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DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

CERTIFICATE OF WAIVER OR AUTHORIZATION

ISSUED TO

Department of Homeland Security—Customs and Border Protection (DHS-CBP)

ADDRESS

1300 Pennsylvania Ave. NW
Room 6.4A
Washington D.C. 20229

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 standard and special provisions contained in this certificate, and such other requirements of the Federal Aviation Regulations not specifically waived by this certificate.

OPERATIONS AUTHORIZED

Operation of the Predator UAS (Guardian) within (b) (7)(E) airspace and (b) (7)(E) (b) (7)(E) transitions through (b) (7)(E) under the jurisdiction of (b) (7)(E) See Special Provisions.

LIST OF WAIVED REGULATIONS BY SECTION AND TITLE

STANDARD PROVISIONS

1. A copy of the application made for this certificate shall be attached and become a part hereof.
2. This certificate shall be presented for inspection upon the request of any authorized representative 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 are set forth and attached.

This certificate (2009-ESA-68) is effective from August 6, 2010 through August 5, 2011 and is subject to cancellation at any time upon notice by the Administrator or his/her authorized representative.

BY DIRECTION OF THE ADMINISTRATOR



FAA Headquarters, AJR-36
(Region)

Ardyth Williams
(Signature)

August 4, 2010
(Date)

Air Traffic Manager, Unmanned Aircraft Systems
(Title)

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ATTACHMENT to FAA FORM 7711-1

Issued To: Department of Homeland Security–Customs and Border Protection (DHS-CBP)

Address: 1300 Pennsylvania Ave. NW
Room 6.4A
Washington D.C. 20229

Activity: Operation of the Predator UAS (Guardian) within the (b) (7)(E) airspace and (b) (7)(E) transitions through (b) (7)(E) under the jurisdiction of (b) (7)(E). See Attachment

1.

Purpose: To prescribe UAS operating requirements (outside of restricted and/or warning area airspace) in the National Airspace System (NAS) for the purpose of operational flights.

Dates of Use: This Certificate of Authorization (COA) 2009-ESA-68 is valid from August 6, 2010 through August 5, 2011. Should a renewal become necessary, the proponent shall advise the Federal Aviation Administration (FAA), in writing, no later than 60 days prior to the requested effective date.

General Provisions:

- The review of this activity is based on our current understanding of UAS operations, and the impact of such operations in the NAS, and therefore should not be considered a precedent for future operations. As changes occur in the UAS industry, or in our understanding of it, there may be changes to the limitations and conditions for similar operations.
- All personnel connected with the UAS operation must comply with the contents of this authorization and its provisions.
- This COA will be reviewed and amended as necessary to conform to changing UAS policy and guidance.

Safety Provisions:

Unmanned Aircraft (UA) have no on-board pilot to perform see-and-avoid responsibilities, and therefore, when operating outside of restricted areas, special provisions must be made to ensure an equivalent level of safety exists for operations had a pilot been on board. In accordance with 14 CFR Part 91, *General Operating and Flight Rules*, Subpart J-Waivers, 91.903, *Policy and Procedures*, the following

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provisions provide acceptable mitigation of 14 CFR Part 91.113 and must be complied with:

- For the purpose of see-and-avoid, visual observers must be utilized at all times except in Class A airspace, restricted areas, and warning areas. The observers may either be ground based or in a chase plane. The UA must remain within a lateral distance of no more than 2.5 NM and 3,000 feet vertically from the visual observer. The distances listed are the maximum distance; at no time will the UA be operated at a distance beyond the visual line of sight for the visual observer.
- UAS pilots will ensure there is a safe operating distance between manned and unmanned aircraft at all times in accordance with 14 CFR Part 91.111, *Operating Near Other Aircraft*, and 14 CFR Part 91.113, *Right-of-Way Rules*. Additionally, UAS operations are advised to operate well clear of all known manned aircraft operations.
- The dropping or spraying of aircraft stores, or carrying of hazardous materials (included ordnance) outside of active Restricted, Prohibited, or Warning Areas is prohibited unless specifically authorized in the Special Provisions of this COA.

Airworthiness Certification Provisions:

- UA must be shown to be airworthy to conduct flight operations in the NAS.
- Public Use Aircraft must contain one of the following:
 - A civil airworthiness certification from the FAA, or
 - A statement specifying that the Department of Defense Handbook "Airworthiness Certification Criteria" (MIL-HDBK-516), as amended, was used to certify the aircraft or
 - Equivalent method of certification.

Pilot / Observer Provisions:

- **Pilot Qualifications:** UA pilots interacting with Air Traffic Control (ATC) shall have sufficient expertise to perform that task readily. Pilots must have an understanding of and comply with Federal Aviation Regulations and Military Regulations applicable to the airspace where the UA will operate. Pilots must have in their possession a current second class (or higher) airman medical certificate that has been issued under 14 CFR Part 67, *Medical Standards and Certification*, or a military equivalent. 14 CFR Part 91.17, *Alcohol or Drugs*, applies to UA pilots.
- Aircraft and Operations Requirements:
 - Flight Below 18,000 Feet Mean Sea Level (MSL).
 - UA operations below 18,000 feet MSL in any airspace generally accessible to aircraft flying in accordance with visual flight rules (VFR) require visual observers, either airborne or ground-based. Use of ATC radar alone does not constitute sufficient collision risk mitigation in airspace where

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uncooperative airborne operations may be conducted.

- Flights At or Above 18,000 Feet Mean Sea Level (MSL)
 - When operating on an instrument ATC clearance, the UA pilot-in-command must ensure the following:
 1. An ATC clearance has been filed, obtained and followed.
 2. Positional information shall be provided (b) (7)(E)

- **Observer Qualifications:** Observers must have been provided with sufficient training to communicate clearly to the pilot any turning instructions required to stay clear of conflicting traffic. Observers will receive training on rules and responsibilities described in 14 CFR Part 91.111, *Operating Near Other Aircraft*, 14 CFR Part 91.113, *Right-of-Way Rules*, cloud clearance, in-flight visibility, and the pilot controller glossary including standard ATC phraseology and communication. Observers must have in their possession a current second class (or higher) airman medical certificate that has been issued under 14 CFR Part 67, *Medical Standards and Certification*, or a military equivalent. 14 CFR Part 91.17, *Alcohol or Drugs*, applies to UA observers.
- **Pilot-in-Command (PIC) –**
 - **Visual Flight Rules (VFR) as applicable:**
 - The PIC is the person directly responsible for the operation of the UA. The responsibility and authority of the pilot in command as described by 14 CFR Part 91.3 (or military equivalent), applies to the UAS PIC.
 - The PIC operating a UA in line of sight must pass at a minimum the required knowledge test for a private pilot certificate, or military equivalent, as stated in 14 CFR Part 61.105, and must keep their aeronautical knowledge up to date.
 - There is no intent to suggest that there is any requirement for the UAS PIC to be qualified as a crewmember of a manned aircraft.
 - Pilots flying a UA on other than instrument flight plans beyond line of sight of the PIC must possess a minimum of a current private pilot certificate, or military equivalent in the category and class, as stated in 14 CFR Part 61.105.
 - **Instrument Flight Rules (IFR) as applicable:**
 - The PIC is the person directly responsible for the operation of the UA. The responsibility and authority of the pilot in command as described by 14 CFR Part 91.3 (or military equivalent), applies to the UAS PIC.
 - The PIC must be a certified pilot (minimum of private pilot) of manned aircraft (FAA or military equivalent) in category and class of aircraft flown.
 -
 -
 - The PIC must also have a current/appropriate instrument rating (manned aircraft, FAA or military equivalent) for the category and class of aircraft flown.

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- **Pilot Proficiency – VFR/IFR as applicable:**
 - Pilots will not act as a VFR/ IFR PIC unless they have had three qualified proficiency events within the preceding 90 days.
 - The term “qualified proficiency event” is a UAS-specific term necessary due to the diversity of UAS types and control systems.
 - A qualified proficiency event is an event requiring the pilot to exercise the training and skills unique to the UAS in which proficiency is maintained.
 - Pilots will not act as an IFR PIC unless they have had six instrument qualifying events in the preceding six calendar months (an event that requires the PIC to exercise instrument flight skills unique to the UAS).

- **PIC Responsibilities:**
 - Pilots are responsible for a thorough preflight inspection of the UAS. Flight operations will not be undertaken unless the UAS is airworthy. The airworthiness provisions of 14 CFR Part 91.7, Civil Aircraft Airworthiness, or the military equivalent, apply.
 - One PIC must be designated at all times and is responsible for the safety of the UA and persons and property along the UA flight path.
 - The UAS pilot will be held accountable for controlling their aircraft to the same standards as the pilot of a manned aircraft. The provisions of 14 CFR Part 91.13, *Careless and Reckless Operation*, apply to UAS pilots.

- **Pilot/Observer Task Limitations:**
 - Pilots and observers must not perform crew duties for more than one UA at a time.
 - Chase aircraft pilots must not concurrently perform either observer or UA pilot duties along with chase pilot duties.
 - Pilots are not allowed to perform concurrent duties both as pilot and observer.
 - Observers are not allowed to perform concurrent duties both as pilot and observer.

Standard Provisions: These provisions are applicable to all operations unless indicated otherwise in the Special Provisions section.

- The UA PIC will maintain direct two-way communications with ATC and have the ability to maneuver the UA per their instructions, unless specified otherwise in the Special Provisions section. The PIC shall comply with all ATC instructions and/or clearances.
-
- If equipped, the UA shall operate with an operational mode (b) (7)(E) transponder, (b) (7)(E) or mode (b) (7)(E) transponder (preferred) set to an ATC assigned squawk.
- If equipped, the UA shall operate (b) (7)(E)

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- (b) (7)(E)
- VFR cloud clearances and visibilities for Class E airspace will be used regardless of class of airspace the UAS is operating in, except when operating in (b) (7)(E) airspace where 14 CFR Part 91.155 will apply.
- (b) (7)(E)
- (b) (7)(E)
- Operations outside of restricted areas, warning areas, prohibited areas (designated for aviation use) and/or (b) (7)(E) airspace (b) (7)(E)
- (b) (7)(E)
- (b) (7)(E)
- Operations conducted under VFR rules shall operate at appropriate VFR altitudes for direction of flight (14 CFR Part 91.159).
- The UA PIC or chase plane PIC (whichever is applicable) will notify ATC of any in flight emergency or aircraft accident as soon as practical.
- (b) (7)(E)
- (b) (7)(E)
- (b) (7)(E)
- A copy of this COA will be maintained on site by the PIC or designated representative.
- The DHS-CBP and/or its representatives, is responsible at all times for collision avoidance with non-participating aircraft and the safety of persons or property on the surface with respect to the UAS.

Special Provisions:

1. A signed Letter of Agreement (LOA) between U.S. Customs and Border Protection, the 45th Space Wing, and the affected air traffic control facilities is in Attachment 3. The responsibilities and procedures contained in the LOA may be more restrictive based on ATC requirements, but cannot be less restrictive than the contents of this Certificate of Authorization.
2. In the event of a lost link, the UAS pilot (b) (7)(E)

 - Aircraft will execute lost link procedures identified in Attachment 2.

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- The UA lost link mission (b) (7)(E)
 - (b) (7)(E)
 - (b) (7)(E)
3. All operations, (b) (7)(E)
 4. Launch and recovery of the UA (b) (7)(E)
 5. All climb and descent transitions to/from (b) (7)(E)
(b) (7)(E)
 6. All lost link and flight termination points (b) (7)(E)
(b) (7)(E)
 7. All transitions between (b) (7)(E) shall be conducted in (b) (7)(E) airspace.
 8. The UA pilot-in-command (PIC) shall hold, at a minimum, (b) (7)(E)
(b) (7)(E)
 9. All UA pilots and observers shall hold, at a minimum, a (b) (7)(E) medical certificate issued (b) (7)(E) or equivalent, and have it in their possession.

NOTAM: A (b) (7)(E) Notice to Airman (b) (7)(E)
:

- Name and Address of pilot filing NOTAM request
- Location, Altitude or the operating Area
- Time and nature of the activity

(b) (7)(E)

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Incident / Accident and Normal Reporting Provisions: The following information is required to document routine and unusual occurrences associated with UAS activities in the NAS.

- The proponent for the COA shall provide the following information to Donald.E.Grampp@faa.gov on a monthly basis:
 - Number of flights conducted under this COA.
 - Pilot duty time per flight.
 - Unusual equipment malfunctions (hardware/software).
 - Deviations from ATC instructions.
 - Operational/coordination issues.
 - All periods of loss of link (telemetry, command and/or control)

- The following shall be submitted via email, COA On-line or phone (202-385-4542, cell 443-569-1732) to Donald.E.Grampp@faa.gov **within 24 hours and prior to any additional flight under this COA:**
 - All accidents or incidents involving UAS activities, including lost link.
 - Deviations from any provision contained in the COA.

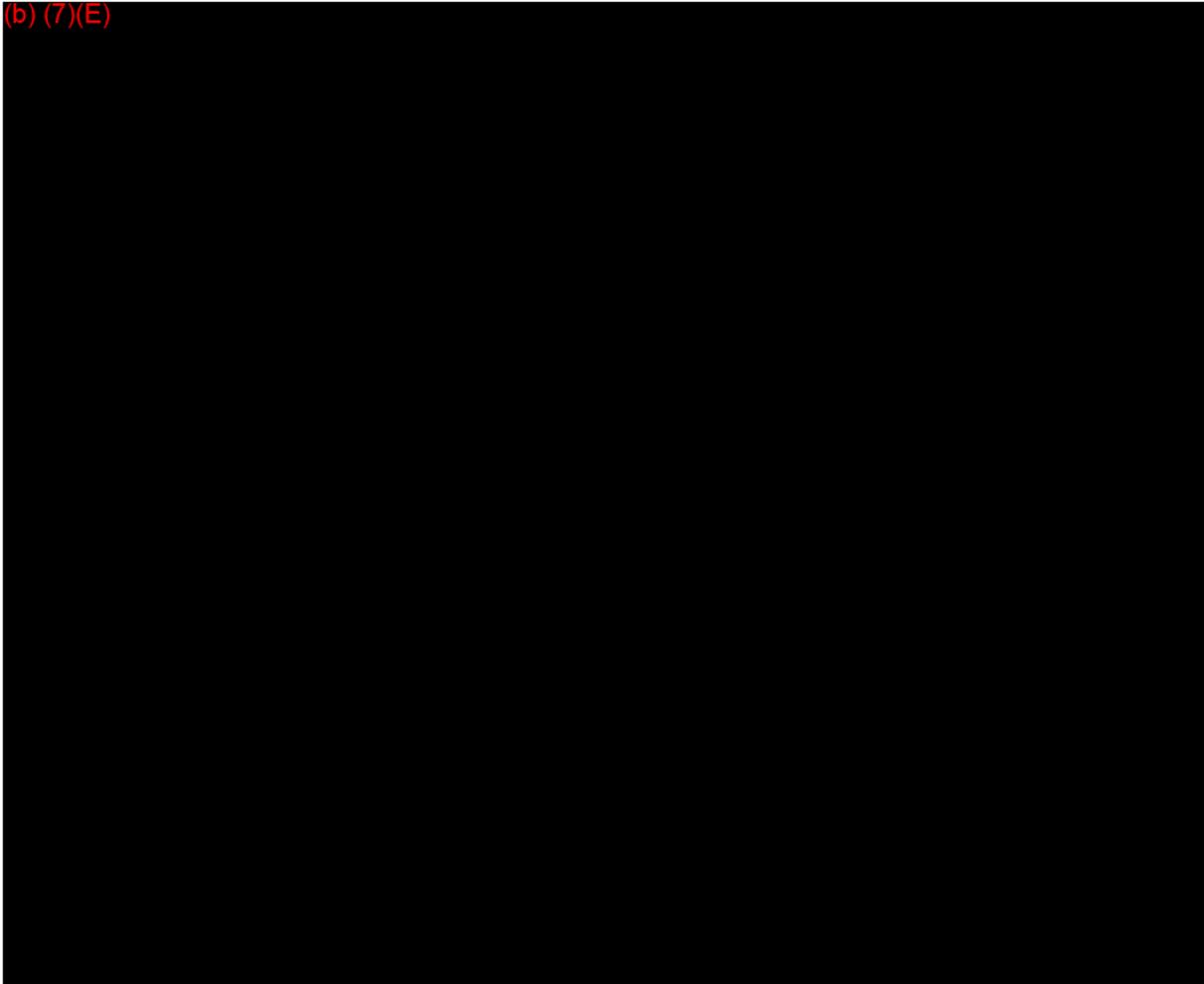
This COA does not, in itself, waive any Federal Aviation Regulation (FAR) nor any state law or local ordinance. Should the proposed operation conflict with any state law or local ordinance, or require permission of local authorities or property owners, it is the responsibility of the DHS-CBP to resolve the matter. (b) (7)(E)

(b) (7)(E) The DHS-CBP is hereby authorized to operate the Predator (Guardian) Unmanned Aircraft System in the operations area depicted in "Activity" above and attachment 1 below.

Attachment 1

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(b) (7)(E)



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Emergency Procedures

Emergency Termination: Unable to sustain flight and return to base

In the event of Flight Termination, the PIC (b) (7)(E)

- (b) (7)(E)
- (b) (7)(E)
- (b) (7)(E)
- (b) (7)(E)

Note: As with manned aircraft operations, the UA may not be able to proceed in a controlled fashion to the flight termination location.

Lost Link: Loss of command uplink, downlink, or both links between the ground control station and the UA

In the event of a Lost Link condition, the PIC (b) (7)(E)

- (b) (7)(E)
- (b) (7)(E)
- (b) (7)(E)
- (b) (7)(E)
- (b) (7)(E)

(b) (7)(E)

If enroute to a (b) (7)(E)

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(b) (7)(E)

If enroute towards (b) (7)(E)

If UAS is (b) (7)(E)

As the UAS flies (b) (7)(E) the PIC must coordinate with ATC (and AMOC as required) (b) (7)(E)

(b) (7)(E)

Lost Communications: Loss of radio communications between the PIC and ATC

(Note: A Lost Link situation could also simultaneously result in loss of ATC radio communications)

In the event of Lost Radio Communications between the PIC and ATC, the PIC (b) (7)(E)

- (b) (7)(E)

- (b) (7)(E)

