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

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

August 31, 2015

Exemption No. 12665
Regulatory Docket No. FAA−2015−1048

Mr. Donald G. Alexander
9080 84th Street Southeast
Alto, MI 49302

Dear Mr. Alexander:

This letter is to inform you that we have granted your request for exemption. It transmits our decision, explains its basis, and gives you the conditions and limitations of the exemption, including the date it ends.

By letters dated April 11 and July 13, 2015 you petitioned the Federal Aviation Administration (FAA) for an exemption. You requested to operate an unmanned aircraft system (UAS) to conduct agricultural crop scouting, agricultural appraisal photography, and construction site inspections.

See Appendix A for the petition submitted to the FAA describing the proposed operations and the regulations that the petitioner seeks an exemption.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested exemption would not set a precedent, and any delay in acting on this petition would be detrimental to the petitioner.

Airworthiness Certification

The UAS proposed by the petitioner is a DJI Inspire 1.

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.

The Basis for Our Decision

You have requested to use a UAS for aerial data collection[1]. The FAA has issued grants of exemption in circumstances similar in all material respects to those presented in your petition. In Grants of Exemption Nos. 11062 to Astraeus Aerial (*see* Docket No. FAA−2014−0352), 11109 to Clayco, Inc. (*see* Docket No. FAA−2014−0507), 11112 to VDOS Global, LLC (*see* Docket No. FAA−2014−0382), and 11213 to Aeryon Labs, Inc. (*see* Docket No. FAA−2014−0642), the FAA found that the enhanced safety achieved using an unmanned aircraft (UA) with the specifications described by the petitioner and carrying no passengers or crew, rather than a manned aircraft of significantly greater proportions, carrying crew in addition to flammable fuel, gives the FAA good cause to find that the UAS operation enabled by this exemption is in the public interest.

Having reviewed your reasons for requesting an exemption, I find that—

- They are similar in all material respects to relief previously requested in Grant of Exemption Nos. 11062, 11109, 11112, and 11213;
- The reasons stated by the FAA for granting Exemption Nos. 11062, 11109, 11112, and 11213 also apply to the situation you present; and
- A grant of exemption is in the public interest.

Our Decision

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. 106(f), 40113, and 44701, delegated to me by the Administrator, Mr. Donald G. Alexander is granted an exemption from 14 CFR §§ 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), to the extent necessary to allow the petitioner to operate a UAS to perform aerial data collection. This exemption is subject to the conditions and limitations listed below.

Conditions and Limitations

In this grant of exemption, Mr. Donald G. Alexander is hereafter referred to as the operator.

[1] Aerial data collection includes any remote sensing and measuring by an instrument(s) aboard the UA. Examples include imagery (photography, video, infrared, etc.), electronic measurement (precision surveying, RF analysis, etc.), chemical measurement (particulate measurement, etc.), or any other gathering of data by instruments aboard the UA.

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 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.

2. Operations for the purpose of closed-set motion picture and television filming are not permitted.

3. The UA may not be operated at a speed exceeding 87 knots (100 miles per hour). The exemption holder may use either groundspeed or calibrated airspeed to determine compliance with the 87 knot speed restriction. In no case will the UA be operated at airspeeds greater than the maximum UA operating airspeed recommended by the aircraft manufacturer.

4. The UA must be operated at an altitude of no more than 400 feet above ground level (AGL). Altitude must be reported in feet AGL.

5. The UA must be operated within visual line of sight (VLOS) of the PIC at all times. This requires the PIC to be able to use human vision unaided by any device other than corrective lenses, as specified on the PIC's FAA-issued airman medical certificate or U.S. driver's license.

6. All operations must utilize a visual observer (VO). The UA must be operated within the visual line of sight (VLOS) of the PIC and VO at all times. The VO may be used to satisfy the VLOS requirement as long as the PIC always maintains VLOS capability. The VO and PIC must be able to communicate verbally at all times; electronic messaging or texting is not permitted during flight operations. The PIC must be designated before the flight and cannot transfer his or her designation for the duration of the flight. The PIC must ensure that the VO can perform the duties required of the VO.

7. This exemption and all documents needed to operate the UAS and conduct its operations in accordance with the conditions and limitations stated in this grant of exemption, are hereinafter referred to as the operating documents. The operating documents must be accessible during UAS operations and made available to the Administrator upon request. If a discrepancy exists between the conditions and limitations in this exemption and the procedures outlined in the operating documents, the conditions and limitations herein take precedence and must be followed. Otherwise, the operator must follow the procedures as outlined in its operating documents. The operator may update or revise its operating documents. It is the operator's responsibility to track such revisions and present updated and revised documents to the Administrator or any law enforcement official upon request. The

operator must also present updated and revised documents if it petitions for extension or amendment to this grant of exemption. If the operator determines that any update or revision would affect the basis upon which the FAA granted this exemption, then the operator must petition for an amendment to its grant of exemption. The FAA's UAS Integration Office (AFS−80) may be contacted if questions arise regarding updates or revisions to the operating documents.

8. Any UAS that has undergone maintenance or alterations that affect the UAS operation or flight characteristics, e.g., replacement of a flight critical component, must undergo a functional test flight prior to conducting further operations under this exemption. Functional test flights may only be conducted by a PIC with a VO and must remain at least 500 feet from other people. The functional test flight must be conducted in such a manner so as to not pose an undue hazard to persons and property.

9. The operator is responsible for maintaining and inspecting the UAS to ensure that it is in a condition for safe operation.

10. Prior to each flight, the PIC must conduct a pre-flight inspection and determine the UAS is in a condition for safe flight. The pre-flight inspection must account for all potential discrepancies, e.g., inoperable components, items, or equipment. If the inspection reveals a condition that affects the safe operation of the UAS, the aircraft is prohibited from operating until the necessary maintenance has been performed and the UAS is found to be in a condition for safe flight.

11. The operator must follow the UAS manufacturer's maintenance, overhaul, replacement, inspection, and life limit requirements for the aircraft and aircraft components.

12. Each UAS operated under this exemption must comply with all manufacturer safety bulletins.

13. Under this grant of exemption, a PIC must hold either an airline transport, commercial, private, recreational, or sport pilot certificate. The PIC must also hold a current FAA airman medical certificate or a valid U.S. driver's license issued by a state, the District of Columbia, Puerto Rico, a territory, a possession, or the Federal government. The PIC must also meet the flight review requirements specified in 14 CFR § 61.56 in an aircraft in which the PIC is rated on his or her pilot certificate.

14. The operator may not permit any PIC to operate unless the PIC demonstrates the ability to safely operate the UAS in a manner consistent with how the UAS will be operated under this exemption, including evasive and emergency maneuvers and maintaining appropriate distances from persons, vessels, vehicles and structures. PIC qualification flight hours and currency must be logged in a manner consistent with 14 CFR § 61.51(b). Flights for the purposes of training the operator's PICs and VOs

(training, proficiency, and experience-building) and determining the PIC's ability to safely operate the UAS in a manner consistent with how the UAS will be operated under this exemption are permitted under the terms of this exemption. However, training operations may only be conducted during dedicated training sessions. During training, proficiency, and experience-building flights, all persons not essential for flight operations are considered nonparticipants, and the PIC must operate the UA with appropriate distance from nonparticipants in accordance with 14 CFR § 91.119.

15. UAS operations may not be conducted during night, as defined in 14 CFR § 1.1. All operations must be conducted under visual meteorological conditions (VMC). Flights under special visual flight rules (SVFR) are not authorized.

16. The UA may not operate within 5 nautical miles of an airport reference point (ARP) as denoted in the current FAA Airport/Facility Directory (AFD) or for airports not denoted with an ARP, the center of the airport symbol as denoted on the current FAA-published aeronautical chart, unless a letter of agreement with that airport's management is obtained or otherwise permitted by a COA issued to the exemption holder. The letter of agreement with the airport management must be made available to the Administrator or any law enforcement official upon request.

17. The UA may not be operated less than 500 feet below or less than 2,000 feet horizontally from a cloud or when visibility is less than 3 statute miles from the PIC.

18. If the UAS loses communications or loses its GPS signal, the UA must return to a pre-determined location within the private or controlled-access property.

19. The PIC must abort the flight in the event of unpredicted obstacles or emergencies.

20. The PIC is prohibited from beginning a flight unless (considering wind and forecast weather conditions) there is enough available power for the UA to conduct the intended operation and to operate after that for at least five minutes or with the reserve power recommended by the manufacturer if greater.

21. Air Traffic Organization (ATO) Certificate of Waiver or Authorization (COA). All operations shall be conducted in accordance with an ATO-issued COA. The exemption holder may apply for a new or amended COA if it intends to conduct operations that cannot be conducted under the terms of the attached COA.

22. All aircraft operated in accordance with this exemption must be identified by serial number, registered in accordance with 14 CFR part 47, and have identification (N−Number) markings in accordance with 14 CFR part 45, Subpart C. Markings must be as large as practicable.

23. Documents used by the operator to ensure the safe operation and flight of the UAS and any documents required under 14 CFR §§ 91.9 and 91.203 must be available to the PIC at the Ground Control Station of the UAS any time the aircraft is operating. These documents must be made available to the Administrator or any law enforcement official upon request.

24. The UA must remain clear and give way to all manned aviation operations and activities at all times.

25. The UAS may not be operated by the PIC from any moving device or vehicle.

26. All Flight operations must be conducted at least 500 feet from all nonparticipating persons, vessels, vehicles, and structures unless:
    a. Barriers or structures are present that sufficiently protect nonparticipating persons from the UA and/or debris in the event of an accident. The operator must ensure that nonparticipating persons remain under such protection. If a situation arises where nonparticipating persons leave such protection and are within 500 feet of the UA, flight operations must cease immediately in a manner ensuring the safety of nonparticipating persons; and
    b. The owner/controller of any vessels, vehicles or structures has granted permission for operating closer to those objects and the PIC has made a safety assessment of the risk of operating closer to those objects and determined that it does not present an undue hazard.

    The PIC, VO, operator trainees or essential persons are not considered nonparticipating persons under this exemption.

27. All operations shall be conducted over private or controlled-access property with permission from the property owner/controller or authorized representative. Permission from property owner/controller or authorized representative will be obtained for each flight to be conducted.

28. Any incident, accident, or flight operation that transgresses the lateral or vertical boundaries of the operational area as defined by the applicable COA must be reported to the FAA's UAS Integration Office (AFS−80) within 24 hours. Accidents must be reported to the National Transportation Safety Board (NTSB) per instructions contained on the NTSB Web site: www.ntsb.gov.

If this exemption permits operations for the purpose of closed-set motion picture and television filming and production, the following additional conditions and limitations apply.

29. The operator must have a motion picture and television operations manual (MPTOM) as documented in this grant of exemption.

30. At least 3 days before aerial filming, the operator of the UAS affected by this exemption must submit a written Plan of Activities to the local Flight Standards District Office (FSDO) with jurisdiction over the area of proposed filming. The 3-day notification may be waived with the concurrence of the FSDO. The plan of activities must include at least the following:
    a. Dates and times for all flights;
    b. Name and phone number of the operator for the UAS aerial filming conducted under this grant of exemption;
    c. Name and phone number of the person responsible for the on-scene operation of the UAS;
    d. Make, model, and serial or N−Number of UAS to be used;
    e. Name and certificate number of UAS PICs involved in the aerial filming;
    f. A statement that the operator has obtained permission from property owners and/or local officials to conduct the filming production event; the list of those who gave permission must be made available to the inspector upon request;
    g. Signature of exemption holder or representative; and
    h. A description of the flight activity, including maps or diagrams of any area, city, town, county, and/or state over which filming will be conducted and the altitudes essential to accomplish the operation.

31. Flight operations may be conducted closer than 500 feet from participating persons consenting to be involved and necessary for the filming production, as specified in the exemption holder's MPTOM.

Unless otherwise specified in this grant of exemption, the UAS, the UAS PIC, and the UAS operations must comply with all applicable parts of 14 CFR including, but not limited to, parts 45, 47, 61, and 91.

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

Sincerely,

John S. Duncan
Director, Flight Standards Service

Enclosures

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

April, 11th, 2015

Re: Exemption Request Under Section 333 of the FAA Reform Act and Part 11 of the Federal Aviation Regulations

Dear Sir or Madam:

Pursuant to Section 333 of the FAA Modernization and Reform Act of 2012 (the "Reform Act") and 14 C.F.R. Part 11, Donald G. Alexander, an agricultural consultant, seeks an exemption from the Federal Aviation Regulations to allow commercial operation of its Small Unmanned Aircraft Systems (sUASs) for agricultural crop scouting, agricultural appraisal photography and construction site inspections. The petitioner requests exemption for two aircraft including the AgEagle fixed wing UAV and the DJI Inspire 1 multi-rotor UAV.

EXEMPTIONS REQUESTED:
The petitioner specifically requests exemption from the "FARs" as outlined below:
14 C.F.R. 61.23(a)&(c);
14 C.F.R. 61.101(e)(4) and (5);
14 C.F.R. 61.113(a);(commercial pilot
14 C.F.R. 61.315(a);
14 C.F.R. 91.7(a);
14 C.F.R. 91.119(c);
14 C.F.R. 91.121;
14 C.F.R. 91.151(a)(1);
14 C.F.R. 91.405(a);
14 C.F.R. 91.407(a)(1);
14 C.F.R. 91.409(a)(1)&(2);
14 C.F.R. 91.417(a)(b).

Regarding the Unmanned Aircraft Systems:

The petitioner intends to utilize two separate aircraft systems to meet the desired commercial objectives of precision agriculture, agricultural photography for property appraisal and construction site inspections. The first of which is a fixed wing aircraft, AgEagle UAS that weighs 7.5 lbs with imaging

equipment included. The second of which is DJI's Inspire 1, multi-rotor UAS, weighing 6.5 lbs with imaging equipment included.

Each of these aircraft is readily available commercially and has fail-safe systems integrated into their operations to ensure the safety of persons and property within and surrounding the limited operating area. Both of these sUAVs have the capability to return to a pre-determined location within the security parameter and land. Manual override capabilities allow intervention in the event of unpredicted obstacles or emergencies.

The petitioner's commercial operation of sUAVs will be directly involved in rural, non-congested areas whereby operations will result in aerial data capture for the purpose of enhancing agricultural operations and construction progress. All flights will occur over private or controlled access property with prior consent of and knowledge of the owner where data or imagery will be captured.

Pre-flight inspection and Maintenance
Before each flight, the PIC will perform a series of pre-flight and takeoff checks as defined in the operating handbooks for each aircraft including but not limited to:

- Actuators/servos
- Motors, wiring and connectors
- Propellers
- Wings
- Remote control devices, including battery levels
- Battery condition, wiring and connection
- Proper mounting of imagery equipment

Maintenance will be performed in accordance with manufacturer's supplied information and guidelines. All electronic devices for control are in compliance with FCC regulations

Regarding Pilots in Command:

- All pilots in command will hold minimum certificate of either Private Pilot, Recreational Pilot or Sport Pilot.
- Each shall possess either a third-class medical certificate or valid driver's license
- Training for specific UAS aircraft will consist of successful Manufacturer's training program. All operating instructions, manuals, reference materials will be available at the ground station owing to the fact that these aircraft are unmanned and will not have capabilities to carry reference materials.

Regarding the operation of the unmanned aircraft:

- All operations to occur in Class G airspace.
- Operations to avoid congested or populated areas
- Operations to be conducted over private or controlled-access property.
- Permission from land owner/controller required before commencing any flight.
- Operations to occur during Visual Flight Rules Meteorological Conditions (VMC).
- Operations will not occur within 5 nautical miles of an airport reference point without airport management permission.

- Aircraft to remain within Visual Line of Sight (VLOS).
- All flights will have minimum crew of PIC (operator) and Visual Observer
- VLOS guaranteed with a cylinder of operation around operator of ½ nautical miles (NM).
- Cylinder walls may be expanded by observer with ability to control aircraft.
- Operations to occur during daylight hours.
- Above Ground Level (AGL) altitude to be restricted to 400 feet.
- Flights will be terminated at 25% battery power reserve.
- All flights will operate at speeds less than 87 knots or maximum speed of manufacturer, whichever is less.
- Any additional stipulations deemed necessary by the FAA shall be adhered to demonstrating full willingness to participate in safe, conforming activity within the NAS

Public Benefit:

The petitioner will be using the afore-mentioned aircraft in a variety of applications that previously required full-size, manned aircraft to complete. Small, sUAVs offer many benefits over manned aircraft including reduced noise, absence of onboard crew, absence of flammable fuel, cost of operations and higher quality of imagery data for more efficient agricultural production and stewardship of natural resources.

Precedents:

The petitioner has studied previously approved requests and noted that these are similar in all material aspects. These exemption numbers include 11062, 11109, 11112, 11213 and recently including 11256 and 11295 with modified PIC requirements.

The petitioner will willingly supply manufacturers operating instructions, manuals and specifications if deemed necessary by the FAA, albeit, the aircraft noted are well documented in previous requests for exemption.

Summary:

The petitioner respectfully requests exemptions listed herein and should be permitted to conduct small UAS operations in accordance with operating parameters deemed necessary by the FAA.

Respectfully,

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

April, 11th, 2015 and amended section on level of safety July 13th, 2015

Re: Exemption Request Under Section 333 of the FAA Reform Act and Part 11 of the Federal Aviation Regulations

**** Please refer to Revised section on level of safety as requested in letter from FAA dated 6 July 2015,

Dear Sir or Madam:

Pursuant to Section 333 of the FAA Modernization and Reform Act of 2012 (the "Reform Act") and 14 C.F.R. Part 11, Donald G. Alexander, an agricultural consultant, seeks an exemption from the Federal Aviation Regulations to allow commercial operation of its Small Unmanned Aircraft Systems (sUASs) for agricultural crop scouting, agricultural appraisal photography and construction site inspections. The petitioner requests exemption for two aircraft including the AgEagle fixed wing UAV and the DJI Inspire 1 multi-rotor UAV.

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****** Revised **** Level of Safety:**

The aircraft described herein will be used in the place of manned aircraft which typically weigh in excess of 4000 lbs and carry flammable fuels. In addition these manned aircraft must travel by air to the sites described in the body of this petition whereas, the sUAVs described are much lighter, will be transported to the worksite before being flown and operate on battery power exposing the general population to far less risk with these combined factors. Thus, the FAA can have confidence that the level of safety will be at least equivalent or far greater than current systems used.

In a related manner, the aircraft will be used to inspect and monitor progress in construction sites where, typically, human beings are asked to climb structures of varying heights and degrees of danger to assess progress or to report on construction details. The use of sUAVs in this situation will severely diminish the need for human interaction at these heights thereby reducing the risk of injury to personnel.

**** End Revision/Amendment****

Precedents:

The petitioner has studied previously approved requests and noted that these are similar in all material aspects. These exemption numbers include 11062, 11109, 11112, 11213 and recently including 11256 and 11295 with modified PIC requirements.

The petitioner will willingly supply manufacturers operating instructions, manuals and specifications if deemed necessary by the FAA, albeit, the aircraft noted are well documented in previous requests for exemption.

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