



U.S. Department  
of Transportation

**Federal Aviation  
Administration**

800 Independence Ave., S.W.  
Washington, D.C. 20591

August 11, 2015

Exemption No. 11289A  
Regulatory Docket No. FAA-2014-0944

Mr. David Geisler  
Manager  
Bird's Eye Solutions, LLC  
8300 Airport Road, Suite 3  
Middleton, WI 53562

Dear Mr. Geisler:

This letter is to inform you that we have granted your petition for an amendment. It explains the basis for our decision, describes its effect, and lists any changes to the original conditions and limitations.

By letter posted to the public docket on June 8, 2015, you petitioned the Federal Aviation Administration (FAA) on behalf of Bird's Eye Solutions, LLC (hereinafter petitioner or operator) for an amendment to your current exemption. That exemption from §§ 61.23(a) and (c), 61.101(e)(4) and (5), 61.113(a), 61.315(a), 91.7(a), 91.119(c), 91.121, 91.151(a)(1), 91.405(a), 91.407(a)(1), 91.409(a)(1) and (2), and 91.417(a) and (b) of Title 14, Code of Federal Regulations (14 CFR) allows the petitioner to operate a UAS to perform aerial data collection and/or closed-set motion picture and television filming. You requested an amendment to add the DJI Inspire 1, DJI Phantom Vision 2 /2+, DJI Phantom 3 Advanced/Professional, DJI Spreading Wings S1000, DJI Spreading Wings S900, and DJI Spreading Wings S800.

In your petition, you indicate that there has been no change in the conditions and reasons relative to public interest and safety that were the basis for granting the original exemption.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested amendment to the exemption would not set a precedent, and any delay in acting on this petition would be detrimental to the petitioner. The unmanned aircraft authorized in the original grant are comparable in type, size, weight, speed and operating capabilities to those in this petition.

## **Airworthiness Certification**

In accordance with the statutory criteria provided in Section 333 of Public Law 112–95 in reference to 49 U.S.C. § 44704, and in consideration of the size, weight, speed, and limited operating area associated with the aircraft and its operation, the Secretary of Transportation has determined that this aircraft meets the conditions of Section 333. Therefore, the FAA finds that relief from 14 CFR part 21, *Certification procedures for products and parts, Subpart H—Airworthiness Certificates*, and any associated noise certification and testing requirements of part 36, is not necessary.

## **Our Decision**

The FAA has determined that the justification for the issuance of Exemption No. 11289 remains valid and is in the public interest. Therefore, under the authority contained in 49 U.S.C. 106(f), 40113, and 44701, delegated to me by the Administrator, the operator is granted an amendment to add new aircraft to its UAS operations.

The operator shall add this amendment to its original exemption.

## **Conditions and Limitations**

All conditions and limitations within Grant of Exemption No. 11289 remain in effect except as follows. Condition No. 1 has been updated to reflect the additional aircraft.

Failure to comply with any of the conditions and limitations of this grant of exemption will be grounds for the immediate suspension or rescission of this exemption.

1. Operations authorized by this grant of exemption are limited to the DJI Inspire 1, DJI Phantom 2, DJI Phantom Vision 2/2+, DJI Phantom 3 Advanced/Professional, DJI Spreading Wings S1000, DJI Spreading Wings S900, and DJI Spreading Wings S800 when weighing less than 55 pounds including payload. Proposed operations of any other aircraft will require a new petition or a petition to amend this exemption.

This exemption terminates on April 30, 2017, unless sooner superseded or rescinded.

Sincerely,

/s/

John S. Duncan

Director, Flight Standards Service



Bird's Eye Solutions LLC would like to submit the following as an amendment to Docket No FAA-2014-0944.

This is a petition to amend Exemption No. 11289:

Due to rapidly advancing UAS technology in both performance and safety mechanisms, Bird's Eye Solutions, LLC would like to amend Exemption No. 11289 to include more aircraft and mission types than are listed in the original exemption.

These new unmanned aircraft (UAS) have several added safety mechanisms including but not limited to:

- Ground looking cameras for more stability in flight.
- More accurate GPS systems for greater reliability.
- More reliable lifting motors to run the thrust propulsion systems.
- More reliable computer based Engine Control Units.
- Higher resolution video feeds to ground for greater situational awareness.
- More flight data sent to the ground controls for greater situational awareness.
- More reliable fail safe features for greater safety on the ground.

Aircraft Requested to be added to Exemption 11289:

DJI Inspire 1  
DJI Phantom Vision 2 /2+  
DJI Phantom 3 Advanced/Professional  
DJI Spreading Wings S1000  
DJI Spreading Wings S900  
DJI Spreading Wings S800

Currently Birds Eye Solutions is only granted a COA for Closed Set Filming Operations and requests that the current Exemption 11289 be amended adding the following

Aircraft Mission Types:

Aerial Imaging  
Aerial Inspections  
Data Collection  
Agriculture Inspections

Regards,  
David Geisler

Manager

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