



March 25, 2013

***VIA EMAIL AND HAND DELIVERY***

Administrator Michael P. Huerta  
Federal Aviation Administration  
800 Independence Avenue, S.W.  
Washington, DC 20591

Re: Stay of Agency Action to Close Federal Contract Tower at Friedman Memorial Airport, Hailey, Idaho

Dear Mr. Huerta:

On behalf of the Friedman Memorial Airport Authority, this letter requests that the agency *stay its decision to close the federal contract air traffic control tower at the Friedman Memorial Airport (SUN)* pending judicial review of that decision. This request is being made pursuant to Fed. R. App. P. 18. Time is of the essence in this request in light of the agency's stated intent to implement the closure beginning on April 7, 2013. Therefore, this request is being submitted by email and hand delivery and we request a response by email or facsimile within 48 hours. I have provided my email and facsimile address below my signature.

Because the agency's single order fails to address safety at any of the affected airports, we request that the entire order be stayed.

This request for a stay is based upon the arguments set forth in the hundreds of comments that the agency received in response to its March 5 announcement of its intent to close certain federal contract towers and its March 8 email to airport sponsors setting forth the four exclusive bases upon which the final agency action would be based. Those letters explain in great detail the procedural and substantive deficiencies in the agency's decision making process and final decision. In the interest of brevity, those objections are not repeated herein and instead are incorporated by reference. Furthermore, we specifically draw your attention to the letters submitted to you by Richard R. Baird on behalf of the Friedman Memorial Airport Authority on March 10 and 12, 2013, which describes the site-specific safety and operational problems that closure of the tower would cause at SUN and which were neither evaluated nor even considered prior to the final agency action. We also draw your attention to the request for stay pending review filed on March 22, 2013 on behalf of the Spokane Airport Board, which letter is also incorporated by reference herein.

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The stay pending judicial review is necessary to ensure the safety of operations, the flying public, and persons on the ground at and in the vicinity of SUN, as more fully explained in Mr. Baird's comment letters. Furthermore, the interim option of self-funding a non-federal tower, as the agency has previously suggested, is not feasible given that it would take many, many months to comply with FAA regulations, policies, guidance and protocols as well as local and state contracting requirements before the Airport Authority could even hope to have a non-federal tower operational (even assuming that local funding could be found and assuming that the FAA would assist in "facilitating" this process, as suggested in the agency's press release accompanying the March 22 decision).

For the reasons set forth in this letter and in the comment letters submitted prior to March 22, we request that the agency stay its decision to close the SUN tower pending judicial review.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter J. Kirsch". The signature is fluid and cursive, with a large initial "P" and "K".

Peter J. Kirsch

Email: [pkirsch@kaplankirsch.com](mailto:pkirsch@kaplankirsch.com)

Facsimile: 720-294-0076

cc: David Grizzle  
Kathryn B. Thompson