

## Nicholas M. 'Nick' Clabbers

Partner

Airports

Denver Office  
303.825.7000

Washington, DC Office

[nclabbers@kaplankirsch.com](mailto:nclabbers@kaplankirsch.com)



In representing airports across the country, I pride myself on finding creative solutions to unique and difficult legal problems. My practice is always interesting, and I enjoy the challenge of tackling all types of airport transactions, novel regulatory issues, and administrative and judicial litigation. Our clients know that I prioritize clear and consistent communication and that they can count on my attention to even their smallest matters.

Nick Clabbers focuses his practice on the representation of public and private entities on a wide range of airport matters. Nick works on all types of airport transactions, and has experience drafting and negotiating use and lease agreements, FBO and general aviation leases, and non-aeronautical development agreements. Nick also regularly counsels airport sponsors on complex and sensitive matters concerning compliance with federal regulations and grant obligations, including issues of airport revenue use, real estate and land use, unjust economic discrimination, and exclusive rights. He has represented numerous airport sponsors in proceedings before the Federal Aviation Administration and courts on matters of grant compliance, environmental reviews, and airport development. Nick is also heavily involved in industry education and counseling of airports on the issues surrounding the use aircraft firefighting foam containing per- and polyfluoroalkyl substances (PFAS), and frequently speaks and writes on other topics of importance to airports. In 2024, Nick received the Top 40 Under 40 award from *Airport Business Magazine*. Before joining the Firm, Nick served in two different legal positions at the United States Environmental Protection Agency, where he worked on several different matters concerning the Clean Air Act and renewable fuel standards, and worked for more than two years as a wilderness therapy instructor.

### Practices

- Airports
- Airports
- Airport Concessions
- Airport Litigation
- Aviation Bankruptcy
- Environment
- Financial Matters
- Funding and Operating Airports through P3s
- Grant Assurance Compliance
- Airport Planning and Development
- Rules and Regulations and Minimum Standards
- Safety and Security
- Unmanned Aircraft Systems / Drones
- Airline Use and Lease Agreements
- Airport Electrification & Advanced Air Mobility

## Representative Experience

- Counseled the City of Avon Park, Florida through the privatization of the Avon Park Executive Airport under the FAA's Airport Investment Partnership Program, marking the first successfully completed transaction under the current iteration of the Program
- Assisted the City of St. Louis with the negotiation of a major amendment to the airline use and lease agreement at St. Louis Lambert International Airport, enabling the City to begin planning and initial construction for a new consolidated terminal program
- Negotiated agreements with airlines for the initiation of commercial service at several smaller airports
- In multiple instances as outside counsel to various public airport sponsors, conducted audit and investigation of internal practices and incidents at major public airports to address potential grant assurance and/or regulatory compliance concerns
- Represented consortia of over twenty airport sponsors in Hertz Corporation and Advantage Rent-A-Car bankruptcy proceedings
- Serving as outside general counsel to the Telluride Regional Airport Authority advising on contractual matters, procurements, utility easements, pre-litigation dispute resolution, compliance with grant obligations, and corporate governance
- Successfully represented the City of Fort Lauderdale, Florida in 14 CFR Part 16 administrative proceeding and in the United States Court of Appeals for the D.C. Circuit concerning allegation of exclusive rights violation
- Representing the Lehigh-Northampton Airport Authority on a variety of regulatory and transactional matters, including development of a rates and charges ordinance and new minimum standards, negotiation of non-aeronautical development agreements, and compliance with federal grant obligations
- Represented the City of Guntersville, Alabama, in successful negotiation of property acquisition and leaseback transaction with through-the-fence aeronautical operator
- Successfully represented the City of Chicago in federal and state inverse condemnation litigation surrounding the expansion and development of O'Hare International Airport
- Assisted with the representation of the City and County of Denver in litigation related to the intergovernmental agreement that led to the creation of the Denver International Airport

## Education

- University of Colorado Law School (J.D., 2015)
- Pennsylvania State University (B.S., with distinction, 2010)
- Pennsylvania State University (B.A., with high distinction, 2010)
- Schreyer Honors Scholar (University Honors Program)

## Bar & Court Admissions

### Bar Admissions

- Pennsylvania, 2021
- District of Columbia, 2017
- Colorado, 2015

### Court Admissions

- U.S. Court of Appeals D.C. Circuit
- U.S. District Court District of Columbia
- U.S. Court of Appeals Ninth Circuit
- U.S. Court of Appeals Tenth Circuit

## Organizations

- Boulder Cycling Club
- Head Ride Ambassador and Board Member, 2015-2018

- Successfully represented the City of Albuquerque, New Mexico, in federal district court and the U.S. Court of Appeals for the Tenth Circuit in a case involving the City's planned construction of a new bus rapid transit system following Route 66
- Provided pro bono representation to the Monterey Bay Aquarium in filing an amicus curiae brief in the U.S. District Court for the District of Columbia in support of a federal regulation requiring monitoring and recordkeeping for imported seafood, which was later upheld

- Orientation Leadership Program
- Founder and Co-Chair, 2013

## Honors

## Resources and News

---

### News

FAA Issues Guidance on New Categorical Exclusion for Airport Projects  
January 7, 2025

FAA Finalizes Sweeping Changes to Regulation of Airport Land Use  
December 11, 2023

FAA Issues Final Policy on Air Carrier Incentive Programs  
December 08, 2023

FAA Proposing to Modify Definition of Aeronautical Activity  
November 15, 2023

FAA Issues Potentially Sweeping Changes to Airport Land Use Regulation  
September 16, 2022

2022 Semi-Annual Airport Law Digest  
July 21, 2022

Colorado Passes Law to Restrict PFAS in Consumer Products and Regulate PFAS-Containing Firefighting Foam  
June 8, 2022

FAA Releases Guidance on Section 163 and Limited Federal Control Over Airport Property  
December 15, 2020

Illinois Appeals Court Affirms Dismissal Of Takings Claims Against O'Hare International Airport  
June 11, 2020

- *Best Lawyers: Ones to Watch® in America* for Environmental Law & Transportation Law (2026)
- [Airport Business Magazine: Top 40 Under 40 \(2024\)](#)
- Rocky Mountain Mineral Law Foundation Scholar (2014–2015)
- Energy and Mineral Law Foundation Scholar (2014–2015)
- University of Colorado School of Law Client Counseling Competition Winner (2012)



States Continue to Dominate PFAS Regulation, Despite Some Federal Efforts  
December 19, 2019

Environmental Defense Fund Sues Federal Agencies for Failure to Release Public  
Records about Trump Administration Attacks on Climate Science  
October 31, 2019

D.C. Circuit Affirms Decision on Airport Revenue  
April 23, 2019

Chicago Court Dismisses Takings Claims Against O'Hare International Airport  
December 21, 2018

Kaplan Kirsch & Rockwell Hosts 34th Annual Airport Law Workshop  
October 28, 2018

Nick Clabbers Addresses Alma Mater After Student-led Trips Are Banned  
May 6, 2018

Kaplan Kirsch & Rockwell Hosts 33rd Annual Airport Law Workshop  
October 17, 2017

National Western Center Framework Agreement Headed for Final Approval  
August 31, 2017

Court of Appeals Rejects Challenge to City of Albuquerque's ART Bus Rapid  
Transit Project  
December 13, 2016

Kaplan Kirsch & Rockwell Hosts 32nd Annual Airport Law Workshop  
November 15, 2016

Latest News on FAA Reauthorization  
July 14, 2016

NM Biz Groups Fight to Curb Route 66 Rapid Transit Plan  
June 15, 2016

Kaplan Kirsch & Rockwell Welcomes New Associates Heather Haney, Nate Hunt,  
and Nick Clabbers  
August 3, 2015

## **Presentations**



Airport Lease and Insurance Best Practices  
October 3, 2024

It's Required – Airport Contract and Solicitation Language  
March 28, 2024

39th Annual Airport Law Workshop  
October 15, 2023

Nicholas Clabbers Presents at the 43rd Annual Conference for the ACP  
October 11, 2023

What Are the Legal Requirements of GA NPIAS Airports That Are Federally  
Funded: Expectations and Challenges  
March 14, 2023

A Topical Review of Airport Law  
February 15, 2023

What is the FAA Section 163 Process and What Does It Mean for Airport  
Development?  
April 26, 2022

Air Service Update  
August 23, 2021

UAS Operation After Recent State and Federal Litigation  
January 29, 2020

Introduction and Overview of Managing Environmental Regulator Aspects of  
Airport Projects  
October 29, 2019

Legal Issues Unique to General Aviation Airports  
October 14, 2019

ACRP 11-01/8-01: Legal Issues Related to the Implementation and Operation of  
SMS for Airports  
August 8, 2018

Research Tools in Airport Law  
October 15, 2017



Brown Bag Lunch CLE – The Basics of Challenging and Defending Federal  
Agency Natural Resource Decisions  
September 29, 2016

## **Publications**

Airport Law Digest – 2025 Mid-Year Update  
July 17, 2025

Airport Law Digest – 2024 in Review  
January 8, 2025

Semi-Annual Airport Law Digest 2024 Mid-Year Update  
July 18, 2024

Annual Airport Law Digest – 2023 Year in Review  
January 22, 2024

Semi-Annual Airport Law Digest 2023 Mid-Year Update  
July 12, 2023

Trucks, Planes, And Increasing Revenue: Guidance For Airport Intermodal  
Facilities  
April 26, 2022

Firm Attorneys Author PFAS Litigation Article for ABA  
September 29, 2021

Airport Law Alerts and Semi-annual Airport Law Digests  
December 31, 2020

Airport Law Desk Reference (annual editions)  
December 31, 2020

Airport Law Alert: Airport Law in the Time of COVID-19  
May 6, 2020

NON-AERONAUTICAL REAL ESTATE DEVELOPMENT: Practical  
Considerations and Pitfalls  
July 30, 2019

ACRP Legal Research Digest 36: Legal Issues Related to Implementation and  
Operation of SMS for Airports  
November 30, 2018



KAPLAN KIRSCH

The View from the Ground: Airport and Community Perspectives on ATC Reform

August 1, 2017

Aviation Fuel Tax Obligations for Local Governments

October 1, 2015

## Nicholas M. 'Nick' Clabbers' Projects

---

**Albuquerque Rapid Transit (ART) BRT**