

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
CERTIFICATE OF WAIVER

ISSUED TO

Nutrien Ag Solutions
Responsible Person: Dustin Polasek
Waiver Number: 107W-2024-00298

ADDRESS—

3005 Rocky Mountain Ave
Loveland, CO 80538

This certificate is issued for the operations specifically described hereinafter. No person shall conduct any operation pursuant to the authority of this certificate except in accordance with the provisions contained in this certificate.

OPERATIONS AUTHORIZED

Acting as a remote pilot in command (PIC) or visual observer (VO) in the operation of more than one small unmanned aircraft (sUA) at the same time.

LIST OF WAIVED REGULATIONS BY SECTION AND TITLE

14 CFR § 107.35—Operation of multiple small unmanned aircraft systems

STANDARD PROVISIONS

1. A copy of the application made for this certificate shall be attached to and become a part hereof.
2. This certificate shall be presented for inspection upon the request of any authorized representative of the Administrator of the Federal Aviation Administration, or of any State or municipal official charged with the duty of enforcing local laws or regulations.
3. The holder of this certificate shall be responsible for the strict observance of the terms and provisions contained herein.
4. This certificate is nontransferable.

NOTE—This certificate constitutes a waiver of those Federal rules or regulations specifically referred to above. It does not constitute a waiver of any State law or local ordinance.

SPECIAL PROVISIONS

Special Provisions Nos. 1 to 19, inclusive, are set forth on the attached pages.

This Certificate of Waiver is effective from April 8, 2024, to April 30, 2028, and is subject to cancellation at any time upon notice by the Administrator or an authorized representative.

BY DIRECTION OF THE ADMINISTRATOR

Emerging Technologies Division, AFS-700

SPECIAL PROVISIONS ISSUED TO

Nutrien Ag Solutions

General.

The FAA's Flight Standards Service has reviewed your application to ensure compliance with the requirements of 14 CFR § 107.200 and § 107.205. Pursuant to these authorities, the Administrator finds that the proposed small unmanned aircraft (sUA) operation can be conducted safely under the provisions of this Certificate of Waiver (Waiver) as listed below because you have established adequate mitigations for risks involved with operating your sUA in the manner you described. Adherence to the provisions of this Waiver establishes the required level of safety within the national airspace system.

The Administrator may cancel this Waiver at any time. As a general rule, this Waiver may be canceled when it is no longer required, there is an abuse of its provisions, or when unforeseen safety factors develop. Failure to comply with any provision listed below is a violation of the terms of this Waiver and will serve as justification for cancellation.

List of Regulations Waived by Section and Title. The following regulations are waived:

14 CFR § 107.35, Operation of multiple small unmanned aircraft systems, is waived to allow a person to act as the remote Pilot in Command (PIC) or visual observer (VO) to operate multiple small UAS simultaneously.

No part of this waiver will function as an airspace authorization under 14 CFR § 107.41. The FAA's Air Traffic Organization responds directly to requests for such authorizations.

Common Special Provisions. The Responsible Person is directly responsible for safety of operations conducted under this Waiver and will ensure the Remote Pilot in Command (remote PIC), manipulator of the controls, and visual observer(s) (VO)¹ comply with all provisions of this Waiver.

1. The Responsible Person listed on the Waiver is responsible to the FAA for the safe conduct of the operations. Prior to conducting operations that are the subject of this Waiver, the Responsible Person:
 - a. Must ensure the remote PIC, manipulators of the controls, and VO(s) are informed of the terms and provisions of this Waiver and strictly observe the terms and provisions herein;
 - b. Must ensure the remote PIC, manipulators of the controls, and VO(s) are informed and familiar with part 107 regulations; and
 - c. Evidence of the above (a and b) must be documented and must be presented for inspection upon request from the Administrator or an authorized representative;
2. This Waiver may be combined with Exemption No. 19517 as amended. This waiver may not be combined with any other waiver(s), authorizations(s) without specific authorization from the FAA;
3. The FAA has the authority to cancel or delay any or all flight operations if the safety of persons or property on the ground or in the air are in jeopardy or there is a violation of the terms of this Waiver;
4. A copy of this Waiver must be accessible and available to the remote PIC at the ground control station during sUA operations that are the subject of this Waiver;

¹ Title 14 CFR § 107.3 defines the term "visual observer." Any VO participating in operations conducted under this Waiver must meet the requirements listed in § 107.33 throughout the duration of flight operations.

5. The Responsible Person listed on this Waiver must maintain a current list of pilots by name and remote pilot certificate number used in operations under this Waiver. This list must be presented for inspection upon request from the Administrator or an authorized representative;
6. The Responsible Person listed on this Waiver must maintain a current list of sUA by registration number(s) used in operations under this Waiver. This list must be presented for inspection upon request from the Administrator or an authorized representative;
7. For the purposes of this Waiver, direct participants are the remote PICs, persons manipulating the controls, VOs, and any persons whose involvement is necessary for safety of the sUA operation. All other persons are considered non-participants;

Operation of Multiple sUAS Special Provisions sUAS operations with multiple sUA may be conducted provided:

8. Operations may not be conducted at night or during civil twilight, as defined in 14 CFR § 1.1 and § 107.29(c), respectively;
9. All operations under this Waiver must use at least 1 VO;
10. An individual system failure must not interfere with the operation of other sUA or cause incidents, accidents, or loss of control involving other sUA that are the subject of this Waiver;
11. As described in the waiver application, routes must be preplanned prior to flight and aircraft must be programmed to automatically follow the route. Flight planning must provide for route de-confliction to avoid propagation of faults affecting multiple systems;
12. Operations using multiple sUA are limited to not more than 2 sUA at a time;
13. The remote PIC, the person manipulating the controls, and the dedicated VO's must be able to determine the position, attitude, altitude, and direction of flight of each sUA relative to any other aircraft, persons, property, and obstructions during waived operations. Communication must be adequate for any person directly participating in the operation to halt operations when an unsafe condition occurs;
14. The sUAS must be equipped with the flight termination system described in the waiver application. Prior to operations subject to this waiver, the flight termination system must be tested and verified to operate as described in the waiver application;
15. The Responsible Person must file a Notice to Air Mission (NOTAM) no more than 72 hours and no less than 24 hours prior to operating under this waiver. A NOTAM can be filed by calling 1-877-487-6867 (1-877-4-US-NTMS) and must include the location and/or operating area, altitude, and time and nature of the activity. The Responsible Person must verify the NOTAM has been issued prior to conducting waived operations;
16. ADS-B out (1090/978 MHz) may not be transmitted from the sUAS when operating pursuant to this Waiver;

17. Prior to conducting combined operations of this Waiver, the remote RPIC and VO's must demonstrate to the FAA the ability to safely operate the small unmanned aircraft system in a manner consistent with how it will be operated under this Waiver. This demonstration must include the applicable knowledge and skills requirements for agricultural aircraft operations outlined in 14 CFR part 137, evasive and emergency maneuvers, and maintaining appropriate distances from persons, vessels, vehicles and structures before operating non-training, proficiency, or experience-building flights under this waiver;
18. All emitters used in sUAS must be in compliance with all applicable FCC regulations and all provisions of the FCC authorization granted for the emitter. A FCC experimental authorization may not be used for sUAS operations under this Waiver; and
19. Operations conducted under this Waiver may occur at locations meeting the performance based criteria contained in the waiver application.