



APPENDIX E-1: Final Determination - Exemption Agreement - SAMPLE

Address to Airport Sponsor

ATTN: [Insert Name of Sponsor's Designated Official Representative]:

Dear [Insert Name of Sponsor's Designated Official Representative]:

The Federal Aviation Administration (FAA) has reviewed the application and supporting documentation submitted by you, as an authorized and legal representative of [insert name of airport sponsor], owner and operator of [insert name of airport], requesting certain mineral rights revenue be exempted as provided by the FAA Modernization and Reform Act of 2012, cited to Public Law 112-95, Section 813.

In accordance with Section 813(a) of the above referenced Act, on behalf of the Administrator of the Federal Aviation Administration, this letter authorizes [insert name of airport sponsor], owner and operator of [insert name of airport], to exempt airport revenue derived from or generated by mineral extraction, production, lease, or other means, in the amount of \$[insert dollar amount] to be used for the purposes expressly stated in Appendix D, inclusive of Table D, of the sponsor's application.

In accordance with Section 813(c) of the above referenced Act, this letter represents FAA's agreement to the five-year capital improvement program proposed by [insert name of airport sponsor], owner and operator of [insert name of airport] submitted on [insert date].

In accordance with Section 813(c) of the above referenced Act, this letter represents FAA's acceptance and acknowledgement of the following requisite documentation submitted by [insert name of airport sponsor], owner and operator of [insert name of airport] in conformance with the agreements, conditions, and obligations provided in accordance with this statutory provision in support of the exemption:

- Five-year capital improvement program in accordance with B-1, *Sponsor Submission Application*
- Executed copy of C-1, *Sponsor Agreements*
- Executed copy of D-1, *Sponsor Project Identification Statement*
 - *with completed Table D, Sponsor Project Identification Statements and Details*

If at any time [insert name of airport sponsor], owner and operator of [insert name of airport], fails to meet the requirements set forth in the agreed upon five-year capital improvement

program, or any part of its submissions and application, FAA may extinguish the exemption and revoke the provisions provided under this agreement. If FAA finds revenue was used for purposes other than those certified by [insert name of airport sponsor], owner and operator of [insert name of airport], FAA may review the use to assess its eligibility under this provision. Any deliberate uses beyond the scope agreed to herein may be subject to revocation and fines according to statutory authority for revenue diversion. [See, 49 U.S.C. 46301(a)(3)]

This agreement is effective on [insert date] and by statute expires on [insert date five years from beginning date].

Signed this ____ date of ____, 20__:

On behalf of [insert name of airport sponsor], owner and operator of [insert name of airport] -

Type Name of Authorized Agent
Type Title of Authorized Agent

Date

Signed this ____ date of ____, 20__:

On behalf of the Administrator of the Federal Aviation Administration -

Randall S. Fiertz
Director, FAA Office of Airports
Airport Compliance &
Management Analysis

Date

Copies to:

FAA Office of Airports, APP-500
FAA/Block Grant State Project/Program Manager
Regional Office Airports Division Manager (-600)
Designated Regional Program Manager
State Aeronautics Division Head