U.S. Department
of Transportation
**Federal Aviation
Administration**

Northwest Mountain Region
Airports Division Office
2200 S. 216th Street
Des Moines, WA 98198

October 21, 2026

Mr. Robert Omans
City Administrator
City of Cle Elum
119 West First Street
Cle Elum, WA 98922
romans@cleelum.gov

Mr. Omans,

The FAA has reviewed the complaint submitted by Mr. Brian Guinn, the City of Cle Elum's response, and the information provided regarding the City's current policy of suspending all new airport ground leases. The issue before the FAA is whether the City's refusal to issue new airport leases is consistent with its obligations under Grant Assurance 22, Economic Nondiscrimination.

Grant Assurance 22(a) requires an airport sponsor to make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds, and classes of aeronautical activities. As discussed in FAA Order 5190.6C, Airport Compliance Manual, airport sponsors have proprietary authority to manage airport property; however, that authority must be exercised in a manner consistent with the sponsor's Federal obligations. Airport sponsors may establish reasonable leasing policies and development priorities, but those policies may not unnecessarily deny or unreasonably restrict access to the airport by aeronautical users.

The City explains that it has suspended issuance of all new airport ground leases because of its Chapter 9 bankruptcy proceedings and concerns that additional long-term leases could affect the value or disposition of airport property. While the FAA acknowledges the City's financial circumstances, those circumstances do not relieve the City of its continuing obligations under the Federal grant assurances. The FAA further notes that the City's response indicates the leasing moratorium is indefinite and will remain in effect until the City's bankruptcy proceedings are concluded and it determines whether it will continue operating the airport. During this period, prospective aeronautical users are unable to obtain access to airport property necessary to construct aircraft hangars or otherwise conduct aeronautical activities requiring a ground lease.

In response to the complaint the City asserts that the leasing moratorium applies equally to all prospective tenants, equal application of a restriction does not, by itself, satisfy Grant Assurance 22. A policy that categorically denies all prospective aeronautical users access to airport property constitutes an unreasonable restriction on aeronautical access, even if applied uniformly. FAA Order 5190.6C provides that airport sponsors must make airport property available for aeronautical use whenever reasonably possible and may not withhold airport access for reasons unrelated to the safe, efficient, or orderly operation of the airport.

The Northwest Mountain Region does not accept the primary justification provided by the City for the leasing moratorium. In response to the complaint, the City explains that entering into additional long-term

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leases could negatively affect the value of airport property and could complicate a future decision to either sell the airport to a private party or decommission the airport and sell the property for development.

The Cle Elum Airport serves an important role in the broader aviation system by providing pilots with an available airport option when operating within the National Airspace System (NAS). Closure of the airport would reduce the availability of aviation infrastructure in an area where access to an airport may have direct safety significance. Accordingly, any proposal to limit or discontinue airport operations must be evaluated not only in terms of the City's local interests, but also in terms of its potential effects on aviation safety and the NAS. The Seattle Airport District Office does not support actions that would unnecessarily reduce aviation safety or system capability within the NAS. For these reasons, the FAA cannot support the proposed closure or disposition of the airport property and does not accept this as a valid reason for the leasing moratorium.

In summary, the FAA finds that the City's current leasing moratorium effectively prevents new aeronautical users from obtaining access to airport facilities necessary to conduct aeronautical activities. While temporary delays associated with airport planning or development may be reasonable under certain circumstances, the City's current policy is based primarily upon municipal financial considerations associated with its bankruptcy proceedings and potential future disposition of the airport. Those considerations do not supersede the City's continuing obligations under the Airport Improvement Program grant assurances. In addition, a policy that categorically prevents all prospective aeronautical users from accessing airport property constitutes an unreasonable restriction on aeronautical access, even when applied uniformly.

Therefore, the FAA finds the City of Cle Elum to be noncompliant with Grant Assurance 22, Economic Nondiscrimination. To achieve voluntary compliance, the FAA requests that within sixty (30) days of receipt of this determination, the City submit a corrective action plan describing the actions it will take to restore reasonable access to airport property for aeronautical users. If you have any questions, please contact me at 206-231-4117, or at peter.doyle@faa.gov.

Sincerely,

Peter Doyle
Regional Compliance Program Manager
Federal Aviation Administration
Northwest Mountain Region ANM-620
U.S. Department of Transportation

Cc: Ryan Zulauf, Manager Seattel Airports District Office