 5 Oct 03

4. If Airport staff need any further information from me concerning Rusty's use of his Cub on floats, they can contact me at 563-1169.

DATED at Anchorage, Alaska, this 25 day of January, 2001.

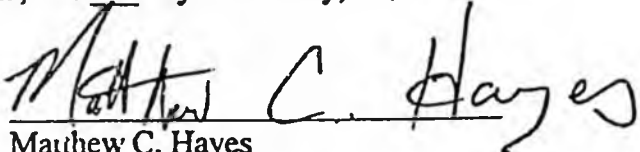

Denver Carney

SUBSCRIBED AND SWORN to before me this 25 day of January, 2001.

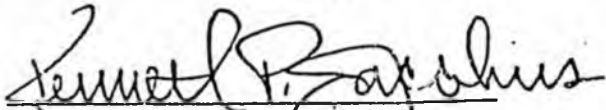

Notary Public - State of Alaska
My Commission Expires: 7/18/01

4. If Airport staff need any further information from me concerning Rusty's use of his Cub on floats during the year 2000, they can contact me at 242-7811.

DATED at Anchorage, Alaska, this ~~20th~~ day of January, 2001.


Matthew C. Hayes

SUBSCRIBED AND SWORN to before me this 20th day of January, 2001.



Notary Public - State of Alaska
My Commission Expires: 30.1.03

Kachemak Bay in the evening or early the next morning. Rusty would then return to Anchorage in his Cub. either late that night or the next morning.

3. On each of these occasions, Rusty was the person piloting his Cub. As far as I know, no one else flies Rusty's Cub.

4. If Airport staff need any further information from me concerning Rusty's use of his Cub on floats during the year 2000, they can contact me at 235-6644.

DATED at Anchorage, Alaska, this 24 day of January, 2001.


Bill Lovett

SUBSCRIBED AND SWORN to before me this ___ day of January, 2001.

Notary Public - State of Alaska
My Commission Expires: _____

LAW OFFICE OF
MURRAY M. LEHMAN
225 N. PEARSON, SUITE 1770
ANCHORAGE, ALASKA 99501
ONE OF SEVERAL
PRACTICES
907.573.4548

ANDREW M. LEBO

ATTORNEY AT LAW

425 G STREET, SUITE 920

ANCHORAGE, ALASKA 99501

TEL (907) 276-8275 FAX (907) 278-4848

January 26, 2001

Corky Caldwell
Airport Operations Manager
Ted Stevens Anchorage International Airport
P.O. Box 196960
Anchorage, AK 99519-6960

Re: Marko Rusty Hayes, Lake Hood Float Slip #039

Dear Mr. Caldwell:

Thank you for your cooperative approach to the resolution of questions concerning my client Rusty Hayes' floatplane slip permit at Lake Hood. In response to the concerns of your staff, enclosed are affidavits from Mr. Hayes and four individuals with personal knowledge of Mr. Hayes' usage of his Cub on floats, no. N91219, during the summer of 2000.¹ In my view, the sworn information contained in these affidavits clearly satisfies the usage requirements set out in 17 AAC 40.385.

On the assumption that we have satisfied your concerns, we have also enclosed Mr. Hayes' check for \$570.00 payable to the State of Alaska, representing payment for renewal of the permit. If our assumption is incorrect and you feel there are still some remaining issues to resolve regarding permit renewal, please contact me as soon as possible so we can provide any additional information you might require.


Thanks again for your cooperation in this matter.

Sincerely,



Andrew M. Lebo

cc: Rusty Hayes

MARKO HAYES FRANCES K. HAYES 910 SOUTHAMPTON DR. ANCHORAGE, ALASKA 99503		89-6/1252 01646686	1440
DATE <u>1/23/01</u>			
PAY TO THE ORDER OF	<u>STATE OF ALASKA</u>	<u>\$ 570.⁰⁰/₁₀₀</u>	
	<u>Five hundred - Seventy + ⁰⁰/₁₀₀</u>	DOLLARS	<input checked="" type="checkbox"/>
	First National Bank of Anchorage MAIN BRANCH, ANCHORAGE, AK 99501		
MEMO	<u>Lake Space 039</u>	<u>Frances K. Hayes</u>	
⑆ 125200060⑆		0164 668 6⑈ 1440	

¹ In the interest of expediting submittal of this information, Bill Lovett faxed in an affidavit that had not yet been notarized. We will submit his original, notarized affidavit when it is received.

**STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES**

ANCHORAGE INTERNATIONAL ARPT.
P.O. BOX 198960
ANCHORAGE, ALASKA 99519-8960
(907)-268-2412

FAIRBANKS INTERNATIONAL ARPT.
P.O. BOX 60369
FAIRBANKS, ALASKA 99708

OFFICIAL RECEIPT

DATE <u>1/29/01</u>	
REC'D. FROM <u>MARKO HAYES</u>	
ADDRESS <u>910 SOUTHAMPTON DR</u>	
BILL NO. <u>ANCH AK 99503</u>	
TIE-DOWN SPACE NO. <u>LAKE 039</u>	
FOR PERIOD FROM <u>1/1/01</u> TO <u>6/30/01</u>	
FORM OF PAYMENT: <input type="checkbox"/> CURRENCY <input checked="" type="checkbox"/> CHECK <input type="checkbox"/> COIN <input type="checkbox"/> (OTHER (EXPLAIN) _____)	
DESCRIPTION	AMOUNT
<u>Check # 1440</u>	<u>570.00</u>
<u>N91319</u>	}
	<u>570.00</u>
<u>A110237</u>	REC'D BY <u>Quintan</u>

25M-140

CONTINUOUS PRINTING OF ALASKA - ANCHORAGE, AK 99503

c: Andrew M Lebo

See @ 10:00 Am
Second floor

To: Rules and Regulation Committee

Case 1: One year ago Mr. Roger Connelly, a private pilot on Lake Hood, was accused of not flying his aircraft the required hours during May and June 2000. Mr. Connelly's son was electrocuted in an accident and passed away. This unexpected tragedy devastated Mr. Connelly to say the least. Airport management wanted an explanation as to why he did not fly his aircraft. He had to explain the accident to them and relive the death of his son. This explanation was not enough to satisfy airport management. They then decided they needed a written statement as to why he did not fly his aircraft. So he had to relive the tragic event again.

Case 2: Mr. Rusty Hayes, a private pilot that has flown off of Lake Hood for the past 30 years, was accused of not flying the required hours. Mr. Hayes daughter was sick in the lower 48 and he flew out to be with her. Shortly after Mr. Hayes arrived his daughter passed away. Along with the grief of the loss of his daughter Mr. Hayes now needed to arrange the funeral and take care of his daughter's estate. This tragedy was the reason he was unable to fly his aircraft. The airport management revoked his float slip. It cost Mr. Hayes several thousand dollars in attorney fees to get his tie-down slip back.

Does the State of Alaska believe, that the public, with which state employees are hired to serve, should be treated with this kind of indifference and disrespect?



Ted Stevens
Anchorage
International Airport

PO Box 196960
Anchorage, Alaska 99519-6960

Permit N91219
2A-17-150 1992 mod

676
83562

December 6, 2000

Re: Lake Hood Float Slip #039
2001 Permit Non-renewal

CERTIFIED MAIL NO. 7000 0520 0015 2551 6173
RETURN RECEIPT REQUESTED

Marko C. Hayes
910 Southampton Drive
Anchorage, AK 99501

Dear Mr. Hayes:

This letter is to inform you that your aircraft tie-down permit for Lake Hood Float Slip #039 will not be renewed.

On February 1, 1999 we sent you a letter (copy attached) regarding a second unregistered aircraft at your tie-down space. Moreover, our daily inspection records indicate there was another unregistered aircraft (N7021A) parked at Lake 039 during January, February and March 2000.

Airport Leasing Officer Andrew N. Hutzel's letter (copy attached) of October 9, 2000 requested information regarding your aircraft tie-down usage during the year 2000. A copy of your response letter, dated October 24, 2000, is also attached.

The information you've provided indicates that your aircraft was placed in the water on June 26, 2000, flown on a regular basis and removed from the lake in late September. However, according to our records your aircraft flew only once, on September 1, 2000 and placed on floats for winter storage on September 27, 2000. Moreover, your letter does not state that you flew the aircraft, as required by 17 AAC 40.385.

Based upon your apparent non-use of your tie-down space and use by unregistered aircraft, I have no other choice than to deny permit renewal for the up-coming year 2001.

If you wish to appeal non-renewal of your aircraft tie-down permit, you must submit a letter to Mr. Morton V. Plumb, Jr., Airport Director, P.O. Box 196960, Anchorage, AK 99519-6960 by December 31, 2000. If you choose to appeal my decision, your letter must thoroughly describe legal and factual reasons why your aircraft tie-down permit for Lake 015 should be renewed. As a minimum, your appeal should include: (1) a sworn affidavit that you flew your aircraft (N7021A) on a regular basis in accordance with 17 AAC 40.385; and (2) you did not authorize anyone to park their aircraft in your tie-down space Lake 039.

If you choose not to appeal the non-renewal decision, please remove all personal property from Lake 039 no later than 5:00 p.m., December 31, 2000. Items remaining on the premises, after January 1, 2001, will be considered abandoned and will be impounded. Additionally, in accordance with the Aircraft Tie-down Agreement, Item Q, VACATION,



10-24-00

Re Lakehead Float strip
039

Aircraft Tie Down off.

My Aircraft was placed in the water
sometime in May. It was used on a regular
basis until the last week in September
when it was removed from the water for
maintenance.

Mark Hayes

Mark Hayes PL mb

LAKE 039

Steve : Ass



Anchorage International Airport

State of Alaska DOT & PF
Aircraft Tiedown Office
P.O. Box 195960
Anchorage, Alaska
USA 99517-6960
(907) 266-2410
FAX (907) 266-2788

October 9, 2000

Re: Lake Hood Float Slip #039
activity request.

Marko C. Hayes
910 Southhampton Drive
Anchorage, AK 98501

Dear Mr. Hayes:

This letter is follow up to my recent phone message and our phone conversation regarding usage for your aircraft tie-down space at Ted Stephens Anchorage International Airport, Lake Hood.

Title #2

In accordance with 17 AAC 40.385 (e) TERMINATION (4), "For at least six consecutive months each year, the permittee must fly the permittee's aircraft on a regular basis and must use the tie-down space as a base from which to fly and not only to park the aircraft; the airport director may require that the permittee submit an affidavit, to establish the nature and amount of the permittee's use of the aircraft." Please see attached copy of 17 AAC 40.385.

As I explained during my phone message or our phone conversation, at this time we request you send in copies of your pilot's log book or a statement indicating the time and date(s) you used your aircraft tie-down space to fly the aircraft registered to that space. Please send in the requested information no later than October 31, 2000.

We will present your tie-down space usage statement, along with our inspection data, to the Airport Director for his evaluation of compliance with 17 AAC 40.385.

If you have any questions, please feel free to contact me at (907) 266-2741 or Operations Officer George Frushour at (907) 748-2102.

Sincerely,

Andrew N. Hutzel
Andrew N. Hutzel
Airport Leasing Officer

AHVah

cc: Corky Caldwell, Airport Operations Manager
Doug Lohr, Airport Operations Superintendent
George Frushour, Operations Officer



**TIEDOWN PERMIT
APPLICATION & AGREEMENT**

Aircraft Tie-down Office
P.O. Box 196960, Anchorage, AK 99519-6960
Phone: (907) 266-2410

Fax: (907) 266-2788

Expiration date: March 31, 2006

The use of the tiedown space is subject to 17 AAC Chapter 42.500 – 42.599. This permit is issued under the requirements of 17 AAC 42.510.

**1. PERMITTEE'S
NAME**

(If renewal, use name as approved on previous agreement. If first time permittee, use name as it appeared on the Waitlist Register, if applicable.)

**2. ADDRESS
(Address must
be kept current)**

e-mail address _____

3. TELEPHONE #

(day)

(evening)

(fax)

4. AIRCRAFT TYPE & REGISTRATION NUMBERS

Own or
Lease

Percent
(Must be at least 33 1/3)

N	Type:	_____
N	Type:	_____
N	Type:	_____

(See page five to provide names and addresses of co-owners, lessor, or co-lessee(s) of aircraft.)

5. TIEDOWN USE (Check one)

Non-Commercial: Aircraft used solely for personal use.

Commercial: Aircraft used in connection with a business either directly or indirectly. Any aircraft bearing the name of a business or service will be considered commercial. Likewise, any aircraft charged to business expense for tax purposes must be considered as commercial and will be subject to the commercial rate.

Do you have an airport Business Activity Permit? Yes No The permittee shall not engage in commercial activity from this permit until a current Airport Business Activity Permit has been issued.

**6. TIEDOWN
SPACE NUMBER**

If a Float Space, do you request permission to park one additional aircraft on your space at the same time? Yes No
Yes = additional fee due & must own 100% of both aircraft.

7. OTHER INFO

Copy of Pilot Certificate
 Copy of Current Medical Certificate
 Original Aircraft Lease Agreement(if applicable). Must have original, notarized signatures; must be at least 1/3 lease interest in the aircraft; and must include expiration date of the lease.)

Pilot Certificate number may be omitted if it is also your Social Security number. You are not required to provide your Social Security number to obtain a tiedown permit.

TIEDOWN PERMIT AGREEMENT

The State of Alaska, Department of Transportation and Public Facilities, Ted Stevens Anchorage International Airport (State) whose address is Ted Stevens Anchorage International Airport, Aircraft Tie-down Office, P.O. Box 196960, Anchorage, AK, 99519-6960, and the Permittee as specified in Item No. 1, whose address is as specified in Item No. 2, agree to the terms and conditions set out below for an aircraft tiedown permit (Permit) at Ted Stevens Anchorage International Airport.

In this agreement, the terms below have the following meaning: **Wheel Space** - Land space the airport manager identifies by a number and designates primarily for parking wheel-equipped aircraft. **Float Space** - A tiedown space that borders the shores of Lake Hood or Lake Spenard, and that the airport manager identifies by a number and designates primarily for parking float-equipped aircraft. **Ice Space** - A tiedown space on Lake Hood or Lake Spenard during a time when the lakes are sufficiently frozen to safely support aircraft and that the airport manager designates for parking ski-equipped aircraft. **Dry Dock Ramp & Delta parking** are considered float spaces.

A. USE OF THE SPACE

Each Permittee on a permit must fly the permittee's aircraft listed on the permit at least once from the permit space in each of any three months during each calendar year, using the tiedown space as the primary base of operations from which to fly. Each permittee must also fly at least one-third of the listed aircraft's total flights to and from the space. Flights by co-owner pilots may not constitute more than two-thirds of the aircraft's total flights to and from the space. For a float permit, only a flight in the listed aircraft flown from the lake when the aircraft is float-equipped is considered toward satisfaction of the requirements for space usage.

If the airport manager has reason to believe that a permittee is not in compliance with the applicable requirements of 17 AAC 42.500 - 17 AAC 42.599, the manager may require the permittee to submit, to the manager, written verification or documentation the manager considers appropriate to establish that the permittee is in compliance with the applicable requirements of 17 AAC 42.500 - 17 AAC 42.599. The Permittee may only use the tiedown space (Space) on the Airport for the parking of aircraft owned or leased by the Permittee. The Permittee's rights to the tiedown space are only for this purpose, are not transferable, or assignable, and are subject to the terms and conditions set out in this permit and 17 AAC 42.500-599.

A Permittee may not park more than one aircraft on a wheel or ice space at the same time. The Airport Director will assess an additional charge if more than one aircraft is authorized under a permit to be parked at a float space at the same time.

B. PROHIBITED USE OF THE SPACE

The following are prohibited uses/activities: Allowing someone other than the Permittee or registered co-owner(s), lessor, or co-lessee(s) pilots to use the space; Leasing or subleasing the space for use by others; Installing underground fuel storage tanks; Installing above ground fuel storage tanks on Wheel or Ice spaces; Installing or constructing permanent improvements; Selling of fuel and the fueling of aircraft not owned or leased by the Permittee; Using as temporary or permanent living quarters; Disposing of any waste or Hazardous Substance on the Airport.

As used throughout this Permit, the term "Hazardous Substance" means any substance that is, or at any time becomes, defined as hazardous waste, hazardous substance, hazardous material, toxic, pollutant, contaminant, petroleum, petroleum product, or oil under any applicable federal, state, or local statute, regulation, rule or ordinance and amendments thereto.

C. RESERVED RIGHTS OF THE STATE

The State reserves the right to grant to others any rights and privileges not specifically and exclusively granted to the Permittee, including but not limited to easements and rights-of-way through, on, or above the Space. The rights and privileges granted the Permittee in this Permit are the only rights and privileges granted to the Permittee by this Permit.

D. TERM

The term of a Wheel and Float Permit is five years; see expiration date on page one of this Permit & Application Agreement. The term of an Ice Permit is November 1 to March 31.

E. CONDITION OF THE SPACE

The State makes no specific warranties, expressed or implied, concerning the title or condition of the Space, and the Permittee agrees to accept the Space "as is." The State does not warrant the environmental condition of the Space.

F. CANCELLATION

The Permittee may cancel a tiedown permit for any reason upon written notice to the airport manager. The State may cancel this Permit by giving 30 days advance written notice for failure of the Permittee to comply with 17 AAC Chapter 42. If the space is needed for airport construction, maintenance, or operations, the airport manager will mail or deliver written notice to the permittee at least 60 days before reassigning the permittee to another space.

G. RENEWAL

To renew this Permit, the Permittee must file a completed Tiedown Permit Application during the 180 day period before the permit expires. If a permittee does not timely submit an application for renewal of the permit, the permit expires on its expiration date, and unless the space is needed for airport purposes, the airport manager shall make the space available to the next eligible applicant. The State shall either issue a permit or send the Permittee written notice the renewal has been rejected, stating the reasons for rejection. Ice Permits can not be renewed.

H. FEES

Under 2 AAC 42.125 (a), the fee for use of the Space will be in accordance with the fee schedule adopted by the Commissioner. Except for Ice Permits, fees must be paid semiannually in advance. Ice Permit fees are due for the season upon issuance of the Permit. Checks, bank drafts, or postal money orders must be made payable to the State of Alaska, and delivered to Ted Stevens Anchorage International Airport, PO Box 196960, Anchorage AK, 99519-6960. All payments must be made in United States currency.

FAILURE TO PAY FEES WHEN DUE WILL RESULT IN LATE FEES AND SUBJECT PERMIT TO CANCELLATION.

I. PERMITTEE OBLIGATIONS

1. The Permittee assumes full control and sole responsibility for the Permittee's activities, personnel, guests, and invitees on the Airport. The Permittee will coordinate activities on the Airport with the State, and agrees to abide by all decisions and directives of the State regarding use of the Airport by the Permittee and the Permittee's personnel, employees, agents, contractors, and guests.

2. The Permittee must comply with the requirements of 17 AAC Chapter 42. Permittee's signature to this agreement certifies that Permittee is in compliance with all Federal, State, and local laws, rules, and regulations regarding the use of the Space covered by this Permit, and agrees to remain in compliance throughout the term of this Permit.

3. The Permittee is responsible for keeping a current address on file with the State. Items returned by the post office as undeliverable may result in cancellation of the Permit.

4. The Permittee is responsible for properly securing all aircraft on the Space. The State is not responsible for aircraft loss, damage, theft, or pilferage. All equipment, including floats, skis, etc., stored or used on the Space will be properly owner identified, and secured to prevent movement.

5. The Permittee must perform any construction, repair, maintenance, or other activity authorized by this Permit in a safe and professional manner, to ensure protection of the environment and the safety and integrity of the Airport. The Permittee must immediately notify the State of any condition, problem, malfunction, or other occurrence that threatens the safety of the Airport, integrity of the Space, or protection of the environment.

6. The Permittee must keep the Space clean, neat, and free of debris and junk, including vehicles that are non-operational or have expired registrations. Equipment necessary for regular handling of aircraft is permitted with prior approval of Airport Operations. Vehicles and equipment are prohibited on the ice.

7. The Permittee must comply with all decisions and directions of the State regarding snow removal, maintenance, and general use of the Airport by the Permittee.

J. AIRCRAFT PARKING RESTRICTIONS

During months when the waters of Lake Hood are not frozen, Float Space Permittees, Delta Permittees, and Drydock Ramp (DD-R) Permittees must use the Space for float equipped planes. Aircraft in the Pull-Through (PT) tiedowns of the Bravo Parking area must meet current size and weight requirements established by Airport policy.

K. IMPROVEMENTS

For Float Spaces, before any construction, installation, or demolition of improvements on the Space, the Permittee must submit an approved Airport Building Permit. The improvements must be neat, presentable, and compatible with the use of the space and surrounding area. Improvements of any kind are prohibited on Wheel Spaces. Wood anchors are suggested, and tires are not permitted on Ice Spaces. Anchor material must be removed from Ice Spaces before breakup.

L. RIGHT OF STATE TO PERFORM

If after 10 days following notice from the State, or less if an emergency exists, the Permittee fails or refuses to perform any action required by this Permit, the State will have the right, but not the obligation, to perform any or all such actions required by this Permit at the sole expense of the Permittee. The State will submit to the Permittee a statement of the expenses incurred by the State in the performance by the State of any required action. The amount shown to be due on each statement must be paid by Permittee within 30 days from issuance.

M. SELF-FUELING

If the Permittee self fuels or handles any Hazardous Substance on the Airport, the Permittee agrees to safely transport, store, dispense, and otherwise handle fuel and Hazardous Substances in a safe and environmentally responsible manner and in accordance with all applicable federal, state, and local laws, and Airport Guidelines on Storage and Handling of Fuels.

If fuel or a Hazardous Substance is spilled on the Airport by the Permittee, or as a result of the Permittee's operations, the Permittee must immediately notify the State and the Alaska Department of Environmental Conservation, as required by regulations, and act promptly to contain the spill, repair any damage, absorb and clean up the spill, and restore the affected area to the satisfaction of the State.

N. RELOCATION

The Airport Director may reassign a permittee to another tie-down space for airport expansion, development, operation, or other state purpose or that it is otherwise in the best interest of the state to do so.

O. FUEL STORAGE TANKS - FLOAT SPACES

1. The Permittee must obtain an approved Airport-Building Permit before installation of an above ground fuel storage tank on a Float Space.

2. Upon the expiration, termination, or cancellation of this Permit, if the Permittee has an above ground storage tank on the Space, Permittee will either:

(a) Remove the tank at the Permittee's expense and restore the Space to the satisfaction of the State, or

(b) Provide the State, to the State's satisfaction, a signed bill of sale and a notarized affidavit showing transfer of ownership and liability of the above ground storage tank to the succeeding permittee. This affidavit must clearly demonstrate that the new permittee understands and acknowledges that an above ground storage tank is located on the Space and that the new permittee is accepting ownership of the tank and responsibility to the State for the removal of the tank and remediation and restoration of the Space upon the expiration, termination, or cancellation of the new permittee's Permit.

P. AIRCRAFT/PROPERTY IMPOUNDMENT

Any aircraft in the Space not listed on the Permit Application as owned or leased by the Permittee, or any aircraft remaining in the Space after the expiration, termination, or cancellation of this Permit is illegally parked. Any illegally parked aircraft or other personal property left on the Space after the expiration, termination, or cancellation of this Permit is subject to impoundment and fees, and may be sold as abandoned property if not redeemed within 90 days. Fees incurred as a result of these process are the responsibility of the permittee.

Q. VACATION

At the expiration, cancellation, or termination of this Permit, the Permittee must peaceably and quietly vacate the Space and return possession to the State. The Space must be left in a clean, neat, and acceptable condition to the satisfaction of the State. Rent will be charged until the Space is vacated and restored to an acceptable condition.

R. DISPOSITION OF IMPROVEMENTS

Except as provided for in Section N, when this Permit or any renewal expires, is terminated, or is canceled, improvements on the Space will, at the sole discretion of the State, either automatically vest in the State, or must be removed by the Permittee at the Permittee's sole expense.

S. LAWS AND TAXES

At no expense to the State, the Permittee shall conduct all activities or business authorized by this Permit in compliance with all federal, state, and local laws, ordinances, rules, and regulations that apply to the activities or operations authorized in this Permit or to the use, care, operation, maintenance, and protection of the Airport, including, but not limited to, matters of health, safety, sanitation, and the environment. The Permittee shall obtain all necessary licenses and permits, pay all taxes and special assessments lawfully imposed upon the Space, and pay other fees and charges assessed under applicable public statutes or ordinances.

In any dispute between the parties, the laws of the State of Alaska will govern, and any lawsuit must be brought in the courts of the State of Alaska, Third Judicial District, after exhaustion of administrative remedies.

T. ASSIGNMENT, SUBLEASES, LIENS

This Permit is not transferable and may not be liened for any reason. Subleasing or loaning of the Space is prohibited.

U. INDEMNIFICATION

The Permittee shall indemnify, defend, and hold the State, including its officers, agents, and employees, harmless from any liability, action, claim, suit, judgment, penalty, fine, loss, property damage, or personal injury of whatever kind resulting from or arising out of any act of commission or omission by the Permittee, its agents, employees, guests, or customers arising from or connected with the Permittee's use and occupation of the Space or the exercise of the rights and privileges granted by this Permit. Notwithstanding the above, if more than 60 percent of the legal cause of the loss or obligation is due to the state's negligence or willful misconduct, the loss or obligation is to be apportioned between the state and the permittee according to comparative fault. The permittee and the state are to seek in good faith to agree to an apportionment of the loss or obligation without or independent of litigation.

Name(s), address, and telephone number(s) of no more than two other pilots that the permittee wishes to have listed on the permit as co-owner(s), lessor, or co-lessee(s) pilots, and who each also hold at least a one-third ownership or leasehold interest in the listed aircraft, along with a copy of their private, commercial, or airline transport pilot certificate, and a copy of their first, second, or third class airman's medical certificate.

Name % Interest in Aircraft Address Telephone Number

Support vehicle registration: Make/Model License # Airport Decal #

I certify that I have read, understand, and agree to comply with the terms and conditions of this Permit and Alaska Administrative Code 17 AAC Chapter 42; that all information I have provided in the Application is current, complete, accurate, and true; that I am the current holder of a valid medical certificate and valid pilot's certificate, that I own/lease at least one-third of the airworthy aircraft(s) listed in Item 4 of this Application, and that if the aircraft(s) is/are leased or owned by a business, that the purpose of the lease or business ownership is not to circumvent the tiedown waitlist. I understand that I am personally obligated to immediately report (in writing) changes in the information given in the Application to the Aircraft Tie-down Office, Ted Stevens Anchorage International Airport, PO Box 196960, Anchorage, AK 99519-6960.

I certify under penalty of perjury that all the above information provided or hereby certified by me is true.

Permittee's SIGNATURE

DATE

THIS IS TO CERTIFY that on this ____ day of _____, 20____, before me, the undersigned, a Notary Public in and for the State of _____, duly commissioned and sworn, personally appeared

known to me to be the person named above who executed the foregoing instrument, and who acknowledged before me that the foregoing instrument was freely and voluntarily executed with full knowledge of its content for the uses and purposes set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year written above.

Notary Public in and for: _____

My Commission Expires _____

.....

This permit application is approved – disapproved (circle one).

Signature of authorized airport personnel

Date

ARTICLE 5. TED STEVENS ANCHORAGE INTERNATIONAL AIRPORT TIEDOWN PERMITS.

Section

- 500. Scope, findings, and purpose
- 510. Application, approval, and categories
- 520. Terms and conditions
- 525. Permit limitations
- 530. Application for subsequent permit
- 540. Switch list procedures
- 550. Wait list procedures
- 560. Permit, switch list, and wait list information
- 570. Cancellation of permit, reassignment of space, or suspension of permit
- 590. Protest
- 595. Transitional compliance requirements
- 599. Definitions

17 AAC 42.500. SCOPE, FINDINGS, AND PURPOSE. (a) 17 AAC 42.500 - 17 AAC 42.599 apply only to Ted Stevens Anchorage International Airport.

(b) The department finds that

- (1) the demand for float spaces on the airport substantially exceeds the number of spaces available;
- (2) the demand for certain wheel spaces on the airport exceeds the number of spaces available;
- (3) the demand for spaces to park transient light aircraft on the airport frequently exceeds the number of spaces available; and
- (4) it is in the best interest of the state to ensure that float spaces and wheel spaces that are in high demand be used by pilots who operate airworthy aircraft and regularly fly the aircraft.

(c) The purpose of 17 AAC 42.500 - 17 AAC 42.599 is to regulate the issuance of permits for aircraft tiedown spaces in a manner that

- (1) provides a fair, pilot-focused program;
- (2) provides permits for individual pilots who fly their owned or leased airworthy aircraft for either commercial or non-commercial use;
- (3) provides maximum use of available tiedown spaces; (4) reduces the wait lists for tiedown permits; and
- (5) provides a fair system for issuance and cancellation of permits and reassignment of tiedown spaces.

(d) 17 AAC 42.500 - 17 AAC 42.599 do not apply to transient aircraft parking areas. (Eff. ___/___/___, Register___)

Authority:

AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.510. APPLICATION, APPROVAL, AND CATEGORIES.

(a) To qualify for a tiedown permit, an individual must

(1) hold a current private, commercial, or airline transport pilot certificate;
(2) hold a current FAA first, second, or third class airman's medical certificate;

(3) subject to 17 AAC 42.550(g), own or lease at least a one-third interest in an airworthy aircraft that

(A) the individual intends to park in a tiedown space;

(B) the individual lists in an application submitted under (d) of this

section;

(C) is not listed on a tiedown permit issued at the airport to a different individual; and

(D) is not the only airworthy aircraft listed on another tiedown permit issued at the airport to the same individual.

(b) If an individual requests that more than one aircraft be listed on a permit, the individual must, together with any other permittee on the permit, hold a 100 percent ownership or leasehold interest in each listed aircraft.

(c) In addition to the requirements of (a) and (b) of this section, to qualify for a float space an individual's pilot certificate must show that the applicant holds a current seaplane rating.

(d) To obtain a tiedown permit, an individual must submit a completed application to the airport manager and pay the permit fee established under 17 AAC 42.125. The application must be on an airport form and, subject to 17 AAC 42.550(g), must include

(1) the applicant's name, mailing address, and, if available, telephone and facsimile numbers and electronic mail address;

(2) the make, model, and registration number of each aircraft that the applicant intends to park in the tiedown space;

(3) whether the space is to be used for commercial or for strictly non-commercial purposes;

(4) a copy of the applicant's private, commercial, or airline transport pilot certificate;

(5) a copy of the applicant's FAA first, second, or third class airman's medical certificate;

(6) a statement of the interest that the applicant owns or leases in each aircraft identified under (2) of this subsection, together with the name of and interest held by all other persons who own or lease an interest in that aircraft;

(7) if the applicant leases an aircraft identified under (2) of this subsection, an original lease for the aircraft, which must be in writing, must bear the notarized signature of each party to the lease, and must include the expiration date of the lease;

(8) if desired by a permittee who is not the sole owner of the aircraft identified under (2) of this subsection, a statement of the name, address, and telephone number of no more than two other pilots who the permittee wishes to have listed on the permit as co-owner pilots and who each also hold at least a one-third ownership or leasehold interest in that aircraft, along with the information required under (4) - (7) of this subsection for each such pilot; and

(9) a notarized statement signed by the applicant that the information provided in the application is true and accurate and that the applicant has read and understands the provisions of 17 AAC 42.500 - 17 AAC 42.599 and understands that the

airport manager will cancel the applicant's permit if the manager determines that the applicant

(A) was not eligible for a permit on the date that the permit was issued, regardless of whether the applicant became eligible after that date;

(B) is not eligible for a permit, regardless of whether the applicant was eligible on the date that the permit was issued; or

(C) has failed to comply with the applicable requirements of this chapter or other applicable law.

(e) The airport manager shall approve an application for a permit unless

(1) the applicant is not in compliance with the applicable requirements of 17 AAC 42.500 - 17 AAC 42.599;

(2) the applicant does not hold a current pilot certificate as required under (a) of this section;

(3) if the application is for a float space, the applicant's pilot certificate does not indicate that the applicant holds the seaplane rating required under (c) of this section;

(4) the applicant does not hold a medical certificate as required under (a) of this section;

(5) the applicant does not own or lease the minimum interest in the aircraft listed on the application as required under (a) of this section;

(6) the space is needed for airport expansion, development, operation, or other state purpose;

(7) the application must be denied under 17 AAC 42.010(g);

(8) the aircraft does not conform to the dimension, weight, use, or type limits the manager has established under 17 AAC 42.030 for the category of space for which the permit is sought;

(9) approval of the application would result in the applicant exceeding the number of permits allowed the applicant under 17 AAC 42.525(b); or

(10) no space is vacant and available in the category requested by the applicant.

(f) The airport manager's denial of an application must be in writing and state the reasons for the denial.

(g) The categories for permits under 17 AAC 42.500 - 17 AAC 42.599 are float permit, wheel permit, and ice permit.

(h) The categories for switch lists under 17 AAC 42.540 are float, wheel, and Lake Hood Strip.

(i) The categories for wait lists under 17 AAC 42.550 are float, wheel, and Lake Hood Strip.

(j) The airport manager may establish other categories of permits, switch lists, or wait lists if the manager determines that other categories are necessary. (Eff.

___/___/___, Register ___)

Authority:

AS 02.15.020

AS 02.15.070

AS 02.15.090

AS 02.15.060

17 AAC 42.520. TERMS AND CONDITIONS. (a) The terms and conditions set out in this section apply to and are incorporated into all tiedown permits issued under 17 AAC 42.500 - 17 AAC 42.599.

(b) The initial term of a float or wheel permit expires on March 31 following the fourth anniversary of issuance. The term for each subsequent permit that the

manager issues to the same permittee for the same space or for another space to which the permittee is reassigned begins at the expiration of the preceding permit and expires on March 31 five years later. An ice permit is issued for a single season beginning November 1 of one year and expiring on March 31 of the next year.

(c) A permittee shall pay the fee established for the applicable category of tiedown permit under 17 AAC 42.125.

(d) A permittee may not transfer or sublet a permit or, except as provided under (l) of this section, allow a person who is not listed as a permittee or co-owner pilot on the permit to fly to or from the permitted space or allow any person to park an aircraft not listed on the permit in the permittee's space.

(e) Subject to the applicable requirements and limitations established under 17 AAC 42.025, a permittee may use a tiedown space only to

(1) park an airworthy aircraft that is listed on the permit issued for the space;

(2) perform all maintenance and repair on an aircraft that is listed on the permit so long as the permittee is authorized to perform the work under 14 C.F.R. Part 43, as amended through January 1, 2000;

(3) authorize others to perform maintenance and repair on an aircraft listed on the permit, subject to the requirements of 17 AAC 42.105;

(4) subject to (f) of this section, park a vehicle while the permittee or a co-owner pilot is present at the space or using an aircraft listed on the permit; and

(5) subject to (f) of this section, park an operational vehicle used for aircraft support, such as a float trailer or boom truck, but only if the permittee first registers the vehicle with the airport manager and receives the manager's approval.

(f) An individual who accepts a permit for a tiedown space accepts the space on an "as is" basis. A permittee shall keep the space in a clean, neat, and presentable condition. A permittee shall provide adequate aircraft and vehicle parking on the space to avoid any interference with or obstruction of public roads and taxiways and other spaces and premises.

(g) Improvements are authorized only on float spaces. A permittee must obtain an airport building permit under 17 AAC 42.280 before performing any construction on a float space. A building or other structure placed on a float space must be portable, must be located to allow for adequate aircraft and vehicle parking on the space, and must not interfere with operations on an adjacent space or aircraft movement area. To anchor an aircraft on a tiedown space, a permittee may use only screw-in, duckbill, or cable tiedown equipment or another method the airport manager specifically approves for that purpose.

(h) An aircraft or vehicle that is parked on a tiedown space in violation of this section, 17 AAC 42.525, or any other applicable provision of this chapter is subject to impoundment by the airport manager under 17 AAC 42.115.

(i) The department is not obligated to perform snow or ice removal in a tiedown space.

(j) A permittee must begin parking an airworthy aircraft that is listed on the permit on the designated space within 90 days after the permit is issued, unless the space is a float space. On a float space, a permittee must begin parking an airworthy float-equipped aircraft that is listed on the permit on the designated space within 90 days after the permit is issued or 30 days after the Lake Hood Seaplane Base is first unfrozen and open for use, whichever is later.

(k) If an aircraft listed on the permit ceases to be airworthy or if the permittee disposes of or ceases to hold the permittee's required minimum interest in an aircraft listed on the permit and if no other aircraft is listed on the permit that satisfies the

requirements of 17 AAC 42.510(a)(3) and (p) of this section, as applicable, the permittee must restore the aircraft to an airworthy condition or obtain at least the required minimum interest in a replacement aircraft equipped as required by (p) of this section, if applicable, to list on the permit and to operate from the tiedown space. The permittee must achieve the restoration or replacement required under this subsection within 270 days after the date that the aircraft first ceased to be airworthy or the date the permittee disposed of or ceased to hold the permittee's required minimum interest in the aircraft, whichever date is earlier. However, a restored or replacement aircraft under this subsection need not be equipped as required under (p) of this section, if applicable, until the Lake Hood Seaplane Base is unfrozen and open for use.

(l) Because of the shortage of transient aircraft parking spaces, a permittee whose space will be vacant for an extended period of time is encouraged, but not required, to make the permittee's space available to the airport manager for use as part of the Lake Hood transient parking pool. When a permittee makes a tiedown space available to the manager for transient parking under this subsection, the department will apply any transient parking revenue from use of the space to reduce the fees that the permittee would otherwise pay for that space.

(m) If a permittee's medical certificate expires during the term of the permit, the permittee must obtain a new medical certificate and provide a copy to the airport manager within 60 days of the date of expiration of the medical certificate.

(n) If a permittee's pilot certificate or medical certificate is revoked or suspended for any reason during the term of the permit, the permittee must obtain a replacement and provide a copy to the airport manager within 120 days of the date of revocation or suspension of the pilot certificate or medical certificate.

(o) Each permittee on a permit must fly the permittee's aircraft listed on the permit at least once from the permit space in each of any three months during each calendar year, using the tiedown space as the primary base of operations from which to fly. Each permittee must also fly at least one third of the listed aircraft's total flights to and from the space. Flights by co-owner pilots may not constitute more than two thirds of the aircraft's total flights to and from the space. For a float permit, only a flight in the listed aircraft flown from the lake when the aircraft is float-equipped is considered toward satisfaction of the requirements of this subsection.

(p) An aircraft for which a float permit is issued must be float-equipped not less than 90 days each year during the period from May 1 through September 30. If a float space includes a land area large enough to accommodate a second float aircraft or a wheel-equipped aircraft without interfering with or obstructing an adjacent road, taxiway, space, or premises and the airport manager approves, a permittee may park a second aircraft on the float space so long as the permittee, alone or jointly with another permittee on the same permit, holds a 100 percent ownership or leasehold interest in both aircraft. A permittee who is allowed by the manager to park a second aircraft on a float space shall pay any additional fee established under 17 AAC 42.125.

(q) The airport manager shall conduct periodic inspections of tiedown spaces and permit files to monitor compliance with the requirements of 17 AAC 42.500 - 17 AAC 42.599 and specifically to confirm

(1) that a properly equipped, airworthy aircraft listed on the permit is parked on the space within or during the applicable periods required under 17 AAC 42.500 - 17 AAC 42.599; and

(2) that each permittee on the permit

(A) owns or leases at least a one-third interest in the appropriate gear type aircraft parked on the space as required under 17 AAC 42.510(a) and, as applicable, (p) of this section;

(B) annually satisfies the aircraft flight requirements of (o) of this section;

(C) holds a pilot certificate as required under 17 AAC 42.510(a) and, as applicable, (c); and

(D) has a current FAA medical certificate as required under 17 AAC 42.510(a).

(r) If the airport manager has reason to believe that a permittee is not in compliance with the applicable requirements of 17 AAC 42.500 - 17 AAC 42.599, the manager may require the permittee to submit to the manager written verification or documentation the manager considers appropriate to establish that the permittee is in compliance with the applicable requirements of 17 AAC 42.500 - 17 AAC 42.599. To verify compliance with the flight requirements of (o) of this section, upon request by the manager a permittee must provide a notarized statement signed by the permittee that lists the dates of flights the permittee has taken to or from the permittee's tiedown space as pilot of the aircraft listed on the permit and, as applicable, states for each listed flight whether the aircraft was equipped with wheels, floats, or skis. Upon request by the manager, the permittee must also provide a signed and notarized statement by each co-owner pilot, if any, that lists the dates of flights the co-owner pilot has taken to or from the permittee's tiedown space as pilot of the aircraft listed on the permit. The permittee shall also provide such other information or documentation that the manager reasonably requests to establish that the permittee satisfied the flight requirements.

(s) If a permittee dies, the permittee's estate, after written notice to the airport manager, may keep the permit for up to 180 days after the date of the permittee's death in order to sell or remove the permittee's aircraft. The estate shall pay the rent for the space as required under this section. The estate shall notify the airport manager when the permittee's aircraft is sold and when the aircraft is removed from the tiedown space. The permit terminates at the earliest of

(1) ten days after the permittee's aircraft is sold;

(2) the date that the aircraft is removed from the tiedown space; or

(3) the expiration of 180 days after the death of the permittee.

(t) At and after cancellation or termination of a permit, expiration of a permit not followed by a subsequent permit, or reassignment to a new space under 17 AAC 42.540 or 17 AAC 42.570, the permittee or permittee's estate, as applicable, shall continue to pay rent for the space until the permittee or permittee's estate

(1) removes all personal property from the space as provided in (u) of this section;

(2) restores the space to a clean, neat, and presentable condition to the satisfaction of the airport manager; and

(3) peaceably and quietly vacates the space.

(u) Except as otherwise provided in 17 AAC 42.570(h), a permittee whose permit has expired and is not followed by a subsequent permit, whose permit has been cancelled or terminated, or who is reassigned to a new space under 17 AAC 42.540 or 17 AAC 42.570 shall vacate the permit space at the permittee's own expense. The permittee shall

(1) within 14 days after cancellation, termination, or expiration of the permit or acceptance of the reassignment, as applicable, remove the permittee's aircraft from the old tiedown space and, if applicable, relocate the aircraft to the new tiedown space;

(2) except as provided in (3) of this subsection,

(A) relocate to any new space or remove from the airport all of the permittee's personal property from the vacated space; and

(B) restore the space to a clean, neat, and presentable condition to the satisfaction of the airport manager; and

(3) if the permittee requests information to enable the permittee to offer some or all of the permittee's personal property on the space for sale to the permittee's successor at the vacated space, within 14 days after the airport manager mails or delivers to the permittee the name and address of the permittee's successor at the vacated space,

(A) sell or otherwise transfer to the permittee's successor at the vacated space any of the permittee's personal property that the permittee agrees to transfer and the successor agrees to purchase or accept; and

(B) satisfy the requirements of (2) of this subsection.

(v) If a permittee or a permittee's estate, as applicable, shows good cause to the satisfaction of the airport manager, the manager shall approve a request to extend the time to perform an act required under (k), (m), (n), (s), or (u) of this section. The request must be in writing and include justification for the request and a date by which the required act will be completed. Any extension or combination of extensions granted under this subsection must be in writing and may not exceed one year.

(Eff. ___/___/___, Register___)

Authority:

AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.525. PERMIT LIMITATIONS. (a) Neither a tiedown permittee nor a co-owner pilot may use the tiedown space for operation of a commercial aviation business or otherwise for commercial purposes unless the permit expressly authorizes that use.

(b) Subject to (c) of this section and excluding an ice permit, a permittee may hold up to two tiedown permits on the airport at one time, each listing a different aircraft in which the permittee holds the minimum interest required under 17 AAC 42.510(a). However, if an individual owns or leases only one aircraft that the individual parks in a tiedown space on the airport, the individual may hold only one permit.

(c) A permittee may not hold more than one float permit on the airport at one time. A permittee may receive and hold two wheel permits only if the permittee states in the application under 17 AAC 42.510 for one of the permits that the space will be used for a float-equipped aircraft not less than 90 days each year during the period from May 1 through September 30.

(d) More than one permittee may be listed on the same permit consistent with the requirements of this subsection. A permittee may add another individual to the permit if the other individual separately applies and qualifies for a permit under 17 AAC 42.510, including holding the minimum interest required under 17 AAC 42.510(a) in an aircraft listed on the permit, and is the first individual on the applicable wait list under 17 AAC 42.550 if there is a wait list for that category of permit. If an individual is added to a permit, that individual shall comply with all requirements applicable to the permit.

(e) A co-owner pilot who is listed on a permit but has not become a permittee under (d) of this section has no interest in the permit and does not have any right to continued use or occupancy of the permitted space at the expiration, termination, cancellation, or suspension of the permit. (Eff. ___/___/___, Register___)

Authority:

AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.530. APPLICATION FOR SUBSEQUENT PERMIT. (a) A permittee who wishes to retain a tiedown space after the expiration of a permit shall, during the 180 day period before the permit expires, submit an application for a subsequent permit under 17 AAC 42.510, along with the permit fee established under 17 AAC 42.125. If a permittee does not timely submit an application for a subsequent permit, the permittee's permit expires on its expiration date and, unless the space is needed for airport purposes, the airport manager shall make the space available to the next eligible applicant.

(b) The airport manager shall approve an application for a subsequent permit if the manager determines that the space is not needed for airport expansion, development, operation, or other state purpose and that the permittee qualifies for a permit under 17 AAC 42.510 and is otherwise in compliance with the applicable requirements of 17 AAC 42.500 - 17 AAC 42.599.

(c) If the airport requires the space for other purposes, the airport manager shall follow the procedures established in 17 AAC 42.570(c) - (h), as applicable. (Eff.

___/___/___, Register ___)

Authority:

AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.540. SWITCH LIST PROCEDURES. (a) The airport manager shall establish and maintain a switch list by which a permittee may have an opportunity to receive reassignment to a different tiedown space in the same category. Placement on a switch list does not create a right to reassignment to a different space.

(b) An airport manager shall maintain a switch list for each category of space established under 17 AAC 42.510(h) or (i) for which the manager receives a written switch request. Each list must be maintained in chronological order according to the date that the airport manager receives a request for that category of tiedown space as described in (c) of this section. However, a permittee placed on a switch list under 17 AAC 42.570(c)(2) or(3) or (e) shall be placed at the top of the list and ordered chronologically only as to any other permittee also placed on the list under 17 AAC 42.570(c)(2) or (3) or (e). A switch list is a public record and must include each requesting permittee's

(1) name;

(2) mailing address;

(3) date of request;

(4) telephone number, facsimile number, electronic mail address, or other method of contacting the permittee by electronic means; and

(5) list of the specific numbered spaces to one of which the permittee requests reassignment.

(c) A permittee in good standing may request to be placed on a switch list by submitting to the airport manager a written request on an airport form, together with any applicable fee established under 17 AAC 42.125.

(d) To the extent provided in this section, a permittee on a switch list has an opportunity to switch to an available space listed on the permittee's switch request before the space is made available to an individual on a wait list.

(e) When a tiedown space becomes available, the airport manager shall identify the first permittee on the applicable switch list. The manager shall

(1) if the first permittee on the applicable switch list was placed on the list under 17 AAC 42.570(c)(2) or (3), assign the available space to the permittee and mail

or deliver to the permittee notice of assignment to the available space; assignment to a space under this paragraph is effective unless, within 20 days after the assignment, the permittee rejects the permittee's opportunity to receive a space by mailing or delivering to the manager a written rejection of the assignment; a permittee who rejects an assignment to a space under this paragraph abandons the permittee's opportunity to receive a space unless, along with the written rejection, the permittee requests to remain on the top of the switch list to receive an opportunity to switch to another space under the procedures of (2) of this subsection; and

(2) in all other cases, including placement on the switch list under 17 AAC 42.570(e), make not less than three attempts over the course of two consecutive business days to offer the space to the first permittee who listed the space on the permittee's switch request; the manager shall attempt to contact the permittee by telephone, facsimile, or other electronic means, using the permittee's current contact information required under 17 AAC 42.560(c).

(f) A permittee whom the manager contacts or attempts to contact under (e)(2) of this section must accept or reject the available space within two business days after the manager first contacts or last attempts to contact the permittee to offer the space. If the manager is unable to contact the permittee as provided under (e)(2) of this section or the permittee declines the offered space or does not respond to the offer within two business days after the manager first contacts or last attempts to contact the permittee, the permittee's opportunity to switch to the new space lapses. In the manner and on the terms of this subsection and (e)(2) of this section, the manager shall, until the space is accepted or the list exhausted, attempt to contact and offer the available space to each successive permittee on the switch list who has listed that space on the permittee's switch request. If no switch list permittee timely accepts the offer of the available space, the manager shall offer the space to the first individual on the wait list as provided under 17 AAC 42.550.

(g) A permittee who accepts an offer to switch to a new tiedown space shall comply with the requirements of 17 AAC 42.520(t) and (u).

(h) The airport manager shall remove from the switch list the name of a permittee who accepts an offer to switch. The manager shall move to the end of the switch list the name of a permittee whom the manager is unable to contact under (e) of this section, who declines an offer to switch to a new space that the permittee had listed on the permittee's switch request, or who fails to respond to an offer before it lapses.

(i) If the airport manager determines that requiring confirmation of a permittee's desire to remain on a switch list will expedite the issuance of tiedown permits for a category of space, the manager shall request at least the first five permittees on the applicable switch list to confirm that desire. The manager's request for confirmation must be in writing. If the manager does not receive written confirmation from the permittee within 30 days after the date that the manager mails or delivers the request for confirmation to the permittee, the manager shall remove the permittee's name from the applicable switch list.

(j) If a permittee's permit terminates, is cancelled, or expires and is not followed by a subsequent permit, the manager shall remove the permittee's name from the switch list for that category of tiedown space effective as of the date that the permit terminated, was cancelled, or expired.

(k) The airport manager shall mail or deliver to the permittee notice that the permittee's name has been removed from the switch list under (i) or (j) of this section.

(Eff. ___/___/___, Register ___)

Authority:

AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.550. WAIT LIST PROCEDURES. (a) If the number of tiedown spaces in a category is not sufficient to meet demand, the airport manager shall establish and maintain, in chronological order according to date of request, a wait list of each pilot and student pilot who has submitted a written request for a tiedown space in that category under (b) of this section. A wait list must include each individual's name, mailing address, date of request, and, if available, telephone and facsimile numbers and electronic mail address. A wait list is a public record.

(b) To be added to a wait list, an individual must

(1) sign the applicable wait list in the Ted Stevens Anchorage International Airport tiedown office;

(2) provide the wait list information required in (a) of this section;

(3) provide a copy of the individual's pilot or student pilot certificate;

(4) sign a notarized statement that the information provided is true and accurate and that the individual has read and understands the requirements of 17 AAC 42.500 - 17 AAC 42.599 and understands that if the individual fails to comply with those requirements the airport manager will remove the individual's name from the wait list; and

(5) pay any applicable fee established under 17 AAC 42.125.

(c) When a space becomes available and is not reassigned through the switch list procedures under 17 AAC 42.540, the airport manager shall mail by a means that provides evidence of receipt, or deliver by hand a notice that a space is available, along with an application for a tiedown permit for that space, to the first individual in chronological order on the applicable wait list.

(d) If an individual to whom the airport manager has mailed or delivered a notice under (c) of this section does not submit a completed and signed application for a permit for the space within 20 days after receipt of the notice and if either the notice is returned to the manager unclaimed or by the 30th day after mailing the notice to the individual the manager has no evidence that the individual received the notice, the notice lapses. In that case, the manager shall offer a permit for the space to the next individual on the applicable wait list by notice in the manner provided under (c) of this section.

(e) If an individual receives a notice mailed or delivered under (c) of this section, but does not timely submit a completed and signed application for a permit for the space, the airport manager shall remove the individual's name from the wait list. Subject to (f) of this section, if the notice is returned to the manager unclaimed or if by the 30th day after mailing the notice the manager has no evidence that the individual received the notice and the manager has never before mailed a notice to that individual regarding a formerly available space under (c) of this section, the airport manager shall leave the individual's name on the top of the wait list.

(f) Notwithstanding (e) of this section, the airport manager shall remove an individual's name from the wait list if the manager has previously mailed to that individual a notice under (c) of this section regarding a formerly available space and

(1) the individual does not submit a completed and signed application for a permit for the presently available space within 30 days after the manager mails the notice regarding that space; or

(2) the notice mailed to the individual regarding the presently available space is returned to the manager unclaimed.

(g) To qualify for a permit under this section, an individual must satisfy all applicable requirements for a permit under 17 AAC 42.510 at the time that the application is submitted, with the exception of owning or leasing an interest in an

airworthy aircraft. An applicant under this section has 90 days from the date that the application is submitted to acquire at least a one-third ownership or leased interest in an airworthy aircraft that the individual will park in the tiedown space and to satisfy the requirements of 17 AAC 42.510(d)(2), (6), (7), and (9).

(h) To remain on a wait list, by September 30 of each year an individual must submit a written request to do so and pay any fee established under 17 AAC 42.125. If an individual on a wait list does not submit a request to remain on the list and pay the required fee by September 30 of each year, the airport manager shall remove the individual's name from the wait list.

(i) The airport manager shall mail or deliver to the individual notice that the individual's name has been removed from a wait list under this section. (Eff.

___/___/___, Register ___)

Authority:

AS 02.15.020

AS 02.15.060

AS 02.15.090

Editor's note: The location of the Ted Stevens Anchorage International Airport tiedown office may be obtained from the airport manager's office at the address provided in 17 AAC 42.005.

17 AAC 42.560. PERMIT, SWITCH LIST, AND WAIT LIST INFORMATION. (a)

A permittee or an individual on a wait list shall promptly report to the airport manager any change in the information contained in the permit or on a request for placement on a switch list or wait list.

(b) A permittee or an individual on a wait list shall maintain a current mailing address on file with the airport manager at all times. Except as otherwise provided in 17 AAC 42.540(e), the manager shall mail or deliver any notice regarding a permit, switch list, or wait list to the mailing address on file most recently provided by the permittee or individual.

(c) A permittee on a switch list shall maintain on file with the airport manager at all times a current telephone number, facsimile number, electronic mail address, or other method of contacting the permittee by electronic means. (Eff. ___/___/___, Register ___)

Authority:

AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.570. CANCELLATION OF PERMIT, REASSIGNMENT OF SPACE, OR SUSPENSION OF PERMIT. (a) A permittee may cancel a tiedown permit for any reason upon written notice to the airport manager.

(b) The airport manager shall cancel a permit if the permittee fails to comply with an applicable material requirement of 17 AAC 42.500 - 17 AAC 42.599 or other applicable provision of this chapter within 30 days after the manager mails or delivers written notice of the noncompliance to the permittee.

(c) If the airport manager determines that it is necessary temporarily or permanently to convert a tiedown space to another category of tiedown space or to another use to accommodate airport expansion, development, operation, or other state purpose or that it is otherwise in the best interest of the state to do so, the manager shall require the permittee to vacate the space and

(1) if another tiedown space in the same category as the space vacated is available, reassign the permittee to that space;

(2) if another space in the same category is not available, reassign the permittee to a space in a category as similar as possible to the space vacated and give the permittee the opportunity to provide the information required under 17 AAC 42.540(b) and be placed on the top of the applicable switch list for reassignment under 17 AAC 42.540(e)(1); or

(3) if no other space is available, suspend the permit and give the permittee the opportunity to provide the information required under 17 AAC 42.540(b) and be placed on the top of the applicable switch list for reassignment under 17 AAC 42.540(e)(1).

(d) The airport manager shall mail or deliver written notice to the permittee at least 60 days before reassigning the permittee to another space or suspending the permit under (c) of this section. The notice must state the reasons for reassigning the permittee or suspending the permit.

(e) If the permittee within 30 days of the reassignment under (c)(1) of this section submits a list of preferred spaces and the other information required under 17 AAC 42.540(b), the manager shall place the permittee on the top of the switch list to receive an opportunity to switch spaces under the procedures of 17 AAC 42.540(e)(2). The permittee may remain on that list without paying any fee otherwise charged under 17 AAC 42.540 for placement on the switch list so long as the permittee continues to qualify for a permit under 17 AAC 42.510(a) and is otherwise in compliance with the applicable requirements of 17 AAC 42.500 - 17 AAC 42.599.

(f) If a permittee's permit is suspended under (c)(3) of this section and the permittee is placed at the top of the applicable switch list under that provision, the permittee may remain on that list without paying any fee otherwise charged under 17 AAC 42.540 for placement on the switch list or under 17 AAC 42.520 for holding the permit so long as the permittee continues to qualify for a permit under 17 AAC 42.510(a) and is otherwise in compliance with the applicable requirements of 17 AAC 42.500 - 17 AAC 42.599.

(g) A permittee who is temporarily reassigned to another tiedown space under (c) of this section must pay either the fee for the temporary tiedown space or the fee for the permittee's permanently assigned tiedown space, whichever is less, for the duration of the reassignment.

(h) If, under (c) of this section the airport manager reassigns a permittee with a float space to another space or suspends the permittee's float permit, subject to availability of an appropriations for this purpose, the manager shall compensate the permittee for the reasonable transportation cost of relocating any portable building from the vacated space to another location on the airport and any electrical disconnect and reconnect fee so long as the manager had approved the portable building or electrical connection, as applicable, in writing before installation.

(i) Except as otherwise provided in (h) of this section, a permittee who is permanently reassigned to another tiedown space under (c) of this section must timely and at the permittee's own expense

(1) pay the fee for the reassigned tiedown space; and

(2) comply with the requirements of 17 AAC 42.520(t) and (u).

(j) Upon cancellation of a permit, the airport manager shall refund the permit fee on a pro rata basis except to the extent of any liability of the permittee to the department under this chapter. (Eff. ___/___/___, Register ___)

Authority:

AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.590. PROTEST. An applicant or permittee may protest the airport manager's decision to deny an application or to cancel, reassign, or suspend a permit in accordance with 17 AAC 42.910. (Eff. ___/___/___, Register ___)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

17 AAC 42.595. TRANSITIONAL COMPLIANCE REQUIREMENTS. (a) A permit for a tiedown space on the airport issued before and valid on December 31, 2000 is effective until _____ and expires on that date unless first terminated for noncompliance with the provisions of this chapter. A prior permittee must apply under 17 AAC 42.510 for a subsequent permit under 17 AAC 42.530 no later than the earlier of sixty days after the airport manager mails or delivers to the prior permittee an application for a permit under 17 AAC 42.510 as provided under (c) of this section or _____ in order to retain the permittee's space.

(b) Any switch list or wait list established for a category of tiedown space before _____ is canceled effective _____. A prior permittee who is on a switch list on _____ and who desires to be placed on a new switch list under 17 AAC 42.540 must apply for placement on that list no later than _____ in order to retain the permittee's priority on the new switch list. If the individual qualifies for placement on a wait list under 17 AAC 42.550, an individual on a prior wait list must submit the information required under 17 AAC 42.550 and sign a new wait list no later than _____ in order to transfer the individual's priority from the prior wait list to the new wait list.

(c) No later than _____, the airport manager shall mail or deliver the following to each prior permittee and individual on a prior wait list, as applicable:

- (1) for a prior permittee, an application for a permit under 17 AAC 42.510; and
- (2) for an individual on a prior wait list, a notice that the prior wait list will be canceled and superseded as of _____ and that the individual must provide the required information and sign a new wait list under 17 AAC 42.550.

(d) If a prior permittee who is on a switch list as of _____ is in good standing and timely submits an application for a subsequent permit under (a) of this section, the permittee shall be placed on a new switch list established under 17 AAC 42.540 for the same category of space. The permittee's placement on the new switch list shall be in the same order of priority that applied to the permittee with respect to other prior permittees on the superseded list.

(e) If an individual on a prior wait list is qualified and in good standing, timely submits the information required under 17 AAC 42.550, and signs a new wait list under (b) of this section, the individual shall be placed on a new wait list for the same category of space established under 17 AAC 42.550. The individual's placement on the new wait list shall be in the same order of priority that applied to the individual with respect to other individuals on the superseded list.

(f) In this section, unless the context otherwise requires,

- (1) "prior permittee" means an individual who on _____ holds a valid tiedown permit issued before that date;
- (2) "prior wait list" means a wait list established before _____. (Eff. ___/___/___, Register ___)

Authority:

AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.599. DEFINITIONS. In 17 AAC 42.500 - 17AAC 42.599, unless the context otherwise requires,

- (1) "airport" means Ted Stevens Anchorage International Airport;
- (2) "available," when used to describe a tiedown space of a particular category, means
 - (A) not the subject of a tiedown permit;
 - (B) not being temporarily or permanently converted by the airport manager to a different category space; and
 - (C) neither needed for nor being held by the manager to accommodate airport expansion, development, operation, or other state purpose;
- (2) "commercial purpose" means the use of a tiedown space to park an aircraft that is flown for hire or other business purpose;
- (3) "co-owner pilot" means an individual who owns or leases at least a one-third interest in the aircraft listed on a permit under 17 AAC 42.510(c)(2), who holds a pilot license described in 17 AAC 42.510(a), and who is not a permittee on the permit;
- (4) "float permit" means a permit the airport manager issues allowing the permittee to use a specified float space, including any land area approved by the airport manager for parking a second aircraft within the permitted area;
- (5) "float space" means a tiedown space that borders the shores of Lakes Hood or Lake Spenard and that the airport manager identifies by a number and designates primarily for parking float-equipped aircraft;
- (6) "ice permit" means a permit that the airport manager issues allowing the permittee to use a specified ice space;
- (7) "ice space" means a tiedown space on Lake Hood or Lake Spenard during a time when the lakes are sufficiently frozen to safely support aircraft and that the airport manager designates for parking ski-equipped aircraft;
- (8) "noncommercial purpose" means the use of a tiedown space to park an aircraft that is flown only for a personal, not-for-profit, or governmental purpose;
- (9) "space" means a location on the airport that
 - (A) is accessible to and is of sufficient dimensions to accommodate a light aircraft;
 - (B) the airport manager has described by markings on the ground, rough dimensions, or reference points and designated for parking float-, wheel-, or ski-equipped light aircraft; and
 - (C) may be the subject of a tiedown permit;
- (10) "subsequent permit" means a permit issued to a permittee after expiration of a permit and that allows the permittee to continue to hold a space without interruption;
- (11) "wheel permit" means a permit the airport manager issues allowing the permittee to use a specified wheel space;
- (12) "wheel space" means a land space that the airport manager identifies by a number and designates primarily for parking wheel-equipped aircraft. (Eff.

___/___/___, Register___)

Authority:

AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.010. AIRPORT MANAGER; ENFORCEMENT OF CHAPTER.

(a) Except as otherwise provided by this chapter or other applicable law, the airport manager is authorized to operate the airport in accordance with this chapter and other applicable law.

(b) When an action or decision of the airport manager under this chapter requires or otherwise calls for the manager to exercise discretion, the manager shall evaluate such action or decision considering the best interest of the state.

(c) Except as otherwise provided by this chapter and subject to (b) of this section, the airport manager is authorized to enforce

(1) the provisions of this chapter;

(2) applicable laws and programs relating to aviation or air transportation that are consistent with AS 02.15.010 - AS 02.15.260 and this chapter; and

(3) the provisions of AS 28 and 13 AAC as they apply to vehicles or to persons operating vehicles on the airport.

(d) The Airport Sponsors Grant Assurances published as Appendix D to 14 C.F.R. Part 152, as amended through November 1, 1999, is adopted by reference in this chapter.

(e) The airport manager shall make a decision under this chapter in good faith and on a reasonable basis. If the manager does not make a decision within 60 days of receipt of an application or request, the manager shall mail or deliver to the applicant or requestor written notice of the status of the application or request.

(f) If the airport manager denies an application or request under this chapter, the manager shall provide the applicant or requestor with the specific grounds for the denial in writing.

(g) Subject to (h) of this section, the manager shall deny an application or request under this chapter if the manager determines that the applicant or requestor is

(1) in violation of a provision of AS 02 or of 17 AAC 40 or this chapter;

(2) in violation of a material term of a contract with the department;

(3) in arrears on a rental payment or other material financial obligation due the department; or

(4) in default of a material obligation under any lease, permit, or concession the department has issued to the applicant or requestor for any property or activity at any airport the department owns, operates, or otherwise controls.

(h) If an applicant or requestor has filed a protest or appeal in connection with a matter described in (g) of this section that is pending under 17 AAC 40.382, 17 AAC 42.910, or 17 AAC 42.920 and the airport manager determines that the matter under protest or appeal has a direct bearing on the application or request under consideration, the airport manager may defer action on the application or request until that protest or appeal is decided. (Eff. ___/___/___, Register ___)

Authority:	AS 02.15.020	AS 02.15.090	AS 02.15.220
	AS 02.15.060	AS 02.15.200	AS 02.15.230

17 AAC 42.030. AIRCRAFT RULES. (a) A person may not, on or from an airport, navigate, land, fly, service, maintain, or repair an aircraft or conduct any aircraft operation, except in conformity with applicable FAA regulations, this chapter, and other applicable law.

(b) Except in an emergency, when safety dictates, or upon prior approval of the airport manager, aircraft operation on or from an airport is confined to designated runways, water lanes, helipads, taxiways, taxi lanes, aprons, and aircraft parking areas. The airport manager shall by order regulate, control, and direct the availability of a runway, water lane, helipad, taxiway, taxi lane, apron, and aircraft parking area on an airport. The airport manager shall limit the use, time, type, weight, dimensions, and number of aircraft allowed to use an aircraft parking area when the manager determines that the limitation is justified by the design, safety, maintenance, or operation of the parking area or the airport. The airport manager may segregate aircraft operations on an airport according to aircraft use, size, type, or weight. The manager shall give notice of the manager's orders, limitations, and aircraft operation segregation decisions under this subsection by

- (1) posting in the affected areas of the airport; or
- (2) issuing a Notice to Airmen under FAA Order 7930.2G as described in FAA Advisory Circular No. 150/5200-28B.

(c) A person who operates an aircraft at an airport shall conduct aircraft operations in conformity with applicable state and federal law, including applicable provisions relating to aircraft noise, and, to the extent possible consistent with safety considerations, in conformity with operational orders the airport manager issues under state or federal law, including orders regarding noise compatibility or preferential runway use.

(d) A person who brings onto or keeps an aircraft on an airport does so at the person's own risk with respect to security, maintenance, and operation of the aircraft. The department is responsible for the security, maintenance, or operation of an aircraft on an airport only if the department owns or leases the aircraft.

(e) The operator of an aircraft shall operate the aircraft so as to minimize engine, propeller, or rotor wash on an aircraft, person, or property.

(f) A person may not taxi an aircraft onto an airport from property, including water, outside the airport boundary, except as specifically provided for under an airport boundary crossing permit issued under 17 AAC 42.285.

(g) A person may park an aircraft on an airport only in an area the airport manager has designated for aircraft parking or in an area authorized for that purpose under a lease, permit, or concession.

(h) The operator of an aircraft that lands at an airport shall either make prior arrangements with the airport manager for payment of any applicable fee established under 17 AAC 42.125 or report to the office of the airport manager within one hour after landing or as soon as possible thereafter, complete a certified activity report, and pay the fee or make arrangements acceptable to the airport manager for payment.

(i) Unless the airport manager approves otherwise, a person who operates an aircraft shall

(1) for wheel-equipped aircraft, engage properly working brakes or block the wheels before starting the engine;

(2) attend each operating aircraft engine at all times; and

(3) repair the aircraft only in an area the airport manager has designated for aircraft repair or on the premises of a lease, permit, or concession that authorizes the premises to be used for aircraft repair.

(j) The airport manager shall designate areas, times, and operating requirements for aircraft engine runups.

(k) For purposes of this section, "aircraft parking area" means an area the airport manager has designated for aircraft parking under this section or under a lease, permit, or concession and includes transient aircraft parking areas subject to 17 AAC 42.035 and tiedown areas subject to 17 AAC 42.500 - 17 AAC 42.599 or 17 AAC 42.600 - 17 AAC 42.699. (Eff. ___/___/___, Register ___)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.220

Editor's note: Copies of FAA Order 7930.2G and FAA Advisory Circular No. 150/5200-28B, referenced in 17 AAC 42.030, may be obtained from the FAA Office of Airport Safety and Standards, Airport Safety and Compliance Division, AAS-300, 800 Independence Avenue, S.W., Washington, DC 20591 and on the internet at <http://www.faa.gov/ATPubs/NTM/Chapt1/not0101/not0101.html> and http://www.faa.gov/arp/150acs.htm#Airport_Safety, respectively. Notices to Airmen are available from the FAA at the above address or on the internet at <http://www.faa.gov/NTAP>.

17 AAC 42.105. BUSINESS ACTIVITY PERMIT. (a) Unless a lease, permit, or concession expressly authorizes the person to operate the business, a person must hold a current business activity permit issued under this section before engaging in any of the following on an airport:

- (1) any commercial aviation business, including air guiding, flight instruction, and air taxi, that uses the airport either as a base of operations or for more than one departure during any calendar month;
- (2) an aircraft maintenance or repair business;
- (3) a business that performs aircraft ground handling services;
- (4) a commercial fueling service;
- (5) a valet parking service;
- (6) tour reception in a department-operated terminal building;
- (7) catering for in-flight meals;
- (8) a mobile food service business;
- (9) selling, offering for sale, or providing goods or services commercially to the general public in a department-operated terminal building or airport parking area, including use of terminal space for distribution of pre-ordered merchandise.

(b) A person must submit an application for a business activity permit in writing to the airport manager and must include

- (1) a description of the services and operations the applicant proposes to conduct under the business activity permit;
- (2) a list of vehicles that the applicant proposes to operate on the airport under the business activity; the list must include the year, make, model, license plate number and issuing state, and serial number for each vehicle; and
- (3) the application fee established under 17 AAC 42.125.

(c) The airport manager shall approve an application for a business activity permit unless the manager determines that

- (1) approval must be denied under 17 AAC 42.010(g);
- (2) the proposed use would interfere with or is otherwise incompatible with the security, safety, maintenance, or operation of the airport;

(3) the proposed use would violate applicable law, the state's obligations under revenue bonds issued under AS 37.15.410 - 37.15.550, an exclusive right the department has granted to another person, a covenant running with the airport land, or an applicable FAA grant assurance adopted by reference under 17 AAC 42.010(d);

(4) the proposed use would result in a violation of applicable law; or

(5) the proposed use is inconsistent with sound airport planning.

(d) A decision by the airport manager to deny an application for a business activity permit must be in writing.

(e) A business activity permit is not transferable and may not exceed a term of five years.

(f) A business activity permittee shall pay the applicable fee established under 17 AAC 42.125.

(g) A business activity permittee shall provide such evidence of insurance coverage for the permittee's operations on the airport as the airport manager determines appropriate under 17 AAC 42.410(b)(15), considering the nature and scope of the permittee's activities.

(h) A business activity permittee may not operate a vehicle on the airport under a business activity subject to this section unless the vehicle is listed on the permit and displays the identification described in this subsection. For each calendar year and each vehicle listed on the permit, a permittee shall, upon payment of any applicable fee established under 17 AAC 42.125, obtain from the airport manager a sticker or other form of identification designated by the manager. The manager shall mail or deliver identification for a vehicle only to a person who has a permit at the airport, has paid any applicable fee, and has submitted the information required under (b)(2) of this section for that calendar year. A business activity permittee shall maintain affixed to each vehicle the current year's identification that the manager has issued for that vehicle.

(i) A business activity permittee operating a vehicle on airport property shall keep the vehicle in safe operating condition. The airport manager shall order a permittee to remove from service any permittee vehicle that the manager determines to be unsafe or otherwise in violation of this section.

(j) A business activity permittee may park and operate a vehicle in conjunction with a business activity subject to this section only in an area that the airport manager has designated for that purpose.

(k) A business activity permittee may cancel a business activity permit and cease operations at the airport at any time on written notice to the airport manager.

(l) The airport manager shall, after written notice to the business activity permittee, cancel a business activity permit and invalidate all vehicle identification issued to the permittee if the manager determines that the permittee

(1) is not in compliance with the permit and has not corrected the noncompliance within 10 days after receipt of the notice; or

(2) has ceased operations on the airport.

(m) Cancellation of a business activity permit by the airport manager must be in writing and state the reasons for the cancellation.

(n) An applicant or business activity permittee may protest the airport manager's decision to deny an application or cancel a business activity permit in accordance with 17 AAC 42.910.

(Eff. ___/___/___, Register ___)

Authority:

AS 02.15.020

AS 02.15.220

AS 37.15.470

AS 02.15.060

AS 02.15.230

AS 37.15.540

AS 02.15.090

17 AAC 42.115. IMPOUND. (a) This section applies only to aircraft and vehicles on an airport.

(b) Except in the case of an emergency or threat to public safety, the following impound procedure applies to an aircraft or vehicle parked or otherwise left unattended on an airport in violation of this chapter:

(1) the airport manager shall attempt to identify and locate the owner of the property and to have the owner remove it;

(2) the manager shall attach a warning tag or other written notice to the property that directs the owner to pay any fees due, to remove the property by the time and date that the manager states on the tag or notice, or to do both, and that states that failure to do so will result in impound of the property under this section; the time and date stated on the tag or notice may not be less than 48 hours nor more than 96 hours after the time and date the tag or notice is attached to the property; and

(3) if the owner has not timely paid the applicable fees or removed the property as directed on the tag or notice, the manager shall attach a tag or other written notice to the property stating that the property is impounded under this section and setting out the procedures for the owner to obtain the property from impound.

(c) If the airport manager determines that an emergency or threat to public safety exists and would be materially reduced by impound of property on the airport, the manager shall immediately impound the property and attempt to identify and notify the owner after the property has been impounded.

(d) After impounding property under (b) or (c) of this section, the airport manager shall, unless it is impractical to do so,

(1) attach a lock or other device to the property to prevent its use or relocation during impound; or

(2) tow or otherwise move or have moved the impounded property for storage until redemption or disposal.

(e) A person who leaves property subject to impound on an airport does so at the person's own risk.

(f) The airport manager shall assess against impounded property any impound fee and storage fee established under 17 AAC 42.125. The owner or operator of property that is impounded, or the agent of the owner or operator, may redeem the property from the airport manager only after paying the fees assessed and any costs that the department has incurred, including towing, legal, and administrative costs.

(g) Property not redeemed within 90 days after impoundment is considered permanently abandoned. Unless applicable law provides otherwise, the manager may sell, dispose of, destroy, donate, or retain for the department any property that is permanently abandoned. The manager shall deposit any proceeds from the disposition of abandoned property under this subsection into the revenue fund established under AS 37.15.430.

(Eff. ___/___/___, Register ___)

Authority: AS 02.15.020 AS 02.15.090 AS 02.15.230
AS 02.15.060 AS 02.15.220

17 AAC 42.125. FEE ADOPTION, INTEREST, LATE FEES, AND SECURITY FOR PAYMENT. (a) After giving notice to the public in accordance with 17 AAC 42.400 and an opportunity to comment, the commissioner will by order establish a schedule of all charges, rents, and fees imposed at an airport. This fee schedule is a public record

and is available to the public upon request. The fee schedule is subject to revision in accordance with this section from time to time as the commissioner determines appropriate.

(b) After giving notice to the public in accordance with 17 AAC 42.400 and providing an opportunity to comment, the commissioner will periodically establish a land lease rate based on relevant appraisal data, adjusted if necessary by the Consumer Price Index for All Urban Consumers for the Anchorage Metropolitan Area compiled by the Bureau of Labor Statistics, United States Department of Labor, or other means described in the commissioner's order that adopts the rate. The rate established may not exceed average fair market rent for land to which it applies, with due consideration given to the restrictions on the development and use of airport property.

(c) Interest at the rate provided in AS 45.45.010 will be assessed on any rent or fee that is not paid on time.

(d) A lessee, permittee, or concessionaire who fails to submit a certified activity report to the airport manager by the date required in a lease, permit, or concession shall, unless the delay is due to an error of the department, pay a late fee as set out in the fee schedule adopted under (a) of this section for each such failure.

(e) If the airport manager determines it is necessary to guarantee payment of any charge, rent, or fee payable by a person for use of an airport or performance of any other obligation to the department in connection with that use, the manager shall require the person to make a deposit, post a bond, or provide a letter of credit, personal guarantee, or other form of security. The deposit, bond, letter of credit, personal guarantee, or other security must be in a form and in an amount that the manager finds acceptable considering the person's financial obligations to the airport, financial responsibility, and past and proposed activities on the airport.

(f) Unless otherwise specified in a lease, permit, concession, or other written agreement with the department, a person required to pay the department under this chapter shall make payment within 30 days of the date of mailing or hand delivery of written demand by the department.

(g) Any fee established under this section for an application under this chapter is non-refundable unless otherwise stated in the schedule described in (a) of this section.

(Eff. ___/___/___, Register ___)

Authority: AS 02.15.020 AS 02.15.060 AS 02.15.090

Editor's Note: The fee schedule adopted under 17 AAC 42.125 is available in the commissioner's office and the airport manager's office at each international airport at the address provided in 17 AAC 42.005.

17 AAC 42.280. AIRPORT BUILDING PERMIT. (a) A lessee, permittee, or concessionaire may not clear, excavate, core, or fill land or construct, install, remodel, remove, or demolish temporary or permanent improvements on a premises without first obtaining an airport building permit.

(b) To obtain an airport building permit, an applicant must submit to the airport manager

- (1) an application for an airport building permit on an airport form;
- (2) at least two sets of plans and specifications for the proposed project in sufficient detail for the airport manager to understand and evaluate the project and its scope; and

(3) a boundary survey of the premises, incorporating any boundary changes previously approved by the manager, if

(A) the premises is the subject of a land lease or of a permit or building lease that grants use and occupancy of an area of airport land; and

(B) such a survey is not already on file with the manager at the date the lessee, permittee, or concessionaire files the building permit application.

(c) When the airport manager requests, the applicant for an airport building permit shall also submit documentation showing that

(1) the applicant has the financial capability to complete the proposed project; and

(2) the plans and specifications have received any approval required by other government agencies having jurisdiction over the proposed project.

(d) The airport manager shall approve an application for an airport building permit unless

(1) the application must be denied under 17 AAC 42.010(g);

(2) the applicant does not demonstrate adequate financial resources to complete the proposed project;

(3) the project plans, specifications, and agency approvals submitted by the applicant are not complete or are otherwise inadequate to evaluate the project;

(4) the proposed project or proposed use would violate an applicable statute or regulation, the state's obligations under revenue bonds issued under AS 37.15.410 - 37.15.550, an exclusive right the department has granted to another person, a covenant running with the airport land, or an applicable FAA grant assurance adopted by reference under 17 AAC 42.010(d);

(5) the proposed project or proposed use would result in a violation of an applicable statute or regulation;

(6) the proposed project or proposed use would interfere with or is otherwise incompatible with the safety, security, maintenance, or operation of the airport;

(7) the proposed project or proposed use is inconsistent with sound airport planning;

(8) the proposed project or proposed use is not consistent with the applicant's lease, permit, or concession;

(9) the project plans do not make sufficient provision for drainage, for aircraft, vehicle, and equipment parking, or for snow storage; or

(10) the proposed project or proposed use is not compatible with the building, building systems, or operation of a department-operated terminal building.

(e) The airport manager shall approve or deny an application for an airport building permit in writing. If the manager denies the application, the manager shall state the reason for the denial in writing.

(f) If a lessee, permittee, or concessionaire does not obtain an airport building permit before beginning an activity described in (a) of this section, the airport manager shall, when it is in the interest of safe, effective, or efficient operation of the airport to do so, require the lessee, permittee, or concessionaire to cease or suspend the activity and to submit the application required under this section. After review of the application, the manager shall approve or deny the application as provided under (e) of this section. The lessee, permittee, or concessionaire shall,

(1) if the manager grants a permit, comply with any requirement that the manager includes in the approval as necessary to bring the construction into compliance with the permitting standards of this section; and

(2) if the manager denies a permit, remove all unauthorized improvements and restore the premises. (Eff. ___/___/___, Register ___)

Authority:

AS 02.15.020

AS 02.15.060

AS 02.15.090

17 AAC 42.910. PROTEST. (a) Except as expressly excluded in this subsection, a person who is adversely affected by a decision of an airport manager under this chapter may seek review of that decision only by filing a protest under this section. This section does not apply to a decision to revoke a first amendment activity permit issued under 17 AAC 42.800 - 17 AAC 42.840, to a rent adjustment under 17 AAC 42.295, to a decision to reject a rent adjustment protest under 17 AAC 42.297; or to a decision by the commissioner on a request for approval for airport construction under 17 AAC 42.710.

(b) Except as provided under (c) of this section, the airport manager must receive a protest within 21 calendar days after

(1) the earliest date the manager mailed or delivered the decision being protested to the protester; or

(2) the date that the manager orally conveyed the decision to the protester if the manager did not put the decision in writing.

(c) The airport manager must receive a protest relating to a decision under 17 AAC 42.300 - 17 AAC 42.399 within seven calendar days after the date described in (b)(1) and (2) of this section.

(d) A protest is not effective unless it is submitted in writing, is signed by the protester or the protester's representative, and includes

(1) a reference to any case, agreement, or application number under which the decision was made;

(2) a copy of the decision being protested, if written, or, if either the decision was not written or a copy of the decision is not available to the protester, a summary description of the decision;

(3) a detailed statement of the factual and legal basis of the protest, including a statement of the facts alleged to be in dispute and a copy of any relevant documents, and a statement of the remedy requested;

(4) the address of the protester or the protester's representative to whom any notice or decision concerning the protest is to be mailed or delivered; and

(5) a reference, by case, agreement, or application number, if applicable, to any other affected agreement, contract, lease, permit, concession, or application.

(e) The protester must mail or deliver a copy of the protest documents filed with the airport manager to any other bidder or proposer, as applicable, at the same time the protester mails or delivers the protest to the manager.

(f) The proper and timely filing of a protest under this section shall stay the decision being protested until the protest is decided unless and until the manager determines in writing that it is contrary to the best interest of the state to stay the decision beyond the date of that determination or another stated date.

(g) The airport manager shall mail or deliver a written decision on the protest to the protester or the protester's representative and any other bidder or proposer or their representatives within 15 days after the protest is filed unless the protester agrees, in writing, to a longer period. If the manager does not mail or deliver a decision to the protester or the protester's representative by the date it is due, the protester may proceed as if the manager had issued a decision adverse to the protester.

(h) The protester may appeal an adverse decision on the protest in accordance with 17 AAC 42.920.

(i) A decision subject to this section but not timely protested in accordance with this section is not subject to appeal under 17 AAC 42.920. (Eff. ___/___/___, Register ___)

Authority: AS 02.15.020 AS 02.15.090 AS 02.15.220
AS 02.15.060 AS 02.15.200

17 AAC 42.920. APPEAL. (a) This section applies to an appeal of a decision made by an airport manager following a protest under 17 AAC 42.297 or 17 AAC 42.910. A decision subject to appeal under this section is subject to review only as provided under this section.

(b) Except as provided under (c) of this section, the commissioner must receive an appeal within 21 calendar days after

(1) the earliest date that the airport manager mailed or delivered the decision being appealed to the appellant or the appellant's representative;

(2) the date that the manager orally conveyed the decision to the appellant or the appellant's representative, if the manager did not put the decision in writing; or

(3) the date the manager's decision on the protest was due, if the manager has not mailed, delivered, or orally conveyed a decision on the protest to the appellant or the appellant's representative by that date.

(c) The commissioner must receive an appeal of a decision on a protest of a matter under 17 AAC 42.300 - 17 AAC 42.399 within seven calendar days after the date described in (b)(1) - (3) of this section.

(d) An appeal must be in writing, must be signed by the appellant or the appellant's representative, and must include

(1) a reference to any case, agreement, or application number under which the decision was made;

(2) a copy of the decision being appealed, if written, or, if either the decision was not written or a copy of the decision is not available to the appellant, a summary description of the decision;

(3) a detailed statement of the factual and legal basis of the appeal, including a statement of the facts alleged to be in dispute and a copy of the relevant documents, and a statement of the remedy requested;

(4) the address of the appellant or the appellant's representative to whom any notice or decision concerning the appeal is to be mailed or delivered;

(5) a reference, by case, agreement, or application number, if applicable, to any other affected agreement, contract, lease, permit, concession, or application; and

(6) if a material fact is disputed and a hearing is desired, a request for a hearing.

(e) The appellant must mail or deliver a copy of the appeal documents filed with the commissioner to any other bidder or proposer, as applicable, at the same time the appellant mails or delivers the appeal to the commissioner.

(f) The proper and timely filing of an appeal under this section shall stay the decision being appealed until the appeal is decided unless and until the commissioner determines in writing that it is contrary to the best interest of the state to stay the decision beyond the date of that determination or another stated date.

(g) The commissioner shall appoint a department employee or other qualified person who did not have any direct involvement in the decision being appealed to serve as the review officer for the appeal.

(h) The review officer shall hold a hearing if a hearing is requested and the review officer finds that material facts are in dispute. The review officer may consider an appeal without a hearing if the review officer finds that no material facts are in dispute.

(i) In a hearing under this section,

(1) the review officer shall, at least 21 calendar days before the hearing or such lesser time as agreed to by the review officer and all known parties, provide to the appellant and other interested parties written notice of the time and place for the hearing;

(2) the review officer shall regulate the order of testimony and presentation of the appeal;

(3) interested persons may attend, give testimony, or submit written statements;

(4) formal rules of evidence do not apply; however, testimony must be given under oath; and

(5) the hearing must be recorded and will be transcribed at the request and expense of the person requesting the transcript.

(j) The appellant has the burden to prove by a preponderance of the evidence that the appellant is entitled to the remedy requested.

(k) The review officer shall provide a written recommendation to the commissioner. The commissioner shall

(1) accept the review officer's recommendation;

(2) reject the review officer's recommendation and remand the recommendation back to the review officer with instructions; or

(3) issue a written decision based on the appeal record.

(l) The commissioner shall mail or deliver to the appellant or the appellant's representative and to any other bidder or proposer or their representatives a copy of any decision or order the commissioner issues on the appeal.

(m) The commissioner's decision on the appeal is a final administrative decision of the department that may be appealed to the superior court under the Alaska Rules of Appellate Procedure. (Eff. ___/___/___, Register ___)

Authority:

AS 02.15.020

AS 02.15.090

AS 02.15.220

AS 02.15.060

AS 02.15.200



Anchorage
International
Airport

March 20, 2001

State of Alaska DOT & PF
Aircraft Tiedown Office
P.O. Box 196960
Anchorage, Alaska
USA 99519-6960
(907) 266-2410
FAX (907) 266-2788

Clarence D. Anderson
2527 Arlington Drive
Anchorage, AK 99517

Dear Mr. Anderson:

This letter is important to anyone on a "switch list" at Ted Stevens Anchorage International Airport. On January 14, 2001, the new Anchorage and Fairbanks International Airport regulations, *Title 17, Chapter 40 and Title 17, Chapter 42, Alaska Administrative Code*, became effective.

The new regulations require that the existing "switch list" registry be closed and a new registry open. This letter outlines what you must do to retain your position on the new "switch list."

Each individual on the old list will retain their position on the new switch list provided they meet the requirements of 17 AAC 42.595, Transitional Compliance Requirements. Also, each individual from the old switch list has a reserved position on the new switch list, with respect to others on the previous switch list.

However, that reservation expires on July 14, 2001. By the close of business, July 13, 2001 (note: Saturday July 14, 2001 is not a State of Alaska business day) each individual must provide the switch list information required in 17 AAC 42.540 (b). For your convenience I've attached a copy of your previous switch list form and a new switch list form that must be submitted to retain your switch list position. Also, please refer to the attached copy of 17 AAC 42.500 – 17 AAC 42.599 to help understand these new requirements.

On July 14, 2001 the names of those individuals that have not submitted a new switch list form will be removed from the switch list, and the remaining individuals on the switch list will move up the list accordingly. If you have questions please contact me Monday through Friday, 7:30 a.m. to 4:00 p.m. at (907) 266-2741.

Sincerely,

Andrew N. Hutzell
Airport Leasing Officer

AH/sw

C: Morton V. Plumb, Jr., Airport Director
Corky Caldwell, Airport Operations Manager
Doug Lohr, Operations Superintendent
George Frushour, Operations Officer
File

Various Communications

Anchorage International Airport
Lake Hood and Lake Spenard
Switch List Selection



Name CLARENCE D. ANDERSON Clarence D. Anderson
 (Printed Name) (Signature)

Address 2527 ARLINGTON DR Tiedown Space # 53
ANCHORAGE, AK Telephone # 272-2971

Please fill in by numerical preference which spaces you would like to be switched to when and if the space becomes available. (For example, if you would like to switch to 120, 405, and 700, then list 120 and your first choice, 405 as your second choice, and 700 as your third choice.) Choose as many spaces as you feel necessary. Use the attached drawings for space reference.

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| <input type="checkbox"/> | 007 | <input type="checkbox"/> | 008 | <input type="checkbox"/> | 009 | <input type="checkbox"/> | 010 | <input type="checkbox"/> | 011 | <input type="checkbox"/> | 012 |
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**Anchorage
International
Airport**

Tie-Down Office
State of Alaska DOT & PF
P.O. Box 190204
Anchorage, Alaska
USA 99519-0204
(907) 266-2410
FAX (907) 266-2458

September 24, 1991

Re: Tie-downs at AIA

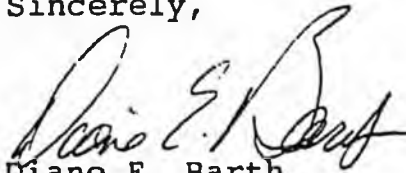
Dear Permit Holder:

Regulations governing permits to tie-down an aircraft in the general aviation area at Anchorage International Airport require that you have a current airman's medical certificate and a current pilot's license. A letter was sent to you, requesting that you submit a copy of your current medical certificate to the tie-down office if you wished to maintain the tie-down permit.

After reviewing the regulations governing tiedowns and our procedures of enforcing those regulations, it has been decided that we will no longer require the submittal of medical certificates and pilot's licenses. This will decrease the amount of documentation permittees will have to submit to our tie-down office. However, this change in our procedures does not relieve permittees of their requirement to fulfill all state tie-down requirements and the Airport Director may still request that documentation on a case by case basis.

We thank you for your continued compliance with the regulations and hope that this change will make things easier for all those involved in the general aviation community at Anchorage International Airport.

Sincerely,


Diane E. Barth
Chief of Leasing

AB/ab

C.D. "Andy" Anderson
2527 Arlington Dr.
Anchorage, Ak 99517
Home Phone 272-2971

Dear,

I am enclosing a letter from the management of the Anchorage International Airport. This is in regards to small aircraft tie-downs on Lake Hood and the airport.

This letter (dated 1991), was known to be discriminating and Rule 17 was unconstitutional. Management threw all rules out that pertained to float-plane tie-downs, medical and license. Present management (Corky Cauldwell and George Frushour) reinstated rule 17 with even more restrictions added on. This is illegal!

These rules discriminate against me and take my constitutional rights away.

Please have these rules removed once and forever.

Sincerely,

C.D. "Andy" Anderson

C.D. "Andy" Anderson
2527 Arlington Dr.
Anchorage, Ak 99517
Home Phone 272-2971

1997

The removal of a tiedown permittee from the airport tiedown list. Based upon Title 17 Chapter 40 and 42, which provides that the purpose of the regulation is to provide tiedown permits for pilots who fly their own airworthy aircraft, is in violation of the Due Process Clause and the Equal Protection Clause of the Alaska and United States Constitution.

Whether or not a tiedown permittee personally flies the aircraft or whether a tiedown permittee allows others to fly the aircraft who may be a licensed pilot(s) is not a matter that can legally be governed by airport leasing. A provision that limits the issuance of a tiedown to a pilot who both flies and owns a aircraft is discriminatory against a person who has an aircraft and may utilize other persons to fly the aircraft.

If a person loses his medical and the airport takes his tiedown away from him, this is discriminatory and in violation of the requirement of 42 U.S.C.A. ~12132, which provides in pertinent part that "No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, program, or activities of public entity, or be subjected to discrimination by any such entity."

The "Americans with Disabilities Act" (ADA) is applicable to the State of Alaska.

The criteria arbitrarily imposed by the Ted Stevens International Airport of requiring a person to hold a pilots license and medical is not necessary for the service of the Ted Stevens International Airport to provide tiedown space for aircraft with a fair system for issuance and termination of tiedowns pursuant to Title 17 Chapter 40 and 42.

The policies, procedures and rules as those are now being applied by Ted Stevens International Airport violate the provisions of ADA 42 U.S.C.A. ~12131 et seq.

The same standard for issuance of a tiedown permit at a state owned airport, are not uniform through out the state of Alaska. At other state owned airports a requirement for a pilot license or medical is not a prerequisite for holding a tiedown. This is in violation of the Due Process Clause and Equal Protection Clause of Alaska and U.S. Constitutions.

Thank you very much for your time and assistance.

Sincerely,

C.D. "Andy" Anderson

We the under-signed oppose "Rule 17". This rule went into effect in January of 2001 and pertains to Lake Hood / Lake Spenard sea plane base, gravel strip and Ted Stevens International Airport.

"Rule 17" (pertaining to a pilots license, medical, and ratings) is not uniform throughout the state of Alaska. There is no other airport in this state that has, or imposes "Rule 17". This ~~new~~ regulation is in violation of the Due Process Clause and Equal Protection Clause of Alaska and the US Constitution. It is also in violation of Law 42 U.S.C.A. ~ 12132 American Disability Act (ADA).

We believe that a person should have the right to own an airplane and hire a pilot to fly him/her around if they so choose. A person should not be required to have a pilots license, medical or float rating to own an airplane and lease a float or wheel tie-down space nor should they be required to meet these new rules to be recorded on the wait-list for a space at Lake Hood / Lake Spenard. We also believe that the airport leasing office should not be able to require permit holders to fly a determined amount of hours per month.

"Rule 17" takes away a persons constitutional rights and discriminates. We need to repeal "Rule 17".

Name	Signature	Phone #
C.D. Andy Anderson	C.D. Anderson	272-2971
Roger J. Connolly	Roger J. Connolly	243-3293
FAVE M. CONNOLLY	Faye M. Connolly	243-3293
Donald A. Watson	Donald A. Watson	244 4523-258120
DALE E WAGNER	Dale E. Wagner	243-4926
DAVID E. ZARNETT	David E. Zarnett	276-5739
PARIS M. PEARCE	Paris M. Pearce	272-0725 DMY
Earl L. Houser	Earl L. Houser	243-4914-224-6205
STEPHEN BIRLIANT	Stephen Birliant	243-6110
Thomas Spradof	Thomas R. Spradof	243-7263
Howard J. Hunt	Howard J. Hunt	333 5714
FRED R. RICHARDS	Fred R. Richards	243-7319
Betty ANDERSON	Betty Anderson	272-2971

Name	Signature	Phone #
Gregory A. Miller	Gregory A. Miller	344-9677
DAVE HAYNES	Dave Haynes	344-8427
Stanley Wilk	Stan Wilk	243-4166
Richard Blom	Richard Blom	562-3688
Gary P. Robinson	Gary P. Robinson	349-9685
Robert Stone	Robert Stone	276-4190
Timothy P. Hudde	Timothy P. Hudde	561-1931
Clayton C. Hueners	Clayton C. Hueners	344-5599
M. ROGER BORER	M. R. Borer	562-4590
Carl I. ANDRIESEN	Carl I. Andriesen	561-0078
JON B KELLEY	Jon B Kelley	278-5604
LEROY N. ALLINGER	Leroy N. Allinger	336-4408
ROSS TARDING	Ross Tarding	243-4498
Richard F. Botz	Richard F. Botz	243-1898
Werner Reimers	Werner Reimers	346-3573
Roy Zabolusky	Roy Zabolusky	344-6655
Clifford Pulis	Clifford Pulis	243-6085
C. Allen Pulis	C. Allen Pulis	248-2233
Ronald S. Smith	Ronald S. Smith	242-4173
Brad Anderson	Brad Anderson	245-1153
VINCENT F HUELSCH	Vincent F Huebsch	333-5176
Michael Sage	Michael Sage	243-3710
Steve Karcz	Steve Karcz	277-4433
Eric Smith	Eric Smith	529-7502
Ellis Smith	Ellis Smith	277-4113
Ellis Smith	Ellis Smith	277-4113

Went
to
fill
in

Fred R. Richards
2601 Klamath Drive
Anchorage, AK 99517
Phone 907-243-7913

April 23, 2001

Representative Lesil L. McGuire
State Capitol
Room 418
Juneau, AK 99801
Fax (907) 465-6592
Phone (907) 465-2995
1-800-365-2995

Re: Rules and conditions for tie-down permits
At Lake Hood/Spenard Sea Plane Base

Dear Representative McGuire,

In a letter dated May 6, 1997, from Morton V. Plumb Jr., I was advised that the regulation governing tie-down permits requires that my tie-down permit be cancelled if they did not receive a current medical certificate by June 30, 1997.

My medical certificate was not renewed and as a result my tie-down permit was cancelled.

As a result of this action I had to sell my aircraft because I had no place to park it.

The requirement to maintain a current medical certificate in order to keep your tie-down permit is illegal.

I would like my original float slip back. I feel my constitutional rights have been violated by this illegal requirement.

Sincerely,


Fred R. Richards

Dear

I am writing to you regarding a problem at Ted Stevens International Airport, which also controls Lake Hood Sea-Plane Base in Anchorage, Alaska. Since there are pilots waiting to get a tie down spot on Lake Hood, there is a "wait- list." As of July 14, 2001, Airport Management is requiring that you have a private pilots license and a float rating to be on this list. As well, they also charge you \$25.00 a year to maintain your name on said list. They have no right to charge you. No other airport in Alaska or the United States requires, or operates with the above regulations.

I know of one pilot that flew on a student license for thirty years. He couldn't carry passengers, but he still met all the legal requirements. Now they will not even let you on the wait list with a student pilot's license. This is wrong.

The Airport Management requires you to show them your license and medical then proceeds to make a copy of it. The Federal Aviation Rules states that the only people that can legally require you to show your pilots license is the FAA, NTSB, state and local police, and the FBI. This requirement of Airport Management is without merit.

There are many Airport Management personnel on the wait list that are trying to get a float spot. To name a few; George Froshour (OPS officer), Dough Lohr (OPS superintendent), and Andy Hotzei (leasing officer). This is a big conflict of interest. Mr. Corky Caldwell and George Froshour appear to be the main people involved with making these rules, and are very difficult people to deal with. Mr. Caldwell stated that he didn't want any student pilots flying around Lake Hood, because it's "his" airspace. With a student pilots license signed by a CFI and transponder equipped airplane, you can fly to or from just about any airport.

I've had a floatplane on Lake Hood for 40 years now. For nearly ten years, we've been getting threatening and intimidating letters from the airport management. I know several people that just gave up fighting with Airport Management, and have moved their aircraft, or just quit float flying altogether. Great public service you have there.

With new rules (effective July 14th, 2001), the pressure on student pilots to expedite the task of getting all their ratings could lead to a serious safety problem. If these illegal rules are implemented, there should be grandfather rights for all current student pilots and private pilots currently leasing at Lake Hood that don't meet Rule 17.

If I were to loose my medical, I feel that I should be able to keep my float slip and hire a pilot to fly me around. My wife was on my tie-down permit with me. with a student pilot's license. She will be removed from my permit because there is no way she would be able to meet this deadline. I feel our constitutional rights are being taken away, and we are being discriminated against. Thank you for your time.

Sincerely,
C.D. (Andy) Anderson
2527 Arlington Dr.
Anchorage, Alaska 99517
(907) 272-2971



Official Business

Alaska State Legislature

Senate

**RICK
HALFORD**

State Capitol
Juneau, Alaska
99801-1182
Phone (907) 465-4958
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Chugiak, Alaska 99567
Phone (907) 694-4958
Fax (907) 694-0549

600 E. Railroad Avenue
Wasilla, Alaska 99654
Phone (907) 376-4958

TO: Lesil McGuire, Chair
Administrative Regulation Review Committee

FROM: Senator Rick Halford *R.H.*

DATE: May 5, 2001

RE: Ted Stevens International Airport aviation regulations

Mr. Andy Anderson contacted my office regarding a concern with the Lake Hood SeaPlane Base, which is under the control of the International Airport. He asked that I request that you consider holding a public hearing some time during the interim to address concerns of the aviation community. Thank you for your consideration.

Alaska House of Representatives

Richard Foster
P.O. Box 1630
Nome, AK 99762
907-443-5036
Fax 907-2162



During Session
State Capitol Rm. 410
Juneau, AK 99801-1182
907-465-3789
Fax 907-465-3242

Majority Whip

April 27, 2001

Rep. Lesil McGuire, Chair
Administrative Regulation Review
Room 418 Capitol Building
Juneau, AK 99801

Dear Representative McGuire:

Lesil

I would like to write in support of C.D. (Andy) Anderson's appeal regarding regulations related to float plane space leases on Lake Hood. Under the criteria, no business nor individual, who is not a licensed seaplane pilot or who is without a current medical certificate, could be eligible for or hold a leased float plane space.

This is not a reasonable regulation. My family and I owned and operated an air taxi for several decades. A business obviously cannot meet the license and medical certification requirements because only a person can meet them. Since either an individual or a business can hire a fully qualified pilot to fly an aircraft, ownership seems to be a much more valid criteria.

Sincerely,

Richard
Richard Foster

THANK YOU FOR JUST BEING YOU!

Sec. 02.15.020. Powers of department.

(a) The department may perform acts, issue and amend orders, and adopt reasonable general or special regulations and procedures, and establish minimum standards, consistent with the provisions of this chapter, as it considers necessary to carry out the provisions of this chapter.

(b) The department may enter into contracts necessary or advisable to the execution of the powers granted it by this chapter. Where the planning, acquisition, construction, improvement, maintenance, or operation of an airport or air navigation facility is financed wholly or partially with federal money, the department, as agent of the state, or of a municipality, or person, may let contracts in the manner prescribed by the federal authorities acting under the laws and rules and regulations of the United States.

(c) The department may accept federal money and money from other public or private sources to accomplish in whole or in part any of the purposes of this chapter. All federal money accepted under this chapter shall be accepted and expended by the department upon the terms and conditions prescribed by the United States.

Sec. 02.15.060. Establishment, operation, and maintenance.

The department may plan, establish, construct, enlarge, improve, maintain, equip, operate, regulate, protect, and police airports and air navigation facilities within the state.

Sec. 02.15.070. Acquisition and disposal of property.

(a) For the purposes specified in AS 02.15.060 the department may, by purchase, gift, devise, lease, condemnation, or otherwise, acquire real or personal property, or any interest in the property including easements in airport hazards or land outside the boundaries of an airport or airport site, necessary to permit the removal, elimination, obstruction-marking, or obstruction-lighting of airport hazards, or to prevent the establishment of airport hazards. The department may acquire existing airports and air navigation facilities in the same manner except it may not acquire or take over an airport or air navigation facility owned or controlled by a municipality or person without the consent of the municipality or person.

(b) The department may, by sale, lease, or otherwise, dispose of all, a portion of, or an interest in a property, airport, or air navigation facility described in (a) of this section. The proceeds of any disposition shall be used for the purposes set out in this chapter.

Sec. 02.15.090. Operation and use privileges.

(a) In operating an airport or air navigation facility owned or controlled by the state, the department may enter into contracts, leases, and other arrangements covering periods not exceeding 55 years with a person, municipality, or the United States, granting the privilege of using or improving an airport or air navigation facility or a portion of it or space in it for commercial, governmental, or other public purposes, including private plane tie down, or conferring the privilege of supplying goods, commodities, services, or facilities at an airport or air navigation facility. The department may establish the terms and conditions and fix the charges, rentals, and fees for the privileges or services that are reasonable and uniform for the same class of privilege or service. Charges, rentals, or fees authorized by this subsection may be fixed for the international airports by order of the commissioner or by negotiated or competitively offered contract. Notwithstanding AS 37.10.050 (a), the fixing of charges, rentals, or fees as permitted under this subsection is not subject to the adoption of regulation

provisions of AS 44.62 (Administrative Procedure Act). The terms, conditions, charges, rentals, and fees shall be established with due regard to the property and improvements used and the expense of operation to the state. However, use of state land and buildings by the Alaska Wing, Civil Air Patrol and its squadrons shall be permitted without rental charges. If the department permits space in state-owned or state-controlled airports to be used as lounges for members of the United States armed forces, the Alaska National Guard, the Alaska Naval Militia, or the Alaska State Defense Force, and if the lounges are operated by persons exempt from taxation under 26 U.S.C. 501(c)(3) (Internal Revenue Code), rent may not be charged for the use of the space. The department shall provide for public notice and an opportunity to comment before a charge, rental, or fee is fixed by order of the commissioner as permitted under this subsection. The public may not be deprived of its rightful, equal, and uniform use of the airport, air navigation facility, or a portion of them.

(b) The department may by contract or other arrangement, upon a consideration fixed by it, grant to a qualified municipality or person for a reasonable period of time the privilege of operating, as agent of the state or otherwise, an airport owned or controlled by the state. A municipality or person granted that privilege may not operate the airport other than as a public airport or enter into a contract, lease, or other arrangement in connection with the operation that the department may not have undertaken under (a) or (c) - (e) of this section.

(c) Notwithstanding the right of the public to rightful, equal, and uniform use under (a) of this section, before the expiration of a land lease, including the termination of a lease in holdover status, entered into under this section, the lessee may apply for a new lease, or for an extended term under the existing lease, for the same land. The commissioner shall approve the application for a new land lease or an extended term under this section without offering the land to other persons for leasing if

(1) the lessee is in compliance with the terms and conditions of the existing or holdover lease; and

(2) the continued use of the leasehold is consistent with written airport operation policies and is in the state's best interest.

(d) A land lessee owns title to the permanent improvements that the lessee constructed or purchased during the term of the lease, unless the lease expressly provides that the state is the owner of the permanent improvements.

(e) At the expiration, termination, or cancellation of a land lease entered into under this section,

(1) a lessee who owns the improvements under (d) of this section shall continue to own the permanent improvements that the lessee constructed or purchased on a leasehold if the lessee is granted under (c) of this section a new lease or an extended term for the same land;

(2) a lessee may sell the permanent improvements owned by the lessee to a succeeding lessee of the same land;

(3) at the option of the lessee, the permanent improvements owned by the lessee may be sold by the state at public auction with the proceeds from the sale of the improvements going to the lessee, less administrative costs of the auction and obligations owed under the lease to the state; the successful bidder has the same right to enter into a new lease under (c) of this section without the department offering the land to other persons for leasing;

(4) after notice by the department, the permanent improvements owned by the lessee shall be removed at the lessee's sole expense if

(A) the permanent improvements do not comply with written airport operational policies or are not in the state's best interest;

(B) the permanent improvements are not sold under (e)(2) or (3) of this section; or

(C) the department makes written findings that the permanent improvements are a hazard to the public health and safety;

(5) title to the permanent improvements vests in the department if the state purchases or otherwise contracts for the ownership of the permanent improvements, or if the lessee abandons the permanent improvements.

Sec. 02.15.091. Sale and delivery of in-bond merchandise at international airports.

(a) Under (b) and (c) of this section, the department shall allow the sale and delivery of in-bond merchandise at an international airport only by an exclusive contract.

(b) While the exclusive contracts for the sale and delivery of in-bond merchandise at international airports that exist on June 15, 1982 are in effect, the department may not permit or confer a right on any other person to offer to sell, sell, or deliver in-bond merchandise at an international airport.

(c) After the exclusive contracts existing on June 15, 1982 are no longer in effect, the department shall enter into one exclusive contract and, on its expiration, additional successive exclusive contracts for the sale and delivery of in-bond merchandise at each international airport. Except under the existing and future exclusive contracts described in this section, the department may not permit or confer a right upon any person to offer to sell, sell, or deliver in-bond merchandise at an international airport.

(d) The department shall offer the exclusive contracts required by this section by competitive bid or by competitive proposals. If the department offers the exclusive contracts by competitive bid, the department shall award the contracts after considering the generation of maximum revenue for the International Airports Revenue Fund established by AS 37.15.430 . If the department offers the exclusive contracts by competitive proposals, the department shall award the contracts after considering factors that include depth of management, financial ability, demonstrated experience at other locations, quality of services and products, success in marketing programs, character and improvements of proposed facilities, and the generation of optimum revenue for the fund.

(e) The department shall actively supervise the operations under each exclusive contract for the sale and delivery of in-bond merchandise in order to ensure the effectiveness of the operations. To supervise contract operations under this section, the department shall develop and implement guidelines that provide for review of the reasonableness of price schedules, quality and assortment of merchandise, and customer service.

(f) Nothing in this section applies to deliveries of in-bond merchandise as cargo to airlines.



Ted Stevens
Anchorage
International Airport

History of Lake Hood Seaplane Base

LAKE HOOD SEAPLANE BASE

Ted Stevens Anchorage International Airport
Anchorage, Alaska

- * In 1940, Lake Hood and Lake Spenard were joined by a single channel and a 2,200 east-west gravel runway was constructed.
- * During the 1950's additional floatplane parking was developed and the floatplane complex was enlarged.
- * An air traffic control tower was installed in 1954 on the south side of the channel near the gravel strip.
- * In 1969, the gravel strip operation was closed, and a new north-south gravel airstrip was built in 1972.
- * Located on the north side of Lake Hood, the airstrip is 2,200 feet long and is designated Runway 13-31.
- * In 1975, another channel between Lake Hood and Lake Spenard was dredged, and the existing five tie-down channels were constructed. This channel is north of the old channel, separated by Gull Island, and is used exclusively for taxi purposes between the lakes.
- * In 1977, the Lake Hood control tower was decommissioned and aircraft control was transferred to the new Anchorage International Airport control tower.
- * In addition to being the largest and most active air carrier facility in Alaska, Ted Stevens Anchorage International Airport operates the largest and most active seaplane base in the world.
- * Together with private facilities, there are an estimated 404 slips in total. Of these, 315 are State-owned slips situated along Lake Hood and Lake Spenard shorelines that are leased to private individuals and commercial air taxi operators through the Airport's General Aviation Operations and Tie-Down Office.
- * The Lake Hood/Spenard complex currently consists of three waterlanes located in Lakes Hood and Spenard and a small gravel runway located about 1000 feet northeast of Lake Hood.
- * During the winter months, the frozen Lake Hood/Spenard Complex remains in full use by small aircraft when many floatplane operators, as well as wheeled aircraft operators, replace their summer-season landing gear with skis and operate on the lake ice.

* The lake ice can be utilized by all small general aviation aircraft following the first good lake freeze, which usually occurs in November. However, aircraft with weights above 12,500 pounds are prohibited from operating on the ice until the 1st of the year.

* In addition to the leased slips along the lakes' shorelines, several areas, which are controlled by the airport, are designated as skiplane parking areas.

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Ted Stevens
Anchorage
 International Airport

Lake Hood Float Slip Wait List

Information current as of July 16, 2001.

No. Date Name

1 10/21/88 Steven R. Bowser
 2 11/18/88 William T. Sigler II
 3 01/24/89 Thomas E. Hepler
 4 04/17/89 Dennis J. Kelly
 5 04/24/89 Steven D. Rhodes
 6 06/06/89 George Stewart
 7 10/02/89 Mark S. Bledsoe
 8 10/09/89 Hap F. Santoro
 9 11/16/89 Davey L. Adams
 10 03/01/90 C.G. Miller
 11 03/27/90 Philip Morgan
 12 04/18/90 Henry Wilson
 13 06/15/90 Ralph D. Mathis
 14 11/20/90 Dennis Geary
 15 12/12/90 Tamara L. Thiele
 16 04/05/91 J.P. & J.W. Thurston
 17 06/25/91 Marc J. Millican
 18 10/15/91 Clifford D. Belleau
 19 10/21/91 Danny R. Jorgensen
 20 11/26/91 Paul Spiro
 21 01/03/92 Michael D. Dietz
 22 01/10/92 Trygg Ramstad
 23 04/08/92 Peter A. Richter
 24 01/07/93 Steven C. Williams
 25 01/26/93 Janis M. Meldrum
 26 03/08/93 Theodore & Arne Krogh
 27 05/21/93 Lee R. Ellenburg III
 28 10/11/93 Scott Laudon
 29 11/01/93 Kent Kohlhase
 30 11/08/93 Benjamin P. Miebs
 31 01/20/94 Robert A. Freese
 32 10/11/94 David H. Knapp
 33 12/23/94 Marc D. Culver
 34 02/14/95 Greg Fischer
 35 05/17/95 J.R. Langman
 36 07/05/95 Gregg L. Ashwill
 37 10/11/95 Shane M. Langland
 38 11/06/95 Kenneth Desjarlais
 39 11/22/95 Robert C. Petersen
 40 11/23/95 Joel W. Akers
 41 11/24/95 Tim R. Culhane



42 12/29/95 David W. Pearce
43 01/26/96 Christopher S. Gill
44 02/21/96 Brent Cole
45 03/01/96 Steve Lovs
46 03/22/96 Robert Morelli
47 03/23/96 William F. Wright
48 05/13/96 James L. Cloud
49 05/14/96 Rick Richter
50 05/29/96 John R. Norris
51 07/02/96 Joseph J. Macy
52 09/12/96 Trent R. Davey
53 11/01/96 George V. Frushour
54 12/04/96 Danny H. Maroney
55 12/20/96 Gregory Grubba
56 01/02/97 Stewart Barnes
57 01/06/97 Timothy Ruf
58 01/16/97 Andrew S. Macleod
59 01/21/97 Mike Lindholm
60 02/07/97 William Sedwick
61 02/14/97 Dennis Poirier
62 03/03/97 Per Erik Bjorn-Roli
63 03/06/97 Kris Gratrix
64 03/07/97 Jim Cehula
65 03/23/97 Dee Ann Hanson
66 03/24/97 Stuart G. Ramstad
67 03/25/97 Monte D. Mabry
68 03/26/97 Robert J. Hallett
69 03/28/97 Robert R. Kilbourn
70 04/03/97 Garry Houghton
71 04/04/97 Paul H. Janis
72 04/15/97 Ronald E. Burr
73 05/29/97 Michael Swalling
74 06/03/97 Daniel E. Smith
75 06/04/97 Jim Gottstein
76 06/18/97 David A. Domas
77 06/25/97 Britt Goudey
78 07/08/97 Jok Bondurant
79 07/17/97 James M. Wagner
80 08/27/97 Jan K. Sieberts
81 09/02/97 Don Johnson
82 09/03/97 Jim Atkinson
83 09/04/97 Jack B. Duclos
84 09/15/97 Judith B. Mueller
85 11/14/97 Jack C. Anthony
86 12/04/97 Patrick Hart
87 12/08/97 James W. Durtschi
88 12/31/97 Larry Lorenzo
89 01/20/98 Jeff Bertrand
90 02/12/98 Brian H. Doerty
91 03/12/98 Mark E. Madden
92 03/13/98 Marcus Paine

93 03/20/98 Tom Jones
94 04/20/98 Mike Cerkovnik
95 05/12/98 Edward L. Robertson
96 05/13/98 Bob Gross
97 06/15/98 Peter Adams
98 06/23/98 Doug Dixon
99 08/13/98 Vance Sasinowski
100 09/16/98 William Cort Phalp, Jr.
101 10/01/98 Rudi Von Imhof
102 10/13/98 Debra L. Miller
103 10/16/98 Jason S. Gastrock
104 10/20/98 Jess Snider
105 10/26/98 Kjersti Bjorn-Roli
106 10/27/98 Richard Farah
107 11/12/98 Kevin Hand
108 11/23/98 Robert Burcham
109 03/03/99 John Tovsen
110 03/16/99 Joe Schuster
111 04/20/99 Alex Stack
112 05/04/99 Vern Monette
113 05/05/99 Chuck McKerney
114 05/06/99 Kenn Moon
115 05/07/99 Craig A. Simmons
116 05/13/99 Robert L. Halverson
117 05/27/99 Gregory S. Lyall
118 06/28/99 Kurt Stenehjerm
119 07/30/99 Karl R. Powers
120 08/02/99 David Foss
121 08/02/99 James Foss
122 08/03/99 Lindsey Spohnholz
123 08/03/99 Randy Spohnholz
124 08/19/99 Evelyn C. Galus
125 08/27/99 Robert Gretzke
126 10/01/99 John W. Wilber
127 10/04/99 David E. Mero
128 10/13/99 Jon R. Sutherlin
129 10/15/99 Tom Everitt
130 11/08/99 Jeffrey D. Sever
131 11/10/99 Keith Manternach
132 11/17/99 Kevin M. Scheele
133 11/30/99 Michael Rabideau
134 12/01/99 David H. Flynn
135 12/07/99 Frederick Reinbold
136 12/10/99 Thomas J. Barnes
137 12/10/99 Kirk A. Johnson
138 01/03/00 Leif Lunoe
139 01/18/00 Sara Maurer
140 02/22/00 Kevin M. Easley
141 03/09/00 David Legg
142 03/31/00 Richard D. Burton
143 04/05/00 Christopher Armstrong

144 04/21/00 Randle Corfman
145 05/04/00 John C. Hall
146 05/05/00 James D. Curtis
147 05/22/00 James Brooks
148 05/26/00 Robert Lerner
149 05/26/00 Janell Lowery
150 05/26/00 Patrick A. McCormick
151 06/12/00 Samuel T. Fejes, Jr.
152 06/19/00 Denise M. Rousseau
153 07/11/00 D. Marie Liley
154 07/14/00 James H. Moss III
155 08/21/00 David A. Nesbett
156 08/30/00 Steven R. Pannone
157 10/02/00 Christine Bradley
158 10/02/00 Bill Roth
159 10/02/00 Dave Looney
160 10/02/00 John Bodick
161 10/02/00 Kimber Amundson
162 10/03/00 Ken Ratcliffe
163 10/13/00 Simeon Bateman
164 10/25/00 Ralph Guditz
165 12/04/00 Tim Grier
166 12/12/00 Andrew Hutzal
167 12/12/00 Felix Egolf
168 12/18/00 David H. Mersereau
169 12/20/00 Peter M. Kush
170 12/22/00 Dwight (Chip) Lewis, Jr.
171 12/27/00 Roe Benner
172 12/27/00 Judd Sturgeon
173 01/12/01 Sean P. Brosnahan
174 01/16/01 Brian Paden
175 01/22/01 Bob Steiner
176 01/23/01 John M. Henry
177 01/26/01 Darin Newton
178 01/26/01 James Laing
179 01/29/01 Sarah Elg
180 01/31/01 Christopher J. Fejes
181 02/02/01 Douglas D. Lohr
182 02/02/01 David D. Adams
183 02/05/01 James K. Witthaus, Jr.
184 02/05/01 Michelle M. Dietz
185 02/16/01 Teresa & Brett Dodson
186 02/26/01 William W. Rose
187 02/26/01 Don L. Dahmann
188 02/27/01 John Hester
189 03/27/01 Byron Davis
190 04/06/01 Phil Asay
191 04/13/01 Bill Gerace
192 04/26/01 Mark Robl
193 04/30/01 Keith Hand
194 05/15/01 Pat Madland

195 06/12/01 Martin J. Huhmann
196 06/29/01 Preston Rudderow
197 07/02/01 John Parrott
198 07/12/01 George Jett

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