



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

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

July 8, 2015

Exemption No. 11339A  
Regulatory Docket No. FAA-2015-0023

Mr. Bradley Ward  
Chief Point  
Empire Unmanned, LLC  
11559 North Atlas Road  
Hayden, ID 83835

Dear Mr. Ward:

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 dated May 13, 2015 you petitioned the Federal Aviation Administration (FAA) on behalf of Empire Unmanned (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. You requested an amendment to add Event38 E384, 3D Robotics Aero-M, and DJI Phantom II.

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(s) 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. 11339 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. 11339 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 SenseFly eBee Ag, Event38 E384, 3D Robotics Aero-M, and DJI Phantom II 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



13 May 2015

U.S. Department of Transportation  
Docket Management System  
1200 New Jersey Ave., SE  
Washington, DC 20590

Re: Docket FAA 2015-0023, Petition for Amendment to Exemption No. 11339

Dear Sir or Madam:

Empire Unmanned received FAA Exemption No. 11339 on April 16, 2015 authorizing us to operate the SenseFly eBee Ag for precision photogrammetry and crop scouting. This petition is for an amendment to that Exemption, namely to operate additional types of UAS and to increase the context of our operations. To align our operations with the North American Industry Classification System, we are requesting our operational context be defined as Aerial Surveying and Mapping and Infrastructure Inspection. Empire Unmanned would like to add the following UAS to our exemption: 1) Event38 E384, 2) 3D Robotics Aero-M, 3) DJI Phantom II.

The FAA previously determined the airworthiness of the E384 in Exemption No. 11166 (Pravia LLC). The Aero-M aircraft consists of a similar airframe to the E384, but utilizes 3D Robotics' Pixhawk flight controller. The Pixhawk flight controller was approved by the FAA for use by Viking Unmanned Aerial Systems in Exemption No. 11192. Finally, the FAA approved the DJI Phantom II Vision+ aircraft for use by Douglas Trudeau in Exemption No. 11138.

Empire Unmanned will comply with all of the conditions and limitation imposed by Exemption 11339 and will update and maintain the technical manuals for the additional aircraft. Because the requested amendment would not set any precedent or otherwise raise any new issues, we request the FAA to issue a summary grant based on the preceding exemptions.

The name and contact information of the applicant are:

Empire Unmanned LLC  
Attn: Bradley Ward  
Ph: 208-292-3850  
Email: bradw@adavso.com

We are prepared to modify or amend any part of this request to satisfy the need for an equivalent level of safety. We look forward to working with your office. Please contact us at any time if you require additional information or clarification.

Sincerely,

A handwritten signature in blue ink that reads "Bradley J. Ward". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Bradley J. Ward  
Chief Pilot, Empire Unmanned