



KAPLAN KIRSCH ROCKWELL

Response to
Request for Proposal
#16-100-MBT



*Airport Governance and
Sustainability Study*

January 31, 2017

KAPLAN KIRSCH & ROCKWELL LLP

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KAPLAN KIRSCH ROCKWELL

January 30, 2017

Humboldt County Administrative Office
Management & Budget Team
Humboldt County Courthouse
825 5th St., Room 112
Eureka, CA 95501
RFP # 16-100-RP

Re: Response to Request for Proposal #16-100-MBT for Airport Governance and Sustainability Study

Dear Ladies and Gentlemen:

Kaplan Kirsch & Rockwell LLP (the Firm) is pleased to submit this proposal to prepare an Airport Governance and Sustainability Study for the County.

We are airport law experts. We have the largest practice group in the nation dedicated to representation of airports and we are the only firm in the country for whom representation of airports is the core of our practice. We understand the issues, know the law, are familiar with the business, and find creative solutions to complex airport issues quickly and responsively.

We literally wrote the book on airport governance: Firm attorneys authored the Airports Cooperative Research Program (ACRP) Legal Research Digest 7, *Airport Governance and Ownership*, which is the definitive reference source on airport governance. We have extensive experience guiding airport sponsors through the analysis of appropriate airport governance structures.

We also understand the financial context and implications for airport planning and development projects. The Firm has been assisting airport sponsors with creative land acquisition and development projects for years. Increasingly, we are assisting airports identify options for economic development on non-aeronautical land. We are familiar with the challenges associated with making cutting-edge financial and development arrangements work within FAA revenue and environmental rules and guidance that often lag behind current airport practices.

As explained in our response, the Firm is well positioned to prepare the airport governance analysis for the County. We have provided a cost estimate for completion of that task. Our proposed scope and cost estimate for this task includes preparation of the sections of the final narrative report that relate to governance. In addition, we believe that we can assist the team ultimately selected by the County by providing advice to ensure legal sufficiency on the following two tasks: (1) airport funding and finances; and (2) strategic initiatives for expanding

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airport services and aviation-related business activity. Should the County wish to accept our proposal for assistance on these tasks, we have provided a cost estimate for a recommended minimum amount of legal assistance. Finally, if the County accepts our proposal for work on the governance analysis, it may also desire the Firm to play an additional role on the stakeholder meetings and also for final narrative report. To that end, we have also provided a cost estimate for a recommended minimum amount of legal assistance on those tasks. We do not propose to assist the County on the task related to marketing and community promotion.

As indicated in the attached proposal, we propose a core team of partners, who can conduct the governance analysis, and who, collectively, have extensive experience with airport economic development, financing, and strategic planning to assist the County.

If the Firm is selected, I would serve as the Partner-in-Charge and as the billing partner.

We thank the County in advance for its consideration of our proposal. My colleagues and I would gladly participate in an interview to assist in the selection process, should the County decide to schedule interviews.

Sincerely,



Peter J. Kirsch, Partner
KAPLAN KIRSCH & ROCKWELL LLP

Enclosures

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1. Firm Background

A. Firm Overview

Kaplan Kirsch & Rockwell LLP (the Firm) is a limited liability partnership that was organized in Denver, Colorado in 2003 by a group of attorneys, most of whom had already practiced together for nearly a decade. The Firm is headquartered in Denver, Colorado, with additional offices in Washington, DC and New York City.

Kaplan Kirsch & Rockwell is the only law firm in the nation for whom representation of airports is the core of its practice. Our attorneys have worked on airport legal matters involving more than 100 publicly-owned airports across the country and have been involved in virtually every aspect of airport law. As an illustration of our reputation in the airport community, for the past 11 years, we have provided the faculty and the organizational support for the annual American Association of Airport Executives Airport Law Workshop, which is the definitive three-day training course for airport lawyers. We also annually publish the *Airport Law Desk Reference* that has come to be viewed as the authoritative source for airport law.

B. Contact Information

Firm Partner Peter J. Kirsch will be the contact for this RFP, and if the Firm is selected, he will serve as the billing Partner and also the Partner-in-Charge. Peter's contact information is:

Peter J. Kirsch
Kaplan Kirsch & Rockwell LLP
1675 Broadway, Suite 2300
Denver, CO 80202
Tel: 303.825.7000
Fax: 303.825.7005
E-mail: pkirsch@kaplankirsch.com

C. Relevant Experience

As demonstrated below, we have the relevant experience representing airport sponsors – from large national hubs to small general aviation airports – on the full suite of relevant issues, including strategic planning, airport finance, airport development, air service incentives, airport governance, and environmental reviews.

As directed by the RFP, we have identified the responsible attorney(s) and a current owner's representative for each project described in this Section. Contact information for each current owner's representative identified here, as well as additional references (e.g., former Airport Directors with whom we worked directly), is provided in Section 3 below.

1) Strategic Planning

Kaplan Kirsch & Rockwell has established a reputation as one of the foremost strategic advisory groups in the country on transportation development projects. We practice in virtually every aspect of law that affects transportation and infrastructure, and we have active client representation in approximately 30 states. Clients pursuing large, complex projects retain our Firm because we can provide strategic advice and counsel for all phases of project development, including planning, environmental clearance, finance, and construction. Our attorneys have decades of experience assisting airport sponsors on a wide variety of matters involving airport governance, management, development, contracting and leasing, operations, finance, planning, labor negotiations, and environmental management. We bring that experience to bear to understand the complex legal issues airports face and to help airports develop strategies to implement practical solutions. Representative matters include:

- **CITY OF CHICAGO, ILLINOIS – O’Hare International Airport.** The Firm has advised Chicago O’Hare Airport as part of the comprehensive O’Hare Modernization Program developing a strategic plan for optimizing non-aeronautical development in light of the reconstruction of the entire O’Hare airfield. This effort has included examination of non-aeronautical development opportunities, analysis of revenue optimization strategies, and coordination of off-airport transit planning with future airport development.
- **CITY AND COUNTY OF DENVER, COLORADO – Denver International Airport.** The Firm advised the City on preparation of a strategic plan for development of thousands of vacant acres to optimize both economic development and airport-related industries. The work included not only strategic planning, but also complex and contentious political negotiations leading to an ultimately successful voter referendum that permitted the implementation of the strategic development plan. Firm attorneys represented the City in its negotiations with nearby jurisdictions. The Firm also assisted the City in its successful effort to secure unprecedented FAA approval to allow the use of airport funds for investments in non-aeronautical development to enhance the value of previously-vacant airport property. We currently represent the City on a public-private partnership for the development of the on-airport Peña Boulevard rail station as a transit-oriented development project that also includes development of private off-airport land. Our involvement includes issues related to real estate, public and private finance, land use, federal airport regulation, and other regulatory issues.

Responsible Attorneys:

Steve Kaplan
Peter Kirsch
Katie van Heuven

Owner’s Representative:

Ginger Evans
Aviation Commissioner

Responsible Attorneys:

Steve Kaplan
Peter Kirsch
Sarah Rockwell

Owner’s Representative:

Patrick Heck
Chief Commercial Officer

- CITY OF PHILADELPHIA, PENNSYLVANIA – Philadelphia International Airport.** Since 2011, the Firm has represented the City with respect to the Airport's Capacity Enhancement Program (CEP). The Firm continues to represent the City in negotiations with surrounding jurisdictions to resolve additional litigation over the CEP. Firm attorneys continue to provide strategic advice to the City regarding strategic planning with respect to concessions development, terminal upgrades and on-airport development including the potential construction of new cargo facilities.
- BLAINE COUNTY AND CITY OF HAILEY, IDAHO – Friedman Memorial Airport.** The Firm has represented the Friedman Memorial Airport in Hailey, Idaho for over a decade. We assisted Blaine County and the City of Hailey, Idaho (through the Friedman Memorial Airport Authority), in a lengthy and complex strategic planning process to determine whether and how to relocate the Friedman Memorial Airport (the airport serving Sun Valley, Ketchum, and nearby Idaho resorts) or, alternatively, to commit substantial resources to the redesign of terminal taxiways and runways to reduce operational restrictions imposed for safety reasons. This effort required not only exhaustive public outreach, but coordination with a wide range of federal agencies, Indian tribes, state and regional interests, and airlines.
- MARTIN COUNTY, FLORIDA – Martin County Airport / Witham Field.** The Firm assisted Martin County in an expedited, community effort to reach consensus on whether to close and relocate its airport from urbanized Stuart, Florida, to rural western Martin County. The effort was triggered by widespread community concern about the impacts from the airport, the rapidly escalating property value of the current airport site, and the broad community perception that the existing airport could be repurposed for better economic benefit. The Firm led an often-contentious public outreach process, coordinated among consultants, and prepared a detailed study on options for relocating the airport. The Martin County Board of County Commissioners ultimately accepted the Firm's recommendation that the airport remain in its current location and that the County redouble its efforts to address community concerns.

Responsible Attorneys:

Eric Smith
John Putnam
Steve Kaplan

Owner's Representative:

Joseph Messina
Deputy Director of Aviation
for Regulatory Affairs

Responsible Attorney:

Peter Kirsch

Owner's Representative:

Chris Pomeroy
Airport Director

Responsible Attorney:

Peter Kirsch

Owner's Representative:

George Stokus
Airport Manager

2) Airport Development

A large portion of the Firm's airports practice involves the legal requirements for airport development projects and implementation of master plans. The Firm frequently counsels airport sponsors early in the planning process to ensure that both planning and implementation comply with the web of FAA requirements (including grant assurances, regulations, policies, and statutory requirements); federal, state, and local environmental requirements; financial best practices; and unique local or state laws. The Firm has advised airports in some of the largest airport infrastructure projects ever undertaken, including the new Denver International Airport; new airports in Las Vegas and near Sun Valley Idaho; substantial redevelopment at Chicago O'Hare; as well as smaller - but still legally complex - development at airports ranging from Palm Beach International and Westchester County (NY) to small commercial service and general aviation airports. Increasingly, the Firm is called on to advise sponsors on creative land acquisition and development strategies. We have assisted many airport sponsors, from smaller, general-aviation airports to large hub airports, in the drafting and negotiation of lease agreements with both aeronautical and non-aeronautical users. Representative matters include:

- **ALLEGHENY COUNTY AIRPORT AUTHORITY, ALLEGHENY COUNTY, PENNSYLVANIA – Pittsburgh International Airport.** The Firm is currently assisting Pittsburgh International Airport in a top-to-bottom evaluation of on and off airport development and ways to increase revenue generated from airport property. The Firm is also consulting with the airport on numerous macro-level matters such as how to strategically position the airport within the context of upcoming negotiations for a new airline use and lease agreement.
- **CITY OF CHARLOTTE, NORTH CAROLINA – Charlotte Douglas International Airport.** The Firm is advising Charlotte Douglas International Airport on intermediate and long term plans to develop on-airport, revenue-generating development, including office parks, retail facilities, and community attractions. This work also includes providing advice and counsel as to how airport development can legally and practically dovetail with other regional development initiatives and interests, as well as how increasing air traffic may impact area residents.
- **CITY OF LOS ANGELES, CALIFORNIA – Los Angeles International Airport (LAX).** The Firm represents the City in connection with the implementation of the LAX master plan and federal approvals associated with a new Landside Access Modernization Program that includes automated people movers, connections to light rail, consolidated rental car facilities, intermodal transfer facilities, parking, and commercial development. This work has included extensive advice regarding environmental law, revenue diversion, and transit-approval processes.

Responsible Attorney:

Eric Smith

Owner's Representative:

James R. Gill
Chief Operating Officer

Responsible Attorneys:

Eric Smith
Peter Kirsch
Steve Kaplan

Owner's Representative:

Theodore (Ted) Kaplan
Senior Assistant Attorney

Responsible Attorney:

John Putnam

Owner's Representative:

Suzanne Tracy
Attorney
Los Angeles World Airports

- **CONFIDENTIAL ENGAGEMENT.** The Firm is currently advising one of the largest U.S. airports on a land acquisition strategy for a several hundred-acre parcel currently used for commercial, industrial, and residential uses. On acquisition, the parcel will be used for aeronautical, airport-subsidiary, and revenue generating commercial uses.

Responsible Attorney:
Peter Kirsch

Owner's Representative:
Confidential

- **CITY OF BURBANK, CALIFORNIA – Burbank-Glendale-Pasadena (“Bob Hope”) Airport.** The Firm has represented the City for more than 20 years on a range of issues related to the relationship between the City and the Burbank-Glendale-Pasadena Airport Authority. (The City appoints one-third of the Authority Commissioners.) Our attorneys have assisted in negotiations with FAA for the funding of a solar facility on a PFC-funded intermodal transportation center and have been engaged in negotiations for the construction of a replacement passenger terminal and the development of 70 acres of airport-adjacent property as an “airport city” development. The Firm led successful negotiations for construction of a new passenger terminal (and the subsequent successful voter referendum on the subject), bringing to an end a 30-year debate about the future of the airport.

Responsible Attorney:
Peter Kirsch

Owner's Representative:
Amy Albano
City Attorney

- **JOHNSON COUNTY, KANSAS – New Century Air Center.** The Firm represents the County in the preparation of an RFP and development agreement for a master developer for approximately 700 acres immediately adjacent to the airfield on a large regional general aviation airport. The project is designed to exploit not only airfield access, but also intermodal opportunities presented by an adjacent freight rail line and major north-south interstate highway.

Responsible Attorney:
Peter Kirsch

Owner's Representative:
Colin McKee
Executive Director,
Johnson County Airport
Commission

- **CONFIDENTIAL ENGAGEMENT.** We advised the owner of a multiple airport system on the West Coast on the long term role of one of its two general aviation airports whose operations had the potential to interfere with the long-term growth of its main commercial airport.

Responsible Attorney:
Peter Kirsch

Owner's Representative:
Confidential

- **OUTAGAMIE COUNTY, WISCONSIN – Appleton International Airport.** The Firm assisted Appleton International Airport (Wisconsin) in securing FAA approvals for an innovative development project to construct a regional public service training facility on airport property. This facility has not only provided critical technical training, but has also enhanced the Airport's role as a catalyst for aeronautical-related employment and manufacturing in the region. Following that project, the Firm has represented the County in seeking funding and approval for construction of a regional ARFF training facility to complement the successful public service training facility.
- **PALM BEACH COUNTY, FLORIDA – Palm Beach International Airport.** The Firm assisted in negotiations with FAA for approval for the concurrent use of runway protection zone property for vehicle storage and commercial development.
- **CITY OF PALO ALTO, CALIFORNIA – Palo Alto Municipal Airport.** We have advised the City in developing and implementing a strategy for acquiring the Palo Alto Municipal Airport from Santa Clara County and crafting a long-term strategic plan for remedying deferred maintenance and enhancing the economic value of the airport to the City. The Firm not only led negotiations between the City and the County, but also secured FAA approval for the transfer of the Grant Assurance obligations in light of serious compliance issues by the County.

Responsible Attorneys:

Peter Kirsch
Katie van Heuven

Owner's Representative:

Abe Weber
Airport Director

Responsible Attorney:

Peter Kirsch

Owner's Representative:

Bruce V. Pelly
Director, Dept. of Airports

Responsible Attorneys:

Peter Kirsch
Katie van Heuven

Owner's Representative:

Andy Swanson
Airport Manager

3) Airport Finance

Providing counsel on infrastructure funding mechanisms is an increasingly critical aspect of our project development practice. We understand the public funding of major projects including airports, highways, transit systems, and similar projects, including the critical and often subtle differences regarding use of airport revenue, Airport Improvement Program (AIP), and Passenger Facility Charge (PFC) funds. Firm attorneys often advise clients on finance options for major airport development projects. The Firm has assisted airports in obtaining federal grants, including Letters of Intent for over \$100 million for two separate airport sponsors. The Firm also advises clients on restructuring Letters of Intent to accommodate changed program needs. Firm attorneys have also assisted airports in developing passenger facility charge (PFC) programs, demonstrating eligibility of the projects, holding airport consultation meetings and responding to airline comments, and completing the PFC application process, including meetings with FAA, when appropriate. We have successfully handled large, complex, and controversial projects, including major international terminals, the issuance of PFC-backed bonds, and assisting an airport sponsor by successfully advocating for the redeployment of PFC revenue. Additionally, we have advised airports on generating additional aeronautical, as well as non-aeronautical revenue, including public-private partnership (P3) projects for both terminal and commercial development.

We have extensive experience in development-related infrastructure financing, such as tax increment financing, special districts, and convention center hotels. We advise clients on the structure and options for – as well as the negotiation and implementation of – such financing. For example, we have advised clients in the use of the Transportation Infrastructure Finance and Innovation Act (TIFIA) loan program administered by the Federal Highway Administration (FHWA) as it has been used for both rail/transit and highways. Representative matters include:

- **ALLEGHENY COUNTY AIRPORT AUTHORITY, ALLEGHENY COUNTY, PENNSYLVANIA – Pittsburgh International Airport.** The Firm provides general advice and counsel to the Allegheny County Airport Authority on federal aviation matters. In addition, prior to joining our Firm, Eric Smith was primary outside special counsel to the authority. In that role, he provided a wide variety of services, including assisting in the restructuring and extension of the concessions developer agreement. This project included a substantial reinvestment of the developer into the physical infrastructure of the concessions areas.
- **CITY OF CHICAGO, ILLINOIS – O'Hare International Airport.** The Firm is advising the City on implementation of the O'Hare Modernization Program (OMP) including negotiation of new use and lease agreements, financing of airport capital improvements, planning for airport transportation infrastructure, evaluation of the interim noise impacts from operations of the partially-completed OMP, and assessing the environmental impacts of changes in the schedule for implementing the OMP.

Responsible Attorney:
Eric Smith

Owner's Representative:
James R. Gill
Chief Operating Officer

Responsible Attorneys:
Steve Kaplan
Peter Kirsch

Owner's Representative:
Ginger Evans
Aviation Commissioner

- **DENVER, COLORADO – Denver International Airport: Transit-Oriented Development and Funding for Highway Access.** The Firm currently represents the City of Denver’s Department of Aviation on a public-private partnership for the development of the on-airport Peña Station rail station as a transit-oriented development project that also includes development of private off-airport land. Our involvement includes issues related to real estate, public and private finance, land use, federal airport regulation, and other regulatory issues. The Firm recently represented the City in negotiations with FAA regarding maintenance funding, as well as future expansion funding and allocation for Peña Boulevard, the main access road connecting I-70 to the Airport.

Responsible Attorneys:

Steve Kaplan
Peter Kirsch
Sarah Rockwell

Owner’s Representative:

Patrick Heck, Chief
Commercial Officer

- **CITY OF PHILADELPHIA, PENNSYLVANIA – Philadelphia International Airport.** One of the Firm’s partners assisted in planning for the construction and the financing of a new consolidated transportation center that would combine rail, rental car, and long-term parking facilities. In addition, the partner assisted in drafting state legislation authorizing a consolidated facility charge to fund the planning, design, construction, and operation of the facility.

Responsible Attorney:

Eric Smith

Owner’s Representative:

Joseph Messina
Deputy Director of Aviation
for Regulatory Affairs

- **CITY OF HOUSTON, TEXAS – William P. Hobby Airport.** The Firm represented the Houston Airport System in drafting and negotiating a new use and lease agreement at William P. Hobby Airport. The negotiations involved a novel development program for which Southwest Airlines agreed to finance and build a new \$100 million international terminal in exchange for favorable use and lease agreement terms. This engagement required not only traditional use-and-lease negotiation issues, but also coordination with senior FAA officials and the Houston Airport’s financial advisers because of the unique nature of the construction project authorized by the agreement. The Firm assisted the city’s team of negotiators in drafting an agreement that contemplated both construction of the terminal and lease of terminal space and in assessing FAA compliance issues associated with this arrangement.

Responsible Attorneys:

Steve Kaplan
Peter Kirsch

Owner’s Representative:

Randy Riven
Senior Assistant Attorney

- **HILLSBOROUGH COUNTY AIRPORT AUTHORITY – Tampa International Airport.** The Firm has represented the Airport Authority on a variety of airport-based matters. In particular, the Firm provided advice and counsel on matters related to the solicitation of a new concessions program, assisting the client in the development of an agreement by which the authority divided available concessions space into multiple contracting options.
- **SNOHOMISH COUNTY, WASHINGTON – Paine Field/Snohomish County Airport.** The Firm is advising Snohomish County with negotiations of a lease for commercial terminal operator, the negotiations and development of the plan for aeronautical and quasi-aeronautical development on the last remaining vacant parcels at the airport, and the negotiation among competing bidders for airfield access commercial development opportunities.

Responsible Attorney:
Eric Smith

Owner's Representative:
Michael Kamprath
Assistant General Counsel

Responsible Attorney:
Peter Kirsch

Owner's Representative:
Arif Ghouse
Airport Director

4) Air Service Incentives

The Firm's attorneys have provided advice to large, medium, and small hub airports on innovative means to attract and/or retain domestic and international air service for their communities – through fee waivers, marketing programs, and non-airport revenue guarantees – consistent with federal law and their contractual obligations. Representative matters include:

- **ALLEGHENY COUNTY AIRPORT AUTHORITY, ALLEGHENY COUNTY, PENNSYLVANIA – Pittsburgh International Airport.** The Firm's attorneys have assisted the airport in developing a variety of air service initiatives ranging from traditional airport-based programs (such as providing landing fee abatements or local air service promotional programs) to interacting with local community groups who seek to develop and implement their own independent programs. These incentive programs have ranged from the initiation of regional, EAS-based service to international air service.
- **CLARK COUNTY, NEVADA – McCarran International Airport.** During a period of rapid growth in air service at Las Vegas McCarran Airport, the Firm assisted the Clark County Department of Aviation in securing a favorable FAA opinion that allowed the County to incentivize so-called up-gauging (replacing smaller aircraft with larger aircraft). The program was designed to improve airfield efficiency and to allow increased passenger traffic at a time when there was concern about that the airport was approaching its practical airfield capacity. The Firm prepared a formal request for an FAA decision and assisted in drafting the interpretation of the rule and in implementing the program following the favorable FAA determination.
- **WAYNE COUNTY AIRPORT AUTHORITY – Detroit Metropolitan Airport.** The Firm has assisted the airport in developing a wide-range of air service incentive programs including those based upon service to new cities and the initiation and maintenance of long-haul international air service.

Responsible Attorney:
Eric Smith

Owner's Representative:
James R. Gill
Chief Operating Officer

Responsible Attorneys:
Peter Kirsch

Owner's Representative:
Rosemary Vassiliadis
Director of Aviation

Responsible Attorney:
Eric Smith

Owner's Representative:
Brian J. Sadek
VP, Legal and Authority
Affairs for Wayne County
Airport Authority

- **FRIEDMAN MEMORIAL AIRPORT AUTHORITY – Friedman Memorial Airport (Hailey, Idaho).** The Firm has assisted the Airport Authority in coordinating with local business interests at nearby resort communities in the development of an air service incentive program and in making enhancements to airport facilities to enable the introduction of regional jets at an airport whose service was previously limited to turbo prop aircraft.

Responsible Attorney:
Peter Kirsch

Owner's Representative:
Chris Pomeroy
Airport Director

- **NAPLES AIRPORT AUTHORITY – Naples Municipal Airport.** The Firm assisted the Airport Authority and the local business community in establishing an air service incentive program and designing the relationship between that program and the Authority in a manner that complied with FAA requirement. The Firm has also been assisting the Authority in its own efforts to incentivize the introduction of commercial air service within the stringent limitations imposed by FAA policies.

Responsible Attorney:
Peter Kirsch

Owner's Representative:
Chris Rozansky
Executive Director

- **STATE OF RHODE ISLAND – T.F. Green International Airport.** The Firm assisted the Executive Office of Commerce and the Rhode Island Airport Corporation (the operator of T.F. Green International Airport in Providence) in the crafting of legislation and implementation of a state-funded program of air service incentives to increase long haul and international service at T.F. Green.

Responsible Attorney:
Peter Kirsch

Owner's Representative:
Peter Frazier
General Counsel for Rhode Island Airport Corporation

- **SNOHOMISH COUNTY, WASHINGTON – Paine Field/Snohomish County Airport.** The Firm advised the County on the development and coordination strategy for the introduction of commercial service at Paine Field. This work has included advice on securing necessary FAA approvals, changes to airline operations specifications, and environmental review for those changes and for the development of a new passenger terminal. The Firm also assisted with negotiations of a lease for commercial terminal operator, the negotiations and development of the plan for aeronautical and quasi-aeronautical development on the last remaining vacant parcels at the Airport, and the negotiation among competing bidders for airfield access for commercial development opportunities.

Responsible Attorney:
Peter Kirsch

Owner's Representative:
Arif Ghouse
Airport Director

- **TELLURIDE REGIONAL AIRPORT AUTHORITY – Telluride Regional Airport.** The Firm has been assisting the airport authority with air service development and financial arrangements consistent with FAA policies on use of airport funds for air service incentives.

Responsible Attorney:
Peter Kirsch

Owner's Representative:
Rich Nuttal
Airport Manager

5) Airport Governance

Kaplan Kirsch & Rockwell attorneys have extensive experience on this topic. In 2009, the Firm authored the Airports Cooperative Research Program (ACRP) Legal Research Digest 7, *Airport Governance and Ownership*, which is the definitive reference source on airport governance.¹ The report outlines the scope and extent of powers to operate airports, examining the pros and cons of various approaches, and outlining and assessing the legal problems encountered during transfers to different governance structures. We have advised numerous airport sponsors, local governments and airport communities on the advantages and disadvantages of various governance models. We have assisted local governments identifying optimal governance models for particular airports. We have crafted and implemented new governance structures. In addition, we have advised local governments and airport sponsors on the myriad legal and practical considerations that arise during the transition to a different government structure. Representative work includes:

- **ALLEGHENY COUNTY AIRPORT AUTHORITY, ALLEGHENY COUNTY, PENNSYLVANIA – Pittsburgh International Airport.** The Firm has advised the airport authority from its very formation through its ongoing operations. In particular, the Firm has advised the authority on matters related to the appropriate division of authority/control over airport matters and how the finances of governmental units may interact with those of the airport.
- **BLAINE COUNTY AND CITY OF HAILEY, IDAHO – Friedman Memorial Airport.** The Firm advised Friedman Memorial Airport Authority, the City of Hailey and Blaine County in a public debate over the future governance of the Friedman Memorial Airport, the role that the three entities would play in future airport development decisions, and in the respective authority of each of three entities. We assisted in evaluating various governance options in light of potentially conflicting policy imperatives of the appointing bodies.
- **CITY OF BURBANK, CALIFORNIA – Bob Hope Airport.** The Firm advises the City on the relationship between the City and the Burbank-Glendale-Pasadena Airport Authority. (The City appoints one-third of the Authority Commissioners). We represented the City in litigation resolving issues related to the respective authority between the Airport Authority and the City over airport operations, land use, regulatory matters and airport expansion.

Responsible Attorney:
Eric Smith

Owner's Representative:
James R. Gill
Chief Operating Officer

Responsible Attorney:
Peter Kirsch

Owner's Representative:
Chris Pomeroy
Airport Director

Responsible Attorney:
Peter Kirsch

Owner's Representative:
Amy Albano
City Attorney

¹ The report is available online at: www.kaplankirsch.com/News-Publications/Publications/84905/Legal-Research-Digest-7.

- **CITY OF DURANGO, COLORADO - Durango-La Plata County Airport.** The Durango-La Plata County Airport currently has a joint governing structure, with oversight shared by La Plata County and the City of Durango. The Firm is advising the City on the legal implications of a proposed transition to different models, including a multi-state airport authority, as the airport expands. This work has included providing a critical foundation for understanding the legal constraints, as well as identification of benefits and risks if different governance approaches.

Responsible Attorney:
John Putnam

Owner's Representative:
Ron LeBlanc
City Manager

- **MARTIN COUNTY, FLORIDA – Martin County Airport / Witham Field.** The Firm assisted Martin County on evaluating whether to create an independent airport authority and in conducting an exhaustive public outreach on issues of airport governance. (The client ultimately decided not to make any changes in governance.)

Responsible Attorney:
Peter Kirsch

Owner's Representative:
George Stokus
Airport Manager

- **NAPLES AIRPORT AUTHORITY – Naples Municipal Airport.** The Firm led negotiations between the airport authority and the City of Naples over airport governance issues including airport board authority and appointments and potential renegotiation of the terms of the relationship between the City and the authority.

Responsible Attorneys:
Peter Kirsch
John Putnam

Owner's Representative:
Chris Rozansky
Executive Director

- **ROCHESTER AIRPORT COMPANY, ROCHESTER, MINNESOTA – Rochester International Airport.** The Firm represents the private entity that operates the airport (a wholly-owned subsidiary of the Mayo Clinic) on issues including airport governance. The airport is presently owned by a city and governed by a city-appointed airport board, but is privately operated under a long-term management contract. The Firm provides on-going counsel on matters related to the legal and practical issues involved in the interactions between the management company and the City and the management company's corporate parent.

Responsible Attorneys:
Eric Smith
Peter Kirsch

Owner's Representative:
John Reed
Executive Director
Rochester Airport Company

6) Federal and State Environmental Reviews

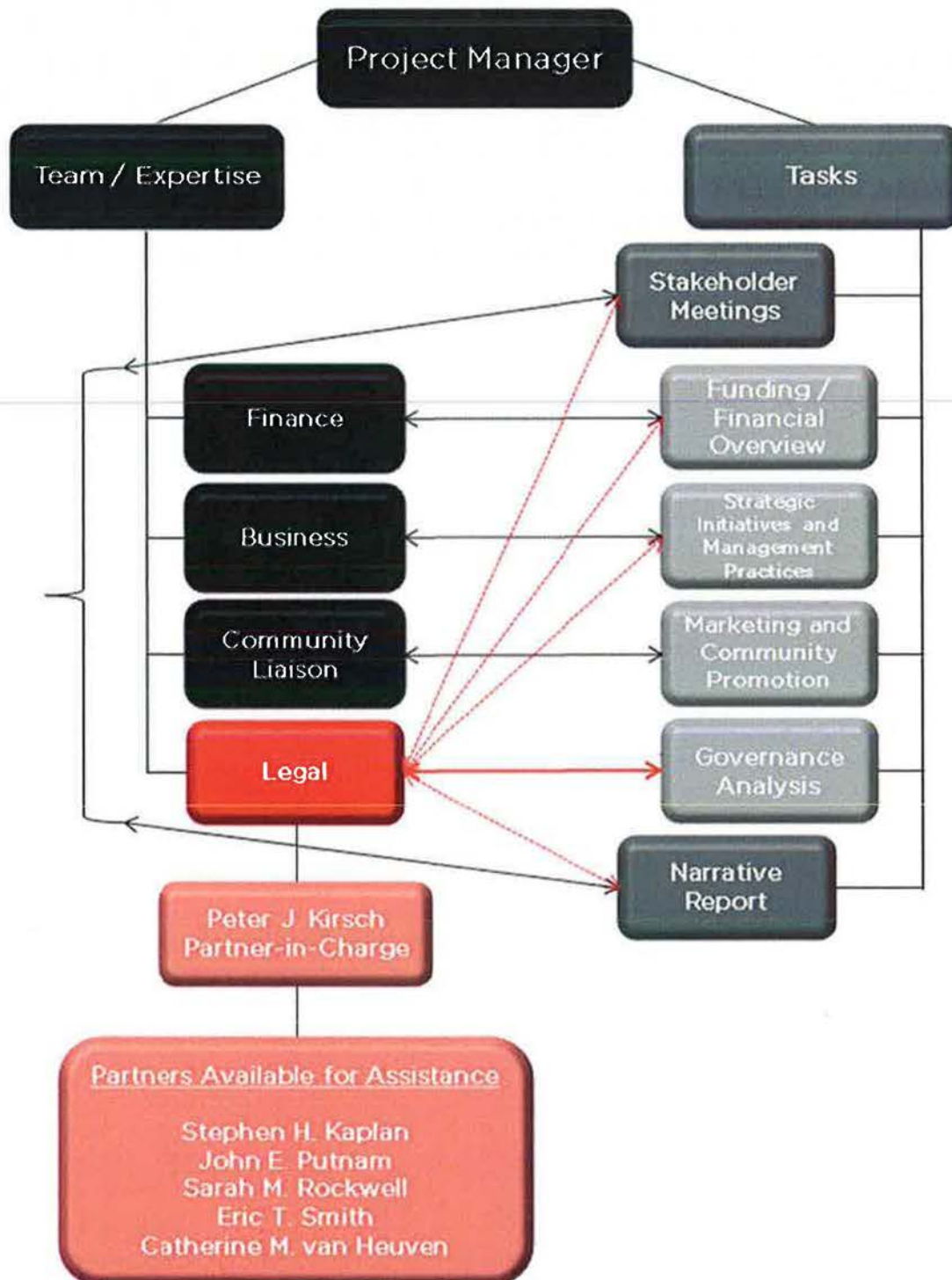
While the RFP does not expressly identify environmental reviews as part of the scope of work for the study, any airport strategic development plan must also take into account timing and cost considerations of necessary federal and state environmental reviews implicated by proposed airport development.

A key component of the Firm's airports practice is the representation of airports in preparation of – and litigation over – environmental documentation for major airport projects. We have decades of experience assisting clients in the preparation of documentation under the National Environmental Policy Act (NEPA) and state counterpart laws (including the California Environmental Quality Act (CEQA)), advising clients on litigation avoidance strategies for environmental documentation, and assisting clients in litigation involving these laws and related substantive laws. We have been involved in assisting with the preparation of environmental documentation under NEPA for Los Angeles World Airports, as well as other major airport projects including Chicago O'Hare, San Francisco International, Palm Beach International, Denver International, and the Proposed Southern Nevada Supplemental (Ivanpah) Airport near Las Vegas, Nevada.

2. Project Team

As described in our cover letter, we propose to prepare the airport governance analysis for the Study. If the County so desires, we can also provide legal oversight and/or assistance to the team ultimately selected by the County on all other tasks but Marketing and Community Promotion.

FIGURE 1: Organization Chart



As depicted in Figure 1, we recommend a single Partner-in-Charge for this proposed engagement. The Partner-in-Charge would serve as the billing partner, manage the work, and bear the overall responsibility for ensuring cost-effective and timely counsel and compliance with the Firm's contract with the County. Peter Kirsch would serve as the Partner-in-Charge.

- **Peter J. Kirsch (*Partner-In-Charge*).** Peter Kirsch heads the Firm's airports practice. He has represented dozens of clients on the range of land use, regulatory, financial and environmental issues that arise in complex or controversial airport development projects. He has represented numerous clients in precedent-setting federal and state court litigation relating to the powers of airport proprietors. Peter has assisted airport sponsors with innovative development projects ranging from Chicago O'Hare (purchase and redevelopment of an active military base) to Cleveland Hopkins (creation of a strategy to develop one of the nation's first airport cities) and at smaller airports including Burbank Bob Hope (crafting a strategy for development of a vacant property immediately adjacent to a proposed new passenger terminal); Palm Beach International (development of unused approach protection properties); and Appleton Wisconsin (development of unused approach protection properties). He has also advised airport sponsors and local governments on developing and implementing new airport governance structures.

Peter has extensive experience representing California airport clients. For example:

- He has represented the City of Burbank for over 25 years on a wide range of airport engagements related to the Bob Hope Airport. His work has ranged from representation designed to enhance the City's local control, to assisting in securing federal and related approvals for airport development projects. He has also represented the City in more than a dozen separate cases related to the Bob Hope Airport, including issues related to the powers of Joint Powers Agencies under the California Joint Exercise of Powers Act.
- He is assisting the Truckee-Tahoe Airport District in a wide range of regulatory, land use and environmental issues related to regulation of airport operators, development of non-aeronautical property, acquisition of property for noise mitigation, and the development and implementation of noise abatement flight tracks.
- He represented the City of Palo Alto in its successful transfer of ownership and sponsorship of the Palo Alto Airport from Santa Clara County to the City.
- He represented the City of Santa Monica in the development of a strategy to seek clarity from FAA regarding Surplus Property Act requirements and grant obligations upon the expiration of the normal grant obligation term.
- He represented the University of California system in planning for the closure and redevelopment of obsolete aviation facilities (confidentiality prevents further disclosure).
- He assisted a sport aircraft manufacturer in the licensing, development and approval of a manufacturing facility and water landing area at Nut Tree Airport in Vacaville.
- He assisted the developer of a mixed-use office park near San Francisco International Airport (SFO) in ensuring land use and height compatibility with operations at SFO.

- He is a regular speaker at the Southwest Chapter AAAE Monterey Short Course on Airport Legal Issues and, for almost 20 years, was on the Planning Committee for the University of California Aviation Noise Conference, generally regarded as the nation's pre-eminent airport noise conference.

One of the principal advantages we offer our clients is the breadth and depth of relevant airport expertise – expertise which would be available for Peter Kirsch to call upon for brainstorming, providing guidance on strategy, and assisting with substance, as necessary. Our bench depth also ensures that a qualified, experienced partner is always available to provide immediate responses to client needs. Therefore, as depicted in Figure 1, while we anticipate that Peter would manage the work on this project, he may also be assisted on an as needed basis by the following attorneys:

- **Stephen H. Kaplan (*Former Managing Partner*)**. For more than 30 years, Steve Kaplan has participated in the negotiation of complicated public-private partnerships from several different perspectives: as a client, as the City Attorney for the City of Denver; and as the former General Counsel to the United States Department of Transportation, where he oversaw a wide array of airport-related legal issues. Steve is often the Firm's liaison to senior administration officials on major airport policy issues and transportation issues generally. He has assisted the Airports Council International – North America in facilitating a series of meetings with airport directors on reforms to federal funding policy. He assisted Denver International Airport (DEN) in the recent negotiations related to the development of an on-airport transit-oriented development station and the related development including land both on the airport and private land off the airport. He also advised the DEN Peña Boulevard Task Force with regard to long-term funding options for maintenance and expansion costs for Peña Boulevard (the primary access to DEN). Steve is also currently part of an internal team at O'Hare International Airport that is exploring how best to complete the complex and ambitious O'Hare Modernization Project, which is completely redesigning a 20th century airport for 21st century needs. This work requires not only an understanding of airport and airline economics and competitive pressures, but also the regulatory constraints that define when, how, and at whose cost the modernization project can proceed.
- **John E. Putnam (*Managing Partner*)**. John Putnam's practice emphasizes counseling and litigation for public and private entities on complex issues of environmental law, especially for large public and public-private projects. He has provided strategic advice on some of the nation's largest transportation infrastructure projects (including Philadelphia International Airport, Chicago O'Hare International Airport, and a second commercial airport for Las Vegas) where he provided advice on compliance with federal environmental laws and regulations, and FAA regulations applicable to airports. He has extensive experience representing airports across the country on a broad range of FAA regulatory compliance issues and also on environmental compliance issues, particularly under the Clean Air Act. Mr. Putnam has represented the City of Los Angeles on Clean Air Act and other environmental issues associated with Los Angeles International Airport and the implementation of its Master Plan. John is also the co-author of ACRP Legal Research Digest 7, *Airport Governance and Ownership*, and has worked with airports operating under every type of governance structure. He is currently working with the City of Durango, Colorado, to help them explore changes to the current City/County joint operation of the Airport.

- **Sarah M. Rockwell (*Partner*)**. Sarah's practice emphasizes land use, real estate, and public sector negotiations. She has practiced in both Colorado and California, representing both public and private sector clients in land use, real estate, entitlement, and municipal law issues associated with small and large-scale development projects, including transit-oriented development (TOD) projects, airports and residential, industrial, and commercial development projects. Sarah has prepared, negotiated, and implemented agreements related to a variety of public/private sector development projects. She has advised several airport clients on land use compatibility issues associated with land adjacent to the airports. Sarah also advised San Francisco International Airport (SFO) on CEQA compliance and entitlements associated with a new international terminal. She currently represents the City of Denver's Department of Aviation on a public-private partnership for the development of the Peña Station rail station as a transit-oriented development. Her involvement included issues related to real estate, public and private finance, land use, federal airport regulation, and other regulatory issues. Ms. Rockwell's experience practicing law in California frequently included counsel under the California Government Code.
- **Eric T. Smith (*Partner*)**. Eric Smith has a broad aviation practice covering matters related to aviation manufacturers, airports, FBOs, air carriers, aircraft lessees and lessors, and aircraft owners, and has over 29 years of involvement in aviation matters. Eric's expertise is focused on the business of running airports. Eric regularly counsels airports on a range of business issues including expansion and redevelopment, operations, regulation airport access and airfield safety issues, use agreements, and air carrier relationships. Eric is also well-versed with matters related to hub carrier relationships and the dynamics involved in maintaining or expanding the economic benefits arising from a hub airport, not just to the airport itself, but for the entire surrounding region. He has assisted large, medium, and small hubs develop airport land in order to generate non-aeronautical revenue and has helped guide airports through the complex negotiations with developers and corporations that often accompany such development efforts. Having worked at, around, or for airports for most of his career, Eric has an appreciation for the complex and interrelated issues involved in on-airport development and brings that experience to bear in providing not just legal advice, but practical, real-world counsel to his airport clients. Eric is also an active participant of the aviation/airport community as an instrument-rated pilot. Eric serves on the Board of Directors of the Aviation Council of Pennsylvania and is a member of the Aircraft Owners and Pilots Association.
- **Catherine M. van Heuven (*Partner*)**. Katie van Heuven has over a decade of experience representing airport clients. She has assisted numerous airport sponsors on matters related to compliance with federal grant assurances under the Airport Improvement Program, drafting minimum standards and rules and regulations, and securing Airport Layout Plan (ALP) approvals and related environmental reviews for various airport development projects. She has extensive experience on matters related to NEPA and she frequently advises clients seeking to secure federal environmental reviews and/or to defend against challenges to the same. In California, she recently represented the City of Palo Alto with the transfer of ownership and sponsorship of the Palo Alto Airport from Santa Clara County to the City of Palo Alto. She has provided strategic advice to Clark County, Nevada, for over a decade regarding planning and environmental review for a proposed new supplemental commercial service airport.

3. References

As required in Section 9.0 of the RFP, submission of this proposal constitutes the Firm's written permission for the County to contact any and all references and clients should the County so desire. Listed below are the references for all of the relevant work experience highlighted in Section 1 above.

| City/Airport | Project/ Type of Work | Relevant Attorney(s) | Reference |
|--|--|--|---|
| LARGE HUB AIRPORTS | | | |
| CHARLOTTE, NC – Charlotte Douglas International Airport | Airport Development Environmental | Eric Smith Katie van Heuven Peter Kirsch Steve Kaplan | Ted Kaplan Senior Asst. City Attorney 704.359.4011 takaplan@cltairport.com |
| CHICAGO, IL – Chicago O'Hare Airport | Strategic Planning Airport Finance Environmental | Steve Kaplan Peter Kirsch Katie van Heuven | Ginger Evans Aviation Commissioner 773.686.8060 Ginger.Evans@CityofChicago.org |
| DENVER, CO – Denver International Airport | Strategic Planning Airport Finance | Steve Kaplan Sarah Rockwell | Patrick Heck Chief Commercial Officer 303.342.2207 Patrick.Heck@flydenver.com |
| DETROIT, MI – Detroit Metropolitan Airport | Air Service Incentives | Eric Smith | Brian J. Sadek Vice President of Legal and Authority Affairs Wayne County Airport Authority 734.942.3557 Brian.Sadek@wcaa.us |
| HOUSTON, TX – William P. Hobby Airport | Airport Finance | Steve Kaplan Peter Kirsch | Randy Rivin Sr. Assistant City Attorney 823.393.6428 Randy.Rivin@houstontx.gov |
| LAS VEGAS, NV – McCarran International Airport | Air Service Incentives | Peter Kirsch Katie van Heuven | Rosemary Vassiliadis Director of Aviation 702.261.4525 rosemarv@mccarran.com |
| LOS ANGELES, CA – Los Angeles International Airport | Airport Development Environmental | John Putnam | Suzanne Tracy Attorney Los Angeles World Airports 424.646.5296 Stracy@lawa.org |

| City/Airport | Project/ Type of Work | Relevant Attorney(s) | Reference |
|---|---|---|---|
| PHILADELPHIA, PA – Philadelphia International Airport | Strategic Planning Airport Finance Air Service Incentives Environmental | Eric Smith Steve Kaplan John Putnam Katie van Heuven | Joseph Messina Deputy Director of Aviation for Regulatory Affairs 215.937.1855 Joseph.messina@phl.org |
| PITTSBURGH, PA – Pittsburgh International Airport | Airport Development Airport Finance Air Service Incentives Airport Governance | Eric Smith | James R. Gill Chief Financial Officer 412.472.3512 JGill@PITairport.com |
| TAMPA, FL – Tampa International Airport | Airport Finance | Eric Smith | Michael Kamprath Asst. General Counsel 813.870.7833 Mkamprath@tampaairport.com |
| COMMERCIAL SERVICE AIRPORTS | | | |
| BURBANK, CA – Burbank-Glendale-Pasadena (Bob Hope) Airport | Airport Development Airport Governance | Peter Kirsch | Amy Albano City Attorney 818.238.5700 Aalbano@burbankca.gov |
| DURANGO, CO – Durango-La Plata County Airport | Airport Governance | John Putnam | Ron LeBlanc City Manager 970.375.5005 Ron.LeBlanc@Durangogov.org |
| HAILEY, ID – Friedman Memorial Airport | Strategic Planning Air Service Incentives Airport Governance Environmental | Peter Kirsch | Tom Bowman Former Board Chair Friedman Memorial Airport Authority 208.788.3894 Tombowman011@gmail.com Chris Pomeroy Airport Director 208.788.4956 chris@iflysun.com |
| JOHNSON COUNTY, KS – Johnson County Executive Airport | Airport Development | Peter Kirsch | Colin McKee Executive Director Johnson County Airport Comm'n 913.715.6016 colinmckee@joco.org |

| City/Airport | Project/ Type of Work | Relevant Attorney(s) | Reference |
|---|---|----------------------------------|---|
| OUTAGAMIE COUNTY, WI – Appleton International Airport | Airport Development | Peter Kirsch Katie van Heuven | Abram Weber Airport Director 920.832.5267 Abram.weber@outagamie.org |
| NAPLES, FL – Naples Municipal Airport | Air Service Incentives Airport Governance | Peter Kirsch John Putnam | Chris Rozansky Executive Director 239.643.0733 crozansky@flynaples.com |
| PALM BEACH COUNTY, FL – Palm Beach International Airport | Airport Development | Peter Kirsch | Bruce V. Pelly Director, Dept. of Airports 561.471.7403 bpelly@pbia.org |
| PROVIDENCE, RI – T.F. Green International Airport | Air Service Incentives | Peter Kirsch | Peter Frazier General Counsel Rhode Island Airport Corporation 401.691.2287 pfrazier@pvdairport.com |
| ROCHESTER, MN – Rochester International Airport | Airport Governance | Peter Kirsch Eric Smith | John Reed Executive Director Rochester Airport Company 507.282.2328 ext. 103 jreed@flyrst.com |
| SNOHOMISH COUNTY, WA – Paine Field/Snohomish County Airport | Airport Finance Air Service Incentives | Peter Kirsch | Dave Waggoner Former Airport Director 425.501.4797 Waggoner333@gmail.com Arif Ghouse Airport Director 425.388.5100 ArifGhouse@co.snohomish.wa.us |
| TELLURIDE, CO – Telluride Regional Airport | Air Service Incentives | John Putnam | Rich Nuttal Airport Manager 970.728.5313 Rich@tellurideairport.com |

| City/Airport | Project/ Type of Work | Relevant Attorney(s) | Reference |
|---|--|----------------------------------|--|
| GENERAL AVIATION AIRPORTS | | | |
| MARTIN COUNTY, FL – Martin County Airport/Witham Field | Strategic Planning Airport Governance | Peter Kirsch | Michael Moon Former Airport Manager 561.471.9370 mmoon@hanson-inc.com George Stokus Airport Manager 772.221.2274 Gstokus@martin.fl.us |
| PALO ALTO, CA – Palo Alto Municipal Airport | Airport Development | Peter Kirsch Katie van Heuven | Andy Swanson Airport Manager 650.329.2688 Andrew.swanson@cityofpaloalto.org |

4. Project Approach

Kaplan Kirsch & Rockwell attorneys have a proven track record of supplementing in-house legal resources for airports around the country and have provided counseling, transactional, and litigation services that support and complement – rather than duplicate – in-house resources. We have decades of experience with airport-specific legal issues, and we bring that experience to bear to develop strategies to understand the complex legal issues airports face and to implement practical solutions to resolve those problems. We enjoy working collaboratively. We frequently team with city attorneys, in-house counsel, and industry experts, including financial and business consultants. We do not replace dedicated lawyers and experts; instead, we assist only on those tasks where our expertise complements that of our clients existing resources.

The Firm frequently represents local governments on matters involving complex and controversial projects. These projects are often subject to intense public scrutiny and involve the intersection of private and governmental interests. Our attorneys have been counsel to a wide variety of public agencies across the nation, represented public interest organizations in high-profile matters, served as government counsel at the highest levels of federal and local government, and represented a wide range of clients on cutting edge compliance issues.

Because nearly all of our airport-sponsor clients are public entities, we understand the unique time, schedule, and cost pressures public agencies face. The Firm prides itself on meeting client schedules to deliver advice and work product of the highest caliber to allow our clients to make timely decisions. We also appreciate that our fees must pass public muster and that our budgets must be met.

One of our greatest assets is our bench strength. Fifteen of our nineteen attorneys are airport attorneys. This means that at any given point, the Firm is able to respond swiftly, and with the necessary resources, to any matter that arises. One recent example illustrates how we successfully respond to client needs. The City of Philadelphia sought our counsel regarding a new issue that the Mayor had requested a briefing the following day. Beginning on a Sunday evening, Firm attorneys researched the key issues, provided informal counsel via telephone and, by mid-day on Monday, supplied talking points for the briefing. We produced precisely the work product needed and tailored to the circumstances within 18 hours. That experience is typical of our legal services and our work product.

Ultimately, our indicator of success – for both individual tasks and for our representation more generally – is that our clients receive competent, sophisticated, thorough, and thoughtful legal advice in a timely and cost-effective manner.

5. Cost Proposal

As indicated above, our Firm attorneys are experts on airport governance and can effectively lead the effort on Task 4 (airport governance issues). Because of the broad array of federal regulations and restrictions on airport development, air service incentives, and permissible financing structures, our Firm is well positioned to provide assistance to the team ultimately selected by the County on the remaining suite of issues.

- We propose a fee of \$43,750 to prepare the governance analysis (Task 4). Our proposed scope and fee for Task 4 includes the work to prepare the necessary governance sections for the final narrative report, including all contemplated drafts (administrative draft, public draft and final draft).
- We have also provided below our *recommendation* on a minimum effort to provide legal analysis and review for four of the five the remaining tasks identified in the RFP. Should the County accept our recommendation for additional legal services for all four additional tasks, the total cost would be \$63,350.00. We understand that the County may choose just some (or none) of our proposed additional legal services on these four tasks.

A. Key Assumptions

1) Task 1: Stakeholder Involvement

SUMMARY: The Firm can participate on a limited basis on this task, if the County is interested. If so, the Firm recommends a minimum of eight attorney hours at \$350/hour for this task.

This task calls for between three and five on-site meetings involving the stakeholder committee, one with the Humboldt County Aviation Advisory Committee and the County Board of Supervisors along with one public information session.

Our scope of work for Task 4 below includes one meeting to specifically discuss airport governance issues. If we are selected for Task 4, and the County desires additional participation in stakeholder meetings or additional community meetings, we can participate in Task 1 accordingly.

2) Task 2: Airport Funding and Financial Overview

SUMMARY: The Firm can participate on a limited basis on this task, if the County is interested. If so, the Firm recommends a minimum of 16 attorney hours at \$350/hour for this task.

This task calls for identification of potential new funding opportunities. As we have noted above, we understand the financial context in which airports operate and the resulting implications for airport development. We know the law and have extensive experience identifying financial and development arrangements that can work under the array of FAA revenue other regulatory restrictions.

If the County desires, we can assist on this task by reviewing the results of the airport funding and financial overview, identifying and legal weaknesses, and assisting with the development of creative financing ideas and options.

3) Task 3: Strategic Initiatives and Management Practices

SUMMARY: The Firm can participate on a limited basis on this task, if the County is interested. If so, the Firm recommends a minimum of 16 attorney hours at \$350/hour for this task.

This task calls for an evaluation of the adequacy of services, and the identification of efforts the airport can take to expand the reach of those business services, including growing and attracting new on-airport businesses.

Humboldt County has an unusual opportunity to plan strategically for the role of its six airports and the allocation of its diverse airport resources. Because it operates a system of airports, the County has far more flexibility in future planning efforts than if it exclusively operated one airport. One area in which we can provide critical assistance to the team is to share our experience identifying and promoting on-airport, revenue-generating development including office parks, retail facilities, and community attractions. Our work at Appleton International Airport (Wisconsin) is a perfect exemplar. The new regional public service training facility has enhanced the Airport's role as a catalyst for aeronautical-related employment and manufacturing in the region. We are also well versed with the legal regulations governing – and limiting – an airport sponsor's ability to offer incentives for new service.

If the County desires, we can assist on this task by conducting a legal sufficiency review of any recommendations and by assisting the team as necessary in identifying and assessing various strategies for airport economic growth.

4) Task 4: Marketing and Community Promotion

SUMMARY: The Firm does not propose to work on this task.

This task calls for identifying optimum marketing techniques. It does not require legal services or analysis.

5) Task 5: Governance Analysis

SUMMARY: The Firm proposes to complete this task for a fee of \$43,750.00.

As noted above, Kaplan Kirsch & Rockwell attorneys have extensive experience on this topic. We anticipate that the work for this task would include the following key steps:

1. Preparation of materials outlining and analyzing available governance structures for each of the County's six airports, as well as advantages and disadvantages of each governance structure. These materials would include detailed descriptions of each structure, sample organization charges, etc.
2. One presentation (to County Board of Supervisors, Aviation Advisory Committee and/or community groups) regarding airport governance options.

3. Review and analysis of specific issues raised by County and community groups during the stakeholder process.
4. Responses to specific questions.
5. Written recommendations for governance structure(s) for each of the six County airports.
6. Preparation of governance sections for the administrative draft of the narrative report.
7. Revisions, as necessary, to the governance sections of the administrative draft of the narrative report (i.e., preparation of the governance sections for the draft that it to be submitted to the stakeholder committee).
8. Preparation of the governance sections in the final narrative report.

6) Task 6: Narrative Report

SUMMARY: The Firm can participate on a limited basis on this task, if the County is interested. If so, the Firm recommends a minimum of 16 attorney hours at \$350/hour for this task.

This task calls for a comprehensive report summarizing existing conditions, identifying gaps that should be addressed, and providing specific recommendations for improving the governance and sustainability of the airport system. Please note that our scope of work for Task 4 includes the key pieces of the narrative report that relate to airport governance. We anticipate that the hours and costs reflected in our estimate for Task 4 would produce the pieces of the narrative report that relate to governance. Our proposed scope of work for Task 4 does not, however, contemplate any of the work assessing current conditions, recommendations regarding sustainability, or any gap analysis. If the County desires, we can assist in the preparation and review of those additional sections of the study.

B. Detailed Cost Proposal

| Scope of Work | Proposed Role for Kaplan Kirsch & Rockwell | Attorney Hours @ 350/hour | Cost |
|--|---|---------------------------|------------------|
| Task 1: Stakeholder Involvement | <i>Available to assist in additional meetings to discuss governance issues</i> | 8 | \$ 2,800 |
| Task 2: Airport Funding and Financial Overview | <i>Available to assist to ensure legal sufficiency</i> | 16 | \$ 5,600 |
| Task 3: Strategic Initiatives and Management Practices | <i>Available to assist for strategic planning and to ensure legal sufficiency</i> | 16 | \$ 5,600 |
| Task 4: Marketing and Community Promotion | N/A | 0 | N/A |
| Task 5: Governance Analysis | Team Lead | 125 | \$ 43,750 |
| Task 6: Narrative Report | <i>Available to assist to ensure legal sufficiency</i> | 16 | \$ 5,600 |
| TOTAL | | 181 | \$ 63,350 |

As noted above, our proposed cost for Tasks 1, 2, 3, and 6 reflect our recommended minimum services.

6. Useful Information / Additions

The subsections below respond to the specific request at Section 9.0 of the RFP for information on financial resources and incomplete contracts.

A. Facilities and Financial Resources

The Firm has the necessary facilities to furnish the services specified in the Proposal. All attorneys and law clerks at Kaplan Kirsch & Rockwell have personal subscriptions to legal research databases (*e.g.*, Westlaw and LexisNexis). In addition, the Firm maintains libraries with resources including the U.S. Code, the Code of Federal Regulations, and relevant FAA guidance and policy documents. The Firm uses a Filesite document management system to organize attorneys' work product and has a password-protected client extranet website that all attorneys and staff can use for document sharing.

In addition, the Firm has the financial capability to provide the legal services contemplated by the Proposal. The Firm has a multi-million dollar annual operating budget and represents a diverse array of clients on matters with budgets far exceeding the costs we propose for this project.

B. Completion of Contracts

The Firm has completed all of its contracts.

C. Insurance Statement

As required by Section 9.7 of the RFP, we confirm the following:

- If selected, we will include an endorsement to our general liability policy naming the County of Humboldt and their employees, officers, agents, and volunteers of each as additional insured parties.
- If selected, we will produce proof of insurance with a minimum liability coverage of not less than \$1,000,000 per occurrence for bodily injury and property damage liability combined, with a general aggregate of at least twice the per occurrence amount.

7. Signature Affidavit

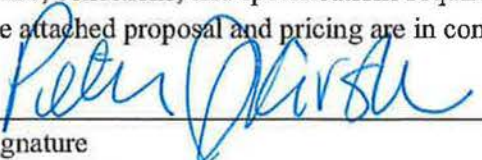
RFP SIGNATURE AFFIDAVIT

| | |
|--------------------------------|------------------------------|
| HUMBOLDT COUNTY RFP#16-100-MBT | |
| RFP Signature Affidavit | Submit With RFP |
| NAME OF FIRM: | Kaplan Kirsch & Rockwell LLP |
| STREET ADDRESS: | 1675 Broadway, Suite 2300 |
| CITY, STATE, ZIP | Denver, CO 80202 |
| CONTACT PERSON: | Peter J. Kirsch |
| PHONE #: | 303.825.7000 |
| FAX #: | 303.825.7005 |
| EMAIL: | pkirsch@kaplankirsch.com |

Government Code Sections 6250 *et seq.*, the "Public Records Act," define a public record as any writing containing information relating to the conduct of public business. The Public Records Act provides that public records shall be disclosed upon written request, and that any citizen has a right to inspect any public record, unless the document is exempted from disclosure.

In signing this proposal, I certify that this firm has not, either directly or indirectly, entered into any agreement or participated in any collusion or otherwise taken any action in restraint of free competition; that no attempt has been made to induce any other person or firm to submit or not to submit a proposal; that this proposal has been independently arrived at without collusion with any other proposer, competitor or potential competitor; that this proposal has not been knowingly disclosed prior to the opening of proposals to any other proposer or competitor; that the above statement is accurate under penalty of perjury.

The undersigned is an authorized representative of the above named firm and hereby agrees to all the terms, conditions, and specifications required by the County in this Request for Proposal and declares that the attached proposal and pricing are in conformity therewith.


Signature

Peter J. Kirsch

Name (type or print)

Partner

Title

January 20, 2017

Date

This firm hereby acknowledges receipt / review of the following addendum(s) (If any)

Addendum # Addendum # Addendum # Addendum #

EXHIBIT A



KAPLAN KIRSCH ROCKWELL

Peter J. Kirsch

Peter Kirsch's practice emphasizes land use and environmental law with a focus on transportation infrastructure and other public-sector projects. Peter represents clients ranging from municipalities and local governments to corporations and public interest groups in negotiations and litigation over land use entitlements, the environmental impacts of infrastructure projects, and compliance with federal transportation law and regulations. He litigates cases before administrative agencies, numerous state and federal trial and appellate courts, and the U.S. Supreme Court.

For more than 25 years, Peter has been involved in the development of most of the new commercial airports in the United States as well as dozens of airport expansions, redevelopment projects, and development of airport collateral lands. He advises airports on financial matters, regulatory compliance, leasing, development, land use issues, environmental impacts, and relations with their host communities. Outside the airport context, he advises clients on compliance with federal environmental laws, with a particular focus on the National Environmental Policy Act, the National Historic Preservation Act, the Endangered Species Act, and other federal statutes that affect projects on federal lands or requiring federal approvals.

Representative Experience

Friedman Memorial Airport, Hailey (Sun Valley), Idaho

Represented the proprietor of one of Idaho's largest commercial airports in the planning, environmental review, and development of a replacement airport and in federal compliance, noise, and environmental problems at the existing airport

Naples Ban on Stage 2 Aircraft, Naples, Florida

Represented the airport proprietor in the proceedings leading to the nation's first-and-only ban on noisy stage 2 aircraft under the Airport Noise and Capacity Act; successfully represented proprietor in multiple litigation challenges to noise rule

Burbank-Glendale-Pasadena Bob Hope Airport, Burbank, California

Represented City in decades-long effort (including more than a dozen lawsuits) to secure noise relief and to control growth at Southern California airport and successfully represented client in negotiation of development agreements to share control and authority over future development of airport

Westchester County Airport, White Plains, New York

Successfully negotiated a terminal use agreement to provide for controlled growth of passenger service in a politically contentious environment; secured federal approvals for unique arrangement by which proprietor retained control over commercial operations



Partner

Denver Office
303.825.7000 C 303.898.1665
Washington, DC Office
pkirsch@kaplankirsch.com

Areas of Practice

Airports
Environment, Public Lands, and Conservation
Government and Public Policy
Litigation
Rail, Transit, Highways, and Infrastructure
Real Estate, Land Use, and Zoning

Education

J.D., University of Chicago, 1984
Law Clerk, Judge Alfred T. Goodwin, U.S. Court of Appeals, 9th Circuit, 1984-1985
B.A., with highest honors, Oberlin College, 1979

Bar Admissions

Washington
District of Columbia
Maryland
Colorado
Many Federal District Courts,
Courts of Appeals
United States Supreme Court

Resources

Guide to Airport Noise Rules and Use Restrictions



KAPLAN KIRSCH ROCKWELL

Houston Hobby Airport, Houston, Texas

Assisted proprietor in negotiations of a new use-and-lease agreement by which dominant carrier funded, designed and built new terminal for initiation of international service

Town of East Hampton, New York

Represent proprietor of small resort airport in negotiations, litigation and policy initiatives designed to achieve a balance between community concerns over noise and need for helicopter service for high-net-worth individuals with weekend homes in the area

Cincinnati-Blue Ash Airport, Blue Ash, Ohio

Successfully navigated federal and local approvals for the closure of an outdated and underused general aviation airport and the conversion of the airfield into a new regional park; defended litigation challenging those approvals

Professional and Civic Activities

- Board of Directors, Conservation Colorado (2004–2006, 2010–Present; Chair 2012–Present)
- Denver Cultural Council (2014–Present)
- Board of Trustees, Denver Botanic Gardens (2012–Present)
- Colorado Advisory Board, Trust for Public Land (2012–Present)
- Board of Trustees, Museum of Contemporary Art - Denver (2005–2012)
- Board of Trustees, Volunteers for Outdoor Colorado (2004–2010; Chair 2006–2008)
- Board of Trustees, Oberlin College (2000–2007; Executive Committee 2003–2006)
- Bromwell School CDM [Governance] Committee, Chair (2002–2004)
- Board of Trustees, River Network (1993–2002; Chair 1999–2001)
- Transportation Section, International Municipal Lawyers Association (Chair 1996–1997)

Publications

Airport Law Desk Reference (annual editions)
2005–Present

Legal and Regulatory Framework for Rates and Charges
11.03.16

Air Service Incentive Programs
11.03.16

Aviation Fuel Tax Obligations for Local Governments
10.01.15

ITC Phase Down Creates Near-Term Solar Opportunities for Airport Owners
12.10.14

ACRP Report 85: *Developing and Maintaining Support for Your Airport Capacity Project*
07.11.13

Ready, Set, Go: Legal Considerations in Implementing a Safety Management System
April/May 2011

Discussion Paper: FAA Proposals for Safety Management Systems
March 2011

Guide to Airport Noise Rules and Use Restrictions
June 2004



KAPLAN KIRSCH ROCKWELL

The Airport Noise Act: Safe Harbor or Procedural Hurdle?
Spring 2002

Sharing the Wealth from Airport Expansions
April 1998

Understanding Historic Preservation Issues
1997

Using Formal Agreements to Provide Certainty in Airport-Community Relations
October 1995

Defining the Scope of Alternatives in an EIS after *Citizens Against Burlington*
December 1991

Environmental Protection Through Federal Preemption of State Water Laws
October 1990

News

Kaplan Kirsch & Rockwell Hosts 32nd Annual Airport Law Workshop
11.15.16

President Elect Dismisses Noise Lawsuit against Airport
11.15.16

Burbank Voters Approve First New Terminal in 86 Years
11.11.16

Chicago Begins Construction of Final New Runway
08.16.16

D.C. Circuit Declines to Review DOT Decision on Dallas Love Field
08.09.16

Court Upholds FAA Approval for Commercial Service at Paine Field
03.07.16

Advances in Airport Technology Mean Sleepless Nights for Some
The Washington Post
03.04.16

Court Allows Delta Air Lines Continued Access to Dallas Love Field
01.08.16

Kaplan Kirsch & Rockwell Hosts 31st Annual Airport Law Workshop
11.01.15

Burbank Airport and Community Tentatively Reach Historic Deal
Los Angeles Daily Times
10.26.15

New International Terminal Opens at Houston Hobby Airport
The Houston Business Journal
10.15.15

Snohomish County Granted Summary Judgment
10.15.15

Court Affirms East Hampton Town's Right to Regulate Airport Noise
06.26.15

The Wall Street Journal Features Firm's Representation of Town of East Hampton
The Wall Street Journal
04.22.15



KAPLAN KIRSCH ROCKWELL

Snohomish County Approves an Unusual Public-Private Partnership at Paine Field Airport

USA Today

03.02.15

FAA Dismisses Part 16 Complaint Against the City of Cincinnati

09.12.14

FAA Postpones Contract Tower Closures

04.03.13

State Court Upholds Change in Telluride Curfew

03.20.13

Attorneys Kaplan, Kirsch, Rockwell, and Potter Recognized as Super Lawyers for 2013

Super Lawyers

03.05.13

FAA Extends Deadline for Comments on SMS Rulemaking

03.07.11

Court Rejects FBO Challenge at Westchester County Airport

11.02.10

FAA Dismisses Complaint Against City of Venice

09.01.10

Peter Kirsch Quoted in *Airport Revenue News*

Airport Revenue News

May 2010

FAA Issues Final Order in Westchester County Airport Litigation

09.18.09

FAA Issues Final Order in Santa Monica Airport Litigation

07.08.09

FAA Hearing Officer Issues Initial Decision in Santa Monica Airport Litigation

05.14.09

Burbank-Glendale-Pasadena Airport Authority Submits Application to FAA for Full Nighttime Curfew at Bob Hope Airport

02.02.09

FAA Dismisses Part 16 Complaint Filed Against the County of Westchester, New York

06.12.08

U.S. Court of Appeals Rules FAA Erred Regarding Proposed Wind Turbines Near Planned Airport

04.18.08

Judge Recommends New Noise Variance Subject to Conditions for Bob Hope Airport

01.22.08

FAA and BLM Announce Preparation of Environmental Impact Statement for Las Vegas Airport Construction

08.29.06

Nevada Supreme Court Issues Decision in *McCarran International Airport v. Sisolak*

07.13.06

D.C. Circuit Upholds the Naples Authority Ban on Stage 2 Aircraft

06.03.05

Kaplan Kirsch & Rockwell Completes Development Talks for Bob Hope Airport

Law Week Colorado

02.21.05



KAPLAN KIRSCH ROCKWELL

Kaplan Kirsch & Rockwell Client, the City of Burbank, Agrees to Peace Treaty
02.01.05

Presentations

Annual AAAE Basics of Airport Law Workshop and Legal Update
2005–Present

Airport Proprietors' New Safety and Security Obligations
11.15.16

Friends or Foes: Community Relations, Compatibility Planning, and Politics for Lawyers
11.15.16

Strategies for Non-aeronautical Development
11.14.16

An Introduction to Airport Law 101
11.13.16

Can Drones and Airports Coexist?
09.13.16

RNAV/Metroplex Planning and Community Outreach Update
08.22.16

Land Use Obstacles and How to Overcome Them
08.22.16

SMS: What Airports Need to Know Now
08.18.16

Recent Developments: FAA Guidance Directives
06.29.16

Latest Developments – Rates and Charges
05.07.16

Drones: Present and Future Challenges for Airports
04.11.16

Airport Litigation Update
02.26.16

Regulatory and Legislative Update; and Next Gen – Coming Soon to a Community Near You
01.30.16

Airport Proprietors' Liability and Safety Obligations
11.03.15

Everything You Want Need to Know About Privatization
11.03.15

Airport Law 101: An Introduction to Airport Law
11.01.15

Addressing Noise and Disturbance at East Hampton Airport (HTO)
10.08.15

Airport Safety Management Systems: Challenges in the USA
09.10.15

Privatization and Reverse Privatization in the USA
09.19.14



KAPLAN KIRSCH ROCKWELL

National CLE (Real Estate and Environmental Law)
2000–2002, 2008, 2011–2014

What Can We Learn From Airport Law in the USA?
04.03.12

Safety Management Systems: Legal Issues
03.21.11

Legal Issues In Sustainable Energy Initiatives
02.24.11

FAA Proposals for Safety Management Systems – Discussion Paper
02.01.11

Understanding Airports' Responsibilities Under the Proposed SMS Requirements
01.11.11

A Brief Review of Developments in Federal Environmental Law, Policy & Regulation 2010
01.07.11

Frequent speaker at, and program committee member for, Annual University of California Airport Noise and Air Quality Symposium
1990–2011

Legal Implications of Proposed SMS Requirements
11.22.10

Ethical, Business and Issue Considerations in Accepting New Clients
08.18.10

The Role of the Sponsor in Preparation of EISs for Airport Projects
07.21.09

Protecting Airports from Height Obstruction: Should We Be Scared?
04.29.07

American Association of Airport Executives: Airport Planning Conference
2003–2007

American Association of Airport Executives: Resort Airports Conference
2003–2005, 2007

Hot Topics in Land Use at GA Airports
09.19.06

The Naples Stage 2 Ban
03.05.06

NEPA Law and Strategy
06.06.05

Streamlining the NEPA Process
04.05.05

Recent Developments in Federal Airport Law
10.18.04

Administrative and Judicial Jurisdiction for Challenging Airport Actions
11.08.01

Using Formal Agreements to Provide Certainty in Airport-Community Relations
10.09.95

Frequent speaker at Florida Airports Council annual conference and environmental/noise issues conference



KAPLAN KIRSCH ROCKWELL

Frequent speaker at Rocky Mountain Land Use Institute Conference

Frequent speaker at Airports Council International-North America conferences and Legal Affairs Committee meetings

Frequent speaker at American Association of Airport Executives annual and regional conferences



KAPLAN KIRSCH ROCKWELL

Stephen H. Kaplan

Throughout his professional career, Steve Kaplan has participated in the negotiation of complicated public-private partnerships from several different perspectives: as a client, as counsel to a municipality, and as a representative of the United States government. Steve specifically focuses on public-private partnerships in the redevelopment of publicly owned property and the structuring of such redevelopment projects involving public financing for infrastructure. He also is actively working on major transit-oriented development projects and with airports interested in airport-related commercial development, both on- and off-airport.

Steve was the General Counsel of the United States Department of Transportation from 1993 through 1995, with responsibility for advising and representing the Department and its various agencies, including—among others—the Federal Aviation Administration, the Federal Transit Administration, and the Federal Highway Administration.

Steve also served for seven years as the City Attorney of Denver, Colorado. He was actively involved in negotiations which led to the development of Denver International Airport, the Colorado Convention Center, and the governance structure and financing for Denver's Major League Baseball stadium.

Representative Experience

Redevelopment of the Former Gates Rubber Company Site, Denver, Colorado

Represent master developer in environmental due diligence, negotiation of environmental insurance coverage, voluntary cleanup plans, professional service and construction contracting, and infrastructure funding agreements

Convention Center Hotel, Denver, Colorado

Represented the Denver Convention Center Hotel Authority to finance, build, and operate the 1,100 room Hyatt Convention Center Hotel

Regional Transportation District (RTD), Denver, Colorado

Represented RTD in structuring, negotiating and implementing a \$2 billion public-private partnership for two corridors of FasTracks, a light rail and commuter rail program (the first public-private transit/rail program successfully undertaken in the United States); part of the legal team representing RTD on the Eagle P3 project for the East Corridor commuter rail line to DIA, the Gold Line and the Maintenance Facility; negotiated with two railroads for the acquisition of corridor right-of-way

Airport, Transit, Highway Projects

Served as strategic advisor and counsel to several private and public entities on transportation and infrastructure matters. Projects include transit oriented development, highway matters, and representing airports on matters ranging from airport revenue diversion, privatization issues, and P3 terminal projects and commercial development both on and off-airport



Partner

Denver Office
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skaplan@kaplankirsch.com

Areas of Practice

Government & Public Policy
Multi-Modal Transportation Facilities
Real Estate, Land Use, and Zoning

Education

J.D., Harvard Law School, 1973
A.B., *cum laude*, Harvard College, 1969

Bar Admissions

Colorado
Oklahoma



KAPLAN KIRSCH ROCKWELL

Awards / Professional and Civic Activities

- Board of Directors and former President, Colorado I Have a Dream Foundation
- *The Best Lawyers in America*[®] for Land Use & Zoning Law (2014, 2017)
- *Best Lawyers*[®] Land Use & Zoning "Lawyer of the Year" award for Denver (2017)
- Co-Chair, Denver Zoning Code Task Force (2006–2011)
- *Super Lawyers*[®], Land Use/Zoning; Real Estate; Transportation/Maritime (2006–2013)
- Denver Public Schools Citizens' Bond Committee (2003)
- Vice-Chair, National Civil Aviation Review Commission (Mineta Commission) (1997)
- Airports Council International Award for Outstanding Leadership (1996)
- FAA Award for Extraordinary Achievement (1995)
- Chambers USA, Real Estate: Zoning/Land Use – Band 1 (2016)
- Board of Directors, Children's Museum
- Board Member, Denver Zoo
- Denver Union Station Project Authority Board
- Member, Mayor's Development Advisory Group
- Former Member, SafeHouse Denver

Publications

Reference Guide: Entities that Construct, Fund and Operate Selected Public Facilities and Projects in the Denver Metropolitan Area
November 2014

Managing the Risks of Environmental Contamination in Redevelopment Projects
December 2013

News

Chicago Begins Construction of Final New Runway
08.16.16

The Best Lawyers in America[®] Announces Lawyer Rankings, Firm Attorneys Included
08.15.16

City of Lakewood Considers Acquisition of Acres of Land in Unusual Land-for-Construction Exchange
The Denver Post and *9News*
October 2015

New International Terminal Opens at Houston Hobby Airport
The Houston Business Journal
10.15.15

Firm Client Officially Closes Financing and Begins Construction on TOD Project
06.12.15

Kaplan Kirsch & Rockwell Announces Publication of Reference Guide
November 2014

Firm Attorneys Assist in Purchase Agreement for Familiar Site
Law Week Colorado and *The Denver Post*
Fall 2014



KAPLAN KIRSCH ROCKWELL

Attorneys Kaplan, Kirsch, Rockwell, and Potter Recognized as Super Lawyers for 2013

Super Lawyers

03.05.13

Steve Kaplan Named as Denver's "Land Use & Zoning Lawyer of the Year"

Best Lawyers

10.04.11

LAND USE: Putting The Pieces Together

Law Week Colorado

11.23.09

Presentations

Negotiating Airline Use and Lease Agreements

10.21.14

Airport Financial Issues

10.24.05

Structuring Multi-Phased Development Projects

04.22.05

Structuring Multi-Phased Development Projects

05.13.04

The Brownfields Revolving Loan Fund Experiences

2002

Frequent speaker at Rocky Mountain Land Use Institute Conference

Frequent speaker at ABA Forum on Air & Space Law Update Conference

John E. Putnam

John Putnam counsels and litigates on behalf of public and private entities on the development and operation of infrastructure. John has extensive experience providing clients with strategic advice on airport, electricity, surface transportation, water, and other infrastructure projects throughout the country. He counsels clients regarding a wide range of environmental, energy, and transportation issues, including public utilities laws, the National Environmental Policy Act, air quality, climate change, noise, transportation regulations, and natural resources.

Representative Experience

Electricity and Energy Projects

- Representing solar industry trade association in Colorado PUC dockets regarding net metering and solar policy issues
- Representing large electric customer in dispute with utility regarding inadequate service
- Represented independent power producer in Colorado Public Utilities Commission dockets to renew expiring power purchase agreements for gas-fired assets, including electric resource planning and Colorado Clean Air-Clean Jobs Act dockets
- Represented independent power producers in PUC litigation to retire coal-fired facilities in the Denver Metropolitan Area to provide opportunities for IPP assets
- Represented major demand side management provider in DSM dockets
- Representing power generators, fuel providers, and motor vehicle manufacturers in Clean Air Act regulatory matters
- Represented brownfield development interests in successful PUC litigation to strike environmental tariffs that would have burdened infill development
- Represented wind IPPs in PUC dockets regarding power purchase agreement awards
- Represented municipality in disputes regarding proposed transmission line upgrades
- Represented local government in dispute regarding feasibility of using of conditional water rights hydroelectric purposes
- Represented local government developing land use ordinances relating to energy projects



Managing Partner

Denver Office
303.825.7000 C 720.236.6718
jputnam@kaplankirsch.com

Areas of Practice

Airports
Energy
Environment, Public Lands, and Conservation
Rail, Transit, Highways, and Infrastructure
Real Estate, Land Use, and Zoning

Education and Clerkships

J.D., with honors, University of Chicago, 1993
Judicial Law Clerk, Judge David M. Ebel, U.S. Court of Appeals, 10th Circuit
B.A., *summa cum laude*, Williams College, 1990

Bar Admissions

Colorado
District of Columbia
Many Federal District Courts,
Courts of Appeals



KAPLAN KIRSCH ROCKWELL

Airport Projects

- Representing large and small airports, including the City of Los Angeles (LAX) and the City of Philadelphia, in efforts to secure approvals and defend airport development projects
- Counseling airports on the full range of federal transportation and environmental laws
- Representing airport sponsors in administrative and judicial litigation regarding compliance with federal grant and other regulatory requirements
- Represented coalition of airports in litigation to reverse FAA decision to close control towers
- Representing airport sponsors in administrative and judicial litigation regarding compliance with federal grant and other regulatory requirements
- Represented the City of Minneapolis in litigation against the Minneapolis-St. Paul Airport that resulted in a settlement that provided noise insulation to almost 10,000 homes
- Represented hub airport in successful litigation against the Federal Aviation Administration for failing to protect airport airspace from a proposed wind project
- Represented hub airport against a nationally prominent wealthy landowner in litigation for noise and overflights of a historic property in Florida
- Represented the City and County of Denver, City and County of San Francisco and the City of Los Angeles in defense of False Claims Act actions regarding alleged noncompliance with Clean Air Act

Transit and Highway Projects

- Representing State in P3 procurement of major highway improvements
- Representing transit providers in environmental processes regarding proposed transit improvements
- Representing Colorado local governments in efforts to promote proposed local highways and avoid incompatible highway proposals
- Represented private entity in securing approval for a major public-private partnership for an interstate highway in Colorado
- Represented public and private entities in efforts to secure highway and transit connections to airports, infill development, and other projects

Environment, Air, and Water Projects

- Representing a national foundation in efforts to promote alternative fuel use and infrastructure
- Representing a Colorado municipal entity in NEPA and Clean Water Act processes regarding the development of new water infrastructure
- Representing Utah municipality regarding drinking water infrastructure permitting and compliance
- Secured settlement to eliminate conditional water rights on the Crystal River in Pitkin County, Colorado, that threatened client interests
- Secured injunctions against construction of high-definition television towers on behalf of a Colorado municipality
- Represented public and private entities in Clean Air Act compliance and enforcement matters



KAPLAN KIRSCH ROCKWELL

Awards / Professional and Civic Activities

- *Best Lawyers*® Administrative/Regulatory Law "Lawyer of the Year" award for Denver (2017)
- *The Best Lawyers in America*® for Administrative/Regulatory Law (2017)
- City of Boulder, Planning Board, Member (2013–Present)
- Team Colorado Whitewater Racing Club, Co-Founder and Vice President (2012–Present)
- Regional Air Quality Council, Member (Appointed by Governor Ritter in 2009 and Governor Hickenlooper in 2015)
- Partners for Rural Improvement and Development in Ethiopia, Co-Founder and Chairman (2005–Present)
- City of Boulder, Open Space Board of Trustees, Chairman and Trustee (2008–2013)
- General Accountability Office Expert Panel, FAA Airspace Redesign, An Analysis of the New York/New Jersey/Philadelphia Project (2008)
- United States Transportation Research Board, Subcommittee on Aviation and Climate Change, Chairman (2007–2012)
- National Research Council, Committee on Developing an Environmental Design Tool, Member (2003–2005)
- United States Transportation Research Board, Committee on the Environmental Effects of Aviation, Secretary and Member (2002–2012)
- City of Boulder Environmental Advisory Board, Chair and Member (2002–2007)
- Colorado Lawyers Committee, Board of Directors and Education Task Force (1998–Present)

Frequent Speaker Regarding

- Adaptation to climate change
- Environmental review requirements for infrastructure and airspace changes
- Air quality requirements for transportation and energy projects
- Climate change regulation
- Land use requirements
- Infrastructure permitting
- Airport noise and regulation

Publications

Airport Law Desk Reference (annual editions)
2005–Present

Aviation Fuel Tax Obligations for Local Governments
10.01.15

ITC Phase Down Creates Near-Term Solar Opportunities for Airport Owners
12.10.14

Constitutional Challenges And RPS Programs: What to Expect
July 2014

Energy Law Alert No. 1
June 2014



KAPLAN KIRSCH ROCKWELL

Focus on Implementation of Ozone Standard
02.28.12

"Climate Change and Adaptation" and "Environmental Review Process"
March 2011

Legal Research Digest 7: *Airport Governance and Ownership*
09.28.09

Critical Issues in Aviation and the Environment
September 2009

The American Clean Energy and Security Act of 2009: How Would the Bill Passed by the House Affect the Aviation Industry?
07.15.09

The Law of Aviation-Related Climate Change: The Airport Proprietor's Role in Reducing Greenhouse Gas Emissions
October–December 2007

Introduction to Airport Air Quality Law
2005

Environmental Process
August 2004

News

Kaplan Kirsch & Rockwell Hosts 32nd Annual Airport Law Workshop
11.15.16

Solar Energy and Other Stakeholders Reach Settlement Agreement in Colorado on Solar Energy, Pricing
08.16.16

The Best Lawyers in America® Announces Lawyer Rankings, Firm Attorneys Included
08.15.16

John Putnam Quoted in the *Durango Herald* re: Durango-La Plata County Airport Management Options
The Durango Herald
06.01.16

Advances in Airport Technology Mean Sleepless Nights for Some
The Washington Post
03.04.16

GAO Publishes Preliminary Observations of Potential Air Traffic Control Restructuring Transition Issues
02.11.16

U.S. Court of Appeals Upholds "Emergency Take" Provision in Airport's U.S. Fish and Wildlife Permit
01.27.16

Kaplan Kirsch & Rockwell Hosts 31st Annual Airport Law Workshop
11.01.15

Colorado Solar Leaders Commended Recent PUC Decision on Net Metering
08.26.15

U.S. Court of Appeals Decision Helps Clear Way for Renewable Matters – Part I
Power Finance & Risk
08.03.15

Firm Victory on CO Renewable Energy Standard
North American Windpower
07.15.15



KAPLAN KIRSCH ROCKWELL

John Putnam Reappointed to Regional Air Quality Council by the Governor
05.21.15

Federal Court Upholds Solar Farm Permit
04.06.15

North American Windpower Features Article Authored by John Putnam
North American Windpower
07.01.14

Interior Appeals Board Upholds Permit Granted to Christo's Over The River™ Project
The Washington Post
06.28.13

Colorado Supreme Court Rejects Challenge to States Education Finance System
05.28.13

FAA Postpones Contract Tower Closures
04.03.13

Kaplan Kirsch & Rockwell Achieves Major Victory for Colorado Brownfield and Infill Development
03.29.10

TRB Publishes Update on Environmental Issues in Aviation
09.17.09

U.S. Court of Appeals Rules FAA Erred Regarding Proposed Wind Turbines Near Planned Airport
04.18.08

Hennepin County District Court Approves Settlement
10.19.07

FAA and BLM Announce Preparation of Environmental Impact Statement for Las Vegas Airport Construction
08.29.06

Presentations

Airspace Management: The New Frontier of Airport Noise
11.15.16

Friends or Foes: Community Relations, Compatibility Planning, and Politics for Lawyers
11.15.16

An Introduction to Airport Law 101
11.13.16

Eyes on the River: Unmanned Aircraft Systems and River Management
05.17.16

Managing Liability for River Access
05.17.16

Permitting Risks and Wind Farm Development – Aviation, Brownfields, and Mineral Conflicts
01.28.16

Environmental Laws Changing with Climate Change
01.06.16

Hot Topics in Airport Noise
11.03.15

Non-aeronautical Development of Airport Land
11.02.15



KAPLAN KIRSCH ROCKWELL

Airport Law 102: Airport Stakeholders
11.01.15

City of Phoenix v. FAA
10.04.15

Hovering Over Your City: Municipal Law and Regulation of Drones
10.03.15

Clean Water Act: New Rule Defining "Waters of the United States"
08.26.15

Historic Preservation Act of 1966, Section 106: Obtaining Permits for Projects
07.08.15

Extent of City Power to Address Aircraft Noise
06.02.15

Oil and Ethanol Shipments by Rail in Your Community
05.13.15

NextGen and Airports
April 2015

Precision Based Navigation and Noise: Where Do We Stand Post PBN Blueprint?
March 2015

Microgrids and Other Innovative Energy System Developments
March 2015

Drones in Your Community: The Local Government Angle
12.12.14

Airport Solar Webinar: How to Maximize the Financial Benefits of Renewable Energy and Sustainability
12.10.14

Transit Finance
09.10.14

The Colorado Open Records Act: Covering the Basics and Exploring Recent Developments
03.18.14

A Primer on Lobbying and Gifts to Public Officials Under Colorado, Federal, and Denver Law
04.06.11

Gray Skies to Green: How Climate is Affecting the Aviation Industry
02.23.11

Coming Soon to an EIS Near You: NEPA and Climate Change
04.03.09

Carbon Management: Can Airports Achieve Neutrality?
02.26.09

The Basics of FOIA and an Overview of Colorado and Other State Public Records and Open Meetings
Laws
01.16.09

Interaction of Local Planning Efforts with Regional Transportation Projects
04.21.05



KAPLAN KIRSCH ROCKWELL

Sarah M. Rockwell

Sarah Rockwell's practice emphasizes land use, real estate, and public sector negotiations. Sarah has practiced in both Colorado and California, representing both public and private sector clients in land use, real estate, entitlement, and municipal law issues associated with small and large-scale development projects, including transit-oriented development projects, airports and residential, industrial, and commercial development projects.

Sarah currently advises clients on real estate and land use issues associated with transit oriented development projects. She has prepared, negotiated, and implemented agreements related to a variety of public/private sector development projects. Sarah also has advised several airport clients on land use compatibility issues associated with land adjacent to the airports and counseled both public and private entities on the preparation of habitat conservation plans under the federal Endangered Species Act and other endangered species issues. Additionally, she has served as an expert witness in arbitration and court proceedings involving land use issues.



Partner

Denver Office
303.825.7000
srockwell@kaplankirsch.com

Areas of Practice

Intergovernmental Agreements
Land Use and Zoning
Multi-Modal Transportation
Facilities
Planning and Development
Project Development
Public Meetings, Open Records,
and Participation in the Public
Process
Public-Private Partnerships
Real Estate Development and
Transactions
Transit-Oriented Development
Endangered Species

Education

J.D., Boston University, 1985
Master's in City Planning,
Massachusetts Institute of
Technology, 1985
B.A., Stanford University, 1980

Bar Admissions

Colorado
California

Representative Experience

Peña Station, City and County of Denver, Colorado

Represent the City and County of Denver in connection with the Peña Station Area transit-oriented development project, including negotiations with adjacent landowners, agreements related to \$50 million infrastructure financing, and real estate issues

Alameda Station, Denver, Colorado

Represent developer of the Alameda Station transit-oriented development (TOD) project in negotiating, drafting, and finalizing agreements with the Regional Transportation District and other parties associated with the purchase of property from RTD and development of a new transit plaza and associated private development

Federal Center Station Neighborhood, Lakewood, Colorado

Represent the City of Lakewood related to discussions with the General Services Administration (GSA) regarding property acquisition and development issues

Former Gates Site Redevelopment, Denver, Colorado

Advise current owner of the former Gates site in Denver, Colorado regarding land use, entitlement, and public finance issues

Senior Care Facilities

Advise development of senior care facilities on real estate and entitlement issues associated with development of senior care projects

The Orchard Town Center, Westminster, Colorado

Represented the developer of the Orchard Town Center in preparing master development agreement, entitlement documents, and other agreements with the City associated with the Orchard Town Center development



KAPLAN KIRSCH ROCKWELL

The Meadows, Castle Rock, Colorado

Advise owner of The Meadows project regarding habitat conservation planning issues associated with project

Awards / Professional and Civic Activities

- Colorado Women's Chamber of Commerce, Top 25 Most Powerful Women in Denver (2017)
- *The Best Lawyers in America*® for Land Use & Zoning Law (2016–2017)
- Chambers USA, Real Estate: Zoning/Land Use - Band 1 (2016)
- Downtown Denver Partnership Management Group (2009–Present)
- Denver Civic Ventures (2006–Present); current Vice Chair
- Board of Directors, Winter Park Recreational Association (October 2012–Present); current President
- ULI Community Development Product Council (2014–2015)
- Regional Advisory Board, Rocky Mountain Land Use Institute (2004–Present)
- Board of Directors, Lowry Redevelopment Authority (Chair, August 2012–August 2013; Member, 1997–August 2013)
- Chair, Downtown Denver Partnership Housing Policy Task Force (2010, 2014)
- Member of Expert Roundtable on Affordable Housing and Transit organized by the U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Transportation (DOT) (2010)
- City and County of Denver Infrastructure Priorities Task Force/City Facilities Subcommittee (2006)
- Former Board Member, Colorado Preservation, Inc. (2005–2008)
- Former Board Member, Mile High Montessori Early Learning Centers (1995–2005)
- Colorado ULI Technical Advisory Panels (University Hill, Boulder; Oak Street Station, Lakewood; 10th and Sheridan, Lakewood)

Publications

Sharing the Wealth from Airport Expansions
April 1998

News

Colorado Women's Chamber of Commerce lists Sarah Rockwell in Top 25 Most Powerful Women in Denver for 2017
01.13.17

The Best Lawyers in America® Announces Lawyer Rankings, Firm Attorneys Included
08.15.16

City of Lakewood Considers Acquisition of Acres of Land in Unusual Land-for-Construction Exchange
The Denver Post and *9News*
October 2015

Firm Client Officially Closes Financing and Begins Construction on TOD Project
06.12.15



KAPLAN KIRSCH ROCKWELL

Firm Attorneys Assist in Purchase Agreement for Familiar Site
Law Week Colorado and *The Denver Post*
Fall 2014

Attorneys Kaplan, Kirsch, Rockwell, and Potter Recognized as Super Lawyers for 2013
Super Lawyers
03.05.13

Sarah Rockwell and Lori Potter Named 2011 Colorado "Super Lawyers" and "Top 25 Women Lawyers in Colorado"
Colorado Super Lawyers
2011

Sarah Rockwell Named as Denver's "Land Use & Zoning Lawyer of the Year" by *The Best Lawyers in America*®
10.26.10

Sarah Rockwell and Lori Potter Named 2010 Colorado "Super Lawyers" and "Top 25 Women Lawyers in Colorado"
Colorado Super Lawyers
2010

Presentations

Development Agreements: Special Considerations for Public Entities
07.27.16

Planned Unit Developments: The Ups and Downs of Custom Zoning
12.11.14

Certainty in Uncertain Economic Times: Do Plans Make Sense Anymore?
03.13.14

Land Use Ethics
03.08.13

Affordable Housing and Transit-Oriented Development
03.04.11

Special Use Reviews
12.01.05

Structuring Multi-Phased Development Projects
05.13.04

A Practical Guide to Successful Land Use Approvals

Developer/Citizen Negotiation and Agreements

Airports: Balancing Economic Development and Community Interest

The ESA and Regulatory Takings



KAPLAN KIRSCH ROCKWELL

Eric T. Smith

Eric Smith concentrates his practice in the aviation, airport, and aviation-based labor, airport concessions, and bankruptcy arenas. He represents airport owners and operators of all sizes across the United States, providing legal and practical counsel on a full spectrum of issues that range from drafting large-scale operating agreements, to acquiring federal assistance for obtaining and maintaining air carrier service, to securing federal grants for physical improvements to the airport. Eric is also experienced in labor and employment matters and assists airports in navigating the myriad of issues involving on-airport employment matters, including labor peace agreements, prevailing wage ordinances, and how those issues may impact concessions programs, such as ACDBE programs.

As an experienced litigator, Eric is also well-equipped to handle airport-based litigation, whether it is suits brought by airlines, tenants, or property owners. His practice covers regulatory and litigation matters proceedings before the U.S. Department of Transportation, Federal Aviation Administration, and in cases filed in both the state and federal courts.

Additionally, Eric has extensive experience structuring and negotiating complex business arrangements, both in the distressed and non-distressed business contexts. He has particular expertise in representing airport operators and aircraft owners and lessees in airline bankruptcies. In recent years, Eric has been deeply involved in all post-9/11 airline bankruptcy cases.

Representative Experience

- Successfully negotiated an assumption of a use and lease agreement at large hub airport that maintained hub status of carrier and approved large new capital investment at airport
- Represented medium hub airport in successful litigation of rejection claim involving use and lease agreement resulting in multimillion-dollar payout to airport
- Represented medium hub airport matter involving rejection of special facility lease of hangar and restructuring of related bond debt
- Acted as special Passenger Facility Charge ("PFC") counsel in multi-layer bond issue that was partially secured by PFCs at large hub airport
- Litigated at FAA Part 16 enforcement action involving fixed-base operator and small hub airport and related modification to minimum standards
- Represented small hub airport in Part 13 matter involving unsuccessful bid on new agreement for long term agreement with a fixed-base operator
- Represented large hub airport in defense of record of decision at FAA concerning runway realignment and related property acquisition



Partner

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Areas of Practice

Airport Concessions
Airport Litigation
Airspace
Aviation Bankruptcy
Financial Matters
Grant Assurances and Compliance and Part 16
Labor and Employment
Legislative Drafting and Lobbying
Noise
Rules and Regulations and Minimum Standards
Safety and Security
Unmanned Aircraft Systems / Drones
Use and Lease Agreements

Education

J.D., Temple University Beasley School of Law, 1993
B.A., *cum laude*, Duquesne University, 1989

Bar Admissions

Commonwealth of Pennsylvania
District of Columbia
United States District Court for the District of Colorado, the Western District of Pennsylvania, and the Middle District of Pennsylvania
United States Courts of Appeals for the Third Circuit and the D.C. Circuit



KAPLAN KIRSCH ROCKWELL

- Represented large hub airport in negotiation of labor harmony agreement in connection with airport concessions operations and related matters
- Assisted medium hub airport in lease negotiations for development of airport land for non-aeronautical use
- Represented medium hub airport in developing global resolution to airport concessions, labor dispute, and related renegotiation of master concessions contract
- Assisted small, general aviation airport in developing alternative instrument approaches to address obstructions in approach area of airport
- Represented large hub airport in drafting of concessions agreements for new concessions program
- Assisted medium hub airport in developing and implementing airline incentive plan for new entrant air service

Awards / Professional and Civic Activities

- American Bar Association, Member
- Allegheny County Bar Association, Member
- Pittsburgh Human Resources Association, Member
- Airports Council International-North America
- Aviation Council of Pennsylvania, Board Member
- Aircraft Owners and Pilots Association
- Society for Human Resource Management, Member
- Turnaround Management Association, Member
- Brian Anselmino Memorial Fund, Board Member

Publications

Airport Law Desk Reference (annual editions)
2005–Present

ITC Phase Down Creates Near-Term Solar Opportunities for Airport Owners
12.10.14

News

Kaplan Kirsch & Rockwell Hosts 32nd Annual Airport Law Workshop
11.15.16

D.C. Circuit Declines to Review DOT Decision on Dallas Love Field
08.09.16

Court Allows Delta Air Lines Continued Access to Dallas Love Field
01.08.16

Kaplan Kirsch & Rockwell Hosts 31st Annual Airport Law Workshop
11.01.15

Kaplan Kirsch & Rockwell Welcomes New Partner Eric Smith
09.02.14



KAPLAN KIRSCH ROCKWELL

Presentations

There's Still Room at the Inn: A Legal and Practical Overview of How Local Governments Can Protect Safety of Manned Flight Around Airports

01.11.17

Can Drones and Airports Coexist?

11.15.16

Complex and Creative Financial Transactions

11.14.16

Tools for Negotiations with Airlines and Other Aeronautical Users

11.14.16

Operating a Passenger Terminal: Labor, Gender Discrimination, Concessions, and Other Emerging Issues

11.14.16

How to Fly Legally: A Primer on Part 107

10.14.16

Drones: Uses, Regulations & Legal Implications for Municipalities

07.14.16

Unmanned Aerial Systems & The Airport Sponsor: Essential Information For The Airport Sponsor

05.17.16

Unmanned Aerial Systems & The Airport Sponsor: The Current Regulatory Framework and Practical Considerations

05.07.16

So You Want to Own and Operate an FBO?

04.11.16

Drones: Municipal Regulation and Use – Navigating FAA Rules and Preemption; Leveraging Opportunities and Overcoming Challenges of Unmanned Aerial Vehicles

01.27.16

Bringing It All Together: Facilitated Integration Discussion on Integration of UAS into the NAS and the Airport Environment

11.10.15

Airport Proprietors' Liability and Safety Obligations

11.03.15

Agreements with Airlines and Other Commercial Users

11.03.15

Airport Finance 101 Funding Sources for Airports

11.02.15

Rise of the Drones – What Do Unmanned Aircraft Systems Mean to You?

10.05.15

Litigation Update (Substantial Contribution Standard for \$4.50 PFCs, What's the Standard?)

10.03.15

Issues Relating to Workers for Airlines, Contractors, and Concessionaires: Labor Peace, Living Wage Issues – the Philadelphia Experience

April 2015

Labor & Wage Trends & How They Affect Business

April 2015



KAPLAN KIRSCH ROCKWELL

Town Hall Forum – Airports' Role after UAS Integration into the NAS
11.19.14

Negotiating Airline Use and Lease Agreements
10.21.14

Labor Harmony, Living Wage And Related Topics
April 2014

Aviation Litigation Update: Fees, Wage Laws, Airports & Other Challenges
February 2014

Litigation Update, Part 16 Litigation: Lowering Minimum Standards, No Good Deed Goes Unpunished
September 2013

Webinar on American-US Airways Merger and Antitrust Issues
August 2013

Airports, Firearms and Applicable Law, Federal and State: A Practical Overview
May 2013

FAA Enforcement Actions: When the Auditors Come Calling
May 2013

Airline Bankruptcy Update
May 2013

Airport Document Retention Programs: An Overview of Best Practices
April 2013

Airline Bankruptcies: Protection of Airports' and Agency Interests
March 2012

Recent Trends in Airport Concessions Model: Labor & Economic Issues
November 2011

U.S. Airport and Large Construction Projects: Risk Mitigation Tools
September 2010

U.S. Airport Risk Profiles: Planning for Airport Structure Damage/Loss
April 2010

Current Airport Financing Issues: Airport-based Derivative Products
May 2009

Navigating the Risks of Aerospace Product Liability
November 2008

Recent Developments In Airport Litigation
September 2008

Airline Bankruptcy Issues
May 2006



KAPLAN KIRSCH ROCKWELL

Catherine M. van Heuven

Katie van Heuven is an expert on a broad range of environmental and land use issues who specializes in airport and transportation projects. She frequently advises clients on projects involving federal environmental reviews under the National Environmental Policy Act and related local land use regulations.

Katie has extensive experience advising airport sponsors on matters involving compliance with Federal Aviation Administration (FAA) rules and regulations applicable to planning and environmental review for major airport projects. She provides strategic counsel to numerous airport sponsors on matters related to compliance with federal grant assurances, drafting minimum standards and rules and regulations, and securing FAA approvals related to land acquisition and development. Katie has litigated airport cases in multiple federal courts of appeal.

In addition, Katie has broad experience with projects concerning CERCLA, the Brownfields law, and state voluntary cleanup provisions. She represents and advises clients before various federal agencies and courts, including rulemaking comments and litigation matters, and lobbies members of Congress and senior officials at various federal agencies on behalf of clients with regard to land use and natural resources issues.

Katie also has broad public policy experience. She previously served as the senior legislative assistant on environment, energy, and natural resource issues for former U.S. Senator Paul Simon; as a policy analyst for the U.S. Senate Judiciary Committee Constitution Subcommittee; and as a special assistant in the U.S. Department of Justice Office of Legislative Affairs.

Representative Experience

FAA Contract Tower Litigation

Lead author for the consolidated federal litigation brought in 2013 by a coalition of several dozen airports challenging the proposal to end funding for federal contract towers

Aspen/Pitkin County Airport, Aspen, Colorado

Representing airport sponsor in the development of runway, terminal, and airside improvements to implement a Master Plan Update in a physically-constrained environment

Professional and Civic Activities

- Yale University, Alumni Schools Committee (2003–Present)
- Colorado Bar Association, Environmental Law Section, Advisory Council (2012–2015)
- Board of Directors, Montessori Academy of Colorado (2011–2014; Vice President, 2012–2013; President, 2013–2014)
- University of Colorado Leeds School of Business, 50 for Colorado Leadership Development Program (2003)



Partner

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Areas of Practice

Airport Litigation
Airspace
Brownfields
Environmental Due Diligence
Environmental Impact Reviews
Environmental Impacts and Conformity
Grant Assurance and Compliance and Part 16
Multi-Modal Transportation Facilities
Noise
Planning and Development
Public Procurement
Rules and Regulations and Minimum Standards

Education

J.D., University of Virginia School of Law, 1999
B.A., Yale University, 1991

Bar Admissions

Colorado
District of Columbia
Maryland
United States Court of Appeals for the Third, Ninth, and District of Columbia Circuits



KAPLAN KIRSCH ROCKWELL

Publications

Airport Law Desk Reference (annual editions)

2005–Present

Wildfire Insurance and Forest Health Task Force: Report to the Governor of Colorado, the Speaker of the House of Representatives, and the President of the Senate
September 2013

Wildfires Spark Renewed Interest in Development Regulations: What The Proposed Rules Could Mean For Your Project
July 2013

Introduction to Airport Air Quality Law
2005

Guide to Airport Noise Rules and Use Restrictions
June 2004

"Dirty Money": EPA Issues Brownfields Grant Guidelines
April 2003

EPA's Final TMDL Rule: A Load of Trouble for Agriculture and Industry
May 2001

News

Kaplan Kirsch & Rockwell Hosts 32nd Annual Airport Law Workshop
11.15.16

Chicago Begins Construction of Final New Runway
08.16.16

Kaplan Kirsch & Rockwell Hosts 31st Annual Airport Law Workshop
11.01.15

Court Affirms East Hampton Town's Right to Regulate Airport Noise
06.26.15

The *Wall Street Journal* Features Firm's Representation of Town of East Hampton
The *Wall Street Journal*
04.22.15

Wildfire Task Force Delivers Recommendations to Governor of Colorado
09.30.13

Interior Appeals Board Upholds Permit Granted to Christo's Over The River™ Project
The *Washington Post*
06.28.13

FAA Postpones Contract Tower Closures
04.03.13

Court Rejects Challenge to Philadelphia International Airport Project
07.06.12

Court Rejects Local Controls Over Philadelphia International Airport Expansion
08.27.10

U.S. Court of Appeals Rules FAA Erred Regarding Proposed Wind Turbines Near Planned Airport
04.18.08

FAA and BLM Announce Preparation of Environmental Impact Statement for Las Vegas Airport Construction
08.29.06



KAPLAN KIRSCH ROCKWELL

Presentations

Friends or Foes: Community Relations, Compatibility Planning, and Politics for Lawyers
11.15.16

Airport Regulatory Requirements That Affect Environmental Compliance and Sustainability
04.19.16

The Law of Airport Noise 101
11.03.15

Airport Environmental Law and Aeronautical Development
11.02.15

Permitting the Over The River™ Project
02.19.15

Airport Planning, Development and Land Acquisition
10.20.14

Governor's Task Force on Wildfire Insurance and Forest Health: Lessons Learned
03.14.14

Land Acquisition, Management and Disposal
11.05.13

Construction and Professional Services Contracts
11.05.13

Siting Renewable Energy: Land Use & Environmental Due Diligence
03.08.13

Professional Services Agreements
10.08.12

Examining Legal/Procurement Issues Associated with the Award of Professional Service Contracts
07.17.12

FAA Review of Wind Energy Impacts – Issues for Airports
02.29.12

Legal Complexities of Addressing Climate Change at Airports
06.29.08

Basics of Environmental Management
09.25.07

Basics of Airport Project Development
09.25.07

