

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

ISSUED TO

Sky Elements LLC
Responsible Person: Preston Ward
Waiver Number: 107W-2021-02474

ADDRESS –

1729 Sawtooth Oak Trl
Keller, TX 76248

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

Night small unmanned aircraft system (sUAS) operations; 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 § 107.29(a)(2) & (b)—Operation at Night, and
14 CFR § 107.35 Operation of multiple small unmanned aircraft

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 20, inclusive, are set forth on the attached pages.

This Certificate of Waiver is effective from September 1, 2021, to July 31, 2025, and is subject to cancellation at any time upon notice by the Administrator or an authorized representative.

BY DIRECTION OF THE ADMINISTRATOR

General Aviation and Commercial Division, AFS-800

SPECIAL PROVISIONS ISSUED TO
Sky Elements LLC

General.

This Certificate of Waiver is an amendment which supersedes and replaces Waiver 107W-2021-01797 issued to Sky Elements LLC for operations under 14 CFR 107. Waiver 107W-2021-01797 is no longer valid.

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 § 107.29(a)(2) & (b)—Operation at Night, is waived to allow sUAS operations at night with alternate means of compliance for anti-collision light requirement;

14 CFR § 107.35, Operation of multiple small unmanned aircraft systems Operation of multiple sUAS 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;

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.

2. This Waiver may not be combined with any other waiver(s), authorization(s), or exemption(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;
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;

Operations may be conducted under this waiver at night and with more than one sUAS at a time provided:

7. All operations under this Waiver must use one or more VO as outlined in the Waiver application;
8. All operations must use the lighting system and procedures as described in the waiver application in a manner sufficient to alert approaching aircraft;
9. Prior to conducting operations that are the subject of this Waiver, the remote PIC and VO must be trained, as described in the Waiver application, to recognize and overcome visual illusions caused by darkness, and understand physiological conditions which may degrade night vision. This training must be documented and must be presented for inspection upon request from the Administrator or an authorized representative;
9. The area of operation must be sufficiently illuminated to allow both the remote PIC and VO to identify people or obstacles on the ground, or a daytime site assessment must be performed prior to conducting operations that are the subject of this Waiver, noting any hazards or obstructions;
10. Not less than 24 hours prior to conducting operations that are the subject of this Waiver, a Notice to Airmen (NOTAM) must be filed. The NOTAM must include location, altitude, and/or operating area, time and nature of the activity, and number of sUA flying in the operating area;
11. The remote PIC must ensure that an individual system failure must not interfere with the operation of any other sUA or cause incidents, accidents, or loss of control involving any other sUA that are subject to this Waiver;
12. At least 72 hours prior to conducting operations that are the subject of this waiver, the responsible person must notify the local Flight Standards District Office manager. The notification must include:
 - a. The location of the planned sUAS operation,
 - b. The time or times of the planned sUAS operations,
 - c. A copy of this Waiver, and
 - d. A copy of the airspace authorization per § 107.41 if required for the location and altitude of the sUAS operation. The locations of local Flight Standard District Offices and contact information can be located at https://www.faa.gov/about/office_org/field_offices/fsdo/;

13. As described in the waiver application, operations of multiple sUA conducted under this Waiver will require at least one Primary VO for every 250 sUA. Additional VO's will be utilized as indicated in the Waiver application;
14. 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;
15. Prior to conducting operations under this Waiver, the operational area boundaries must be identified, restricted to access, and monitored as described in the waiver application;
16. The sUA geo-fence and flight termination system must be programmed and verified to operate as described in the waiver application;
17. The ground control station must audibly and visually notify the remote PIC of an sUA malfunction;
18. ADS-B out (1090/978 MHz) may not be transmitted from the sUAS when operating pursuant to this Waiver;
19. 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
20. Operations conducted under this Waiver may occur at locations meeting the performance based criteria contained in the waiver application.