Congress of the United States
Washington, DC 20515

June 20, 2018

The Honorable Kevin K. McAleenan
Commissioner
United States Customs and Border Protection
1300 Pennsylvania Ave, NW
Washington, DC 20229

Dear Commissioner McAleenan:

We write to request that you work closely with the City of Williston in North Dakota to ensure the new airport in that community is granted an "International Airport" designation as soon as possible, either by transferring the existing designation from Sloulin Field International Airport (ISN) or quickly facilitating and processing a new application.

As you may know, after taking into account the high level of air traffic, the Federal Aviation Administration (FAA) gave its approval, on September 23, 2015, to relocate the Sloulin Field International Airport in Williston to a new location, the Williston Basin International Airport (XWA). The decision to move the airport, rather than expand the current facility, was made because development around its current location prevents the existing airport from expanding. The project is expected to be completed by late 2019.

On February 12, 2018, the City of Williston, acting as the Airport Authority of the new Williston Basin International Airport, notified the United States Custom and Border Protection (CBP) of its intentions to coordinate with a private entity to move forward with the design of a new general aviation facility (GAF) for CBP to occupy and provide passenger processing services. This proposed GAF facility would allow CBP to re-locate its existing workspace located at Sloulin Field International Airport in the commercial terminal to the new airport along with the associated personnel.

As we were recently made aware, on June 1, 2018, the CBP Seattle Field Office denied the City of Williston's request to transfer the "International Airport" designation from the Sloulin Field International Airport to the Williston Basin International Airport. Instead, the Seattle Field Office proposed that the Williston Basin International Airport operate as a User Fee Airport (UFA) and apply for an international arrivals designation. In order to allow the airport to accommodate existing air traffic and to do so in a cost-effective and safe manner, we request that you provide specific reasons for the recent denial, and urge you to support a reconsideration of Williston's proposal as well as work with the new airport to facilitate approval of the "International Airport" designation.

The "International Airport" designation is critical to the success of the relocation of the Sloulin Field International Airport to the Williston Basin International Airport, due to the close proximity to the Canadian border. As western North Dakota continues to grow, we must ensure that the airport located in Williston has the resources it needs to be safe and efficient.

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In order to ensure that the Williston Basin International Airport does not incur what we believe to be unnecessary expenses associated with becoming a UFA, we urge you to work closely with the City of Williston on this matter. We appreciate your consideration of this request and look forward to continuing to work with you to support safe and secure airport operations.

Sincerely,

JOHN HOEVEN	HEIDI HEITKAMP	KEVIN CRAMER
U.S. Senator	U.S. Senator	U.S. Congressman

Encl.: February 12, 2018 Letter from City of Williston to CBP
February 20, 2018 Project Requirements Understanding/Acknowledgement
June 1, 2018 Letter from CBP SFO to City of Williston

cc: The Honorable Kirstjen Nielsen, Secretary, Department of Homeland Security
The Honorable Elaine Chao, Secretary, Department of Transportation
The Honorable Daniel Elwell, Administrator (Acting), Federal Aviation Administration

CITY OF
WILLISTON
AIRPORT

February 12, 2018,

US Customs and Border Protection
112 West Stutsman Street
Pembina, ND 58271

To Whom It May Concern:

The City of Williston, acting as the Airport Authority of the new Williston Basin International Airport intends to coordinate with a private entity to move forward with the design of a new general aviation facility (GAF) for your agency to occupy and provide passenger processing services. This possible project would provide a single location for general/corporate aviation passenger processing. This proposed GAF facility would house the current CBP offices located at Sloulin Field International airport in the commercial terminal. This proposed GAF will not change the CBP accommodation of arriving international aircraft at the Williston Basin International Airport.

The City of Williston markets Williston Basin International Airport as an aviation services destination for aircraft arriving internationally. We expect our current general and corporate aviation traffic to continue to grow as a result of having adequate facilities for large international aircraft.

The Airport Authority is in receipt of the Air Technical Design Standards for a GAF and is requesting direction from you and your designated staff to proceed with pre-design and space programming. We will begin to work with a private entity planning to do business at the new airport to prepare conceptual drawings of a General Aviation/Corporate Aviation facility that is proposed to be located at the Williston Basin International Airport in the general aviation area.

We would like to intiate meetings with CBP officials to discuss facility requirements and plan to continue this essential communication throughout design as we refine the project while ensuring compliance with the review process.

We look forward to working with you and your designated staff. Please let me know if you have any questions.

Sincerely,

Anthony Dudas | Airport Director
City of Williston | Sloulin Field International Airport
402 Airport Rd, Williston, ND 58801
P. 701-774-8594 | F. 701-774-8594

Project Requirement[s Understanding/Acknowledgment – City of Williston acting as Airport Authority for the creation of a General Aviation Facility (GAF) at the new Williston Basin International Airport Federal Inspection Services Facility at 402 Airport Rd, Williston ND.

1. I have or will receive(d) a copy of the U.S. Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), *Airport Technical Design Standard,* upon returning to CBP a signed Non-Disclosure Statement, DHS Form 11000-6, and understand that this is the minimum facility design requirements intended to be used as a guideline, along with guidelines for security, tactical and voice/data communications requirements, and specifications. Any additional facility requirements required by local, state, or federal law, code, standards or statute must be incorporated into the Williston Basin International Airport Federal Inspection Services (FIS) facility.

2. I understand that the Williston Basin International Airports FIS facility is provided by the City of Williston (Sponsor) at no cost to the government and will be constructed, renovated, and delivered to CBP as a "turn-key" project. Requirements for establishing a turn-key facility are fully described in the CBP Airport Technical Design Standards (ATDS), which at minimum requires complete construction, finishes, equipment, signage, furniture, cabling, information technology (IT) infrastructure, tactical communications and physical security systems, CCTV, alarms, emergency power supply, uninterrupted power source (UPS), a telephone system, computer equipment, office equipment, appliances, fume hood, sterilizer, disposal system, non-intrusive inspectional (NII) equipment, relocation, and FIS facility space configured in conformance with CBP approved 100% design plans. The CBP FIS Facility shall be complete, fully operational, inspected by all applicable parties and ready for occupancy.

3. I understand that the complete design, procurement and installation of tactical and IT infrastructure required for CBP FIS operations at the facility will be performed by CBP and that all costs incurred by CBP for this equipment and work will be the funding obligation of the Sponsor.

4. I understand that the facility and furnishings must be adequately maintained (i.e., all monthly utilities, HVAC systems, phone service, daily housekeeping, interior and exterior maintenance, finishes, periodic upgrades/refreshes, etc.) at the Sponsor's and his /her/their approved agent's expense as provisioned in an executed lease agreement with CBP, at no cost to the Government.

5. I understand that any required design and construction documents must be submitted, reviewed and approved by all CBP points of contact in writing, as detailed in Paragraph 6 below, prior to moving to the next stage in a design/construction process.

6. I understand that my single point of contact for this project will be the CBP Project Manager, who is the CBP One-Voice for this facility project.

Anthony Dudas		Airport Director	02/20/18
Print Name	**Signature**	**Title**	**Date**

1000 Second Avenue, Suite 2200
Seattle, WA 98104

U.S. Customs and Border Protection

June 1, 2018

Mr. Anthony Dudas
Airport Director
City of Williston
Sloulin Field International Airport
402 Airport Rd.
Williston, ND 58801

Dear Mr. Dudas,

The United States Custom and Border Protection (CBP), Seattle Field Office (SFO), has received your letter dated February 12, 2018, requesting to initiate meetings with CBP officials to discuss facility requirements and we look forward to doing so.

First, I would like to bring to your attention the International Airport designation. After careful consideration, review, and under the advisement of the Office of Chief Counsel, the SFO does not believe that the City of Williston may simply transfer Sloulin Field's "international airport" designation to the proposed airport at Williston Basin. Instead, the City of Williston should apply for an international arrivals designation. The SFO believes the proposed airport should operate as a user fee airport, see enclosure User Fee Facility Application Process.

Regarding the design of the new general aviation facility, the SFO facilities team along with the Area Port of Pembina, would like to meet with your staff to proceed with the pre-design and space programming to discuss facility requirements and continued communication to ensure compliance during the review process.

We are looking forward to working with you and your staff. Please let me know if you have any questions.

Sincerely,

Michael Denning
Acting, Director Field Operations
Seattle, WA

Enclosure: User Fee Facility Application Process

User Fee Facility Application Process

Pre - Application

Inquiries regarding establishment of a User Fee Facility are addressed by the nearest Port of Entry. The Port Director may provide the requestor with the following information:

- UFF Fact Sheet.
- USDA Agriculture Compliance Agreement (ACA).

These materials will be maintained by the OFO UFF Program Manager at CBP Headquarters and will be available upon request. Field Office management should notify UFF PMO when inquiries occur. It is strongly recommended that any interaction with potential Sponsors is followed up with written communication clearly stating CBPs requirements for this program in order to limit any possible misinterpretations on a Sponsor's part.

Sponsor's Formal UFF Application:

Sponsors that have reviewed the pre-application material may request an orientation meeting with CBP. The nearest Port Director to the location being considered for UFF designation is CBP's primary point of contact for the applicant and conducts the orientation meeting.

The Port Director may include other CBP staff in the orientation meeting as they deem necessary. The purpose of the orientation meeting is to ensure the applicant has a realistic understanding of the financial and legal requirements required for a UFF designation. For situational awareness, the Port Director will notify appropriate Field Office management and the Field Office Facilities Program Manager (FO PM). The Field Office will notify the HQ UFF program manager prior to the orientation meeting.

The meeting should include a review of the pre-application materials as well as initial discussions on hours of operations, staffing levels, and facility requirements. The initial orientation process may include a site visit to the proposed location to evaluate the viability of the proposed facility. The orientation meeting may include a FO PM for an initial assessment of the proposed site to ensure the applicant is aware of the facility costs associated with opening a UFF. CBP personnel may ask a series of qualifying questions to assess the Sponsor's ability to design and build a compliant UFF facility. It is strongly recommended that after this meeting CBP send written communication to the potential Sponsors summarizing the meeting and clearly stating CBP's requirements.

After the orientation meeting, CBP may accept a formal UFF application. The formal application package will be delivered to the Port Director and must include:

- Formal correspondence on official letterhead from the Sponsor addressed to the Port Director requesting CBP's consideration for a UFF designation. The letter is to include the proposed location site and a point of contact for the Sponsor application.

- A business plan that reflects the volume or value of business at the location. The business plan must provide sufficient information to evaluate the level of inspectional services required and proposed hours of operation at the location.
- Statement indicating the applicant is able to provide, without cost to the U.S. Government, adequate space, equipment, furnishings, and security as per CBP specification [19 C.F.R. 128.11 (b) (7) (iii)].
- Statement indicating the applicant is aware of, and will comply with, United States Department of Agriculture compliance standards as set forth in the Agriculture Compliance Agreement (ACA) for facilities handling and destruction of international garbage.

State Governor's Letter

A UFF formal application package is complete once the CBP Commissioner receives, separately, the State Governor's letter formally requesting UFF designation at the facility. The State Governor's letter and CBP Commissioner's response is a statutory requirement for the UFF designation. The Sponsor is responsible for contacting and requesting a support letter from the State Governor for UFF designation. Prior to the Commissioner's Office receipt and response to the State Governor's UFF request, the above mentioned formal application packet requirements must be submitted to the nearest POE. The UFF project is not an official CBP project until the Commissioner has issued a response to the Governor. There should be no facility design or planning discussions with a potential Sponsor until the Commissioner has issued a response to the Governor.

Special UFF Application Notes

Letters of Support for a UFF
To further emphasize, the State Governor's letter supporting and requesting UFF designation at the facility should be the last step in the application process. The Governor's letter, should be mailed to the CBP Commissioner at CBP Headquarters located at:

Office of the Commissioner
1300 Pennsylvania Avenue N.W.
Washington, D.C. 20229

The State Governor's letter is not a trigger for the application process. Support letters from the following are **not required**:

- **State House and Senate members**
- **U.S. Members of Congress**

It should be stressed to the Sponsor that letters of support from other government representatives and offices other than the State Governor are not required. It has the potential to slow the application process as additional responses are required.