

DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

CERTIFICATE OF WAIVER OR AUTHORIZATION

ISSUED TO

Department of the Navy

ADDRESS

DON PEO, Strike Weapons and Unmanned Aviation
RADM William A. Moffett Building
47123 Buse Rd., Bldg 2272
Patuxent River, MD 20670-1547

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 at (b) (3) and within Class
G and E airspace under the jurisdiction of the (b) (3) to
operate within the (b) (3) and transit to/from (b) (3)
unless otherwise coordinated. 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 (2008-WSA-16) is effective from November 2, 2008 through November 1, 2009, and is subject to cancellation at any time upon notice by the Administrator or his/her authorized representative.

BY DIRECTION OF THE ADMINISTRATOR

(b) (6)

FAA Headquarters, AJR-36
(Region)

October 31, 2008
(Date)

Air Traffic Manager, Unmanned Aircraft Systems
(Title)

ATTACHMENT to FAA FORM 7711-1**ISSUED TO:** Department of the Navy**ADDRESS:** DON PEO, Strike Weapons and Unmanned Aviation
RADM William A. Moffett Building
47123 Buse Rd., Bldg 2272
Patuxent River, MD 20670-1547**NAME:** Federal Aviation Administration (FAA) Certificate of Authorization (COA) for Predator Unmanned Aircraft Systems (UAS) in the National Airspace System (NAS) outside of restricted/warning area airspace.**ACTIVITY:** Operation of the Predator UAS at (b) (3)
; and within Class G and E airspace under the jurisdiction of the (b) (3)
to operate within the (b) (3)
and transit to/from (b) (3) at or below (b) (3)
unless otherwise coordinated.**PURPOSE:** To prescribe operating requirements in the NAS (outside of restricted and/or warning area airspace) for the purpose of training and/or operational flights.**DATES OF USE:** This COA (2008-WSA-16) is valid from November 2, 2008, through November 1, 2009. Should a renewal become necessary, the proponent shall advise the 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 the 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 special 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/warning/Class A airspace 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 provisions provide acceptable mitigation of 14 CFR Part 91.113 and must be complied with:

- Visual Observers, either ground-based or airborne, must be used.
- UAS pilots will ensure there is a safe operating distance between manned and unmanned aircraft at all times in accordance with 14 CFR 91.111, *Operating Near Other Aircraft*, and 14 CFR 91.113, *Right-of-Way Rules*. Additionally, UAS operations are advised to operate well clear of all known manned aircraft operations.
- The applicant and/or its representatives are responsible for collision avoidance with all aircraft, other aviation operations, and the safety of persons or property on the surface.
- The dropping or spraying of aircraft stores, or carrying of hazardous materials 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 applications 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 UAS will operate. Pilots must have in their possession a current second class (or higher) airman medical certificate that has been issued under 14 CFR 67, Medical Standards and Certification, or a military equivalent. 14 CFR 91.17, Alcohol or Drugs, applies to UA pilots.
- **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 91.111, *Operating Near Other Aircraft*, and 14 CFR 91.113, *Right-of-Way Rules*. Observers must have in their possession a current second class (or higher) airman medical certificate that has been issued under 14 CFR 67, Medical Standards and Certification, or a military equivalent. 14 CFR 91.17, Alcohol or Drugs, applies to UA observers.

- **Pilot-in-Command (PIC) – Visual Flight Rules (VFR):**

- 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 91.3 (or military equivalent), applies to the UAS PIC.
- The PIC must pass the required knowledge test for a private pilot certificate, or military equivalent, as stated in 14 CFR 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.

- **Pilot Proficiency – VFR:**

- Pilots will not act as a 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 flying UA on other than instrument flight plans must pass the required knowledge test for a private pilot certificate, or military equivalent, as stated in 14 CFR 61.105.

- **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 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 91.13, *Careless and Reckless Operation*, apply to UAS pilots.

Pilot/ATC Instructions: The PIC will maintain direct two-way communications with ATC and have the ability to maneuver the UA per their instructions as applicable.

- **SPECIAL PROVISIONS:**

The FAA recognizes that, by nature, UAS have no on-board pilot to perform see-and-avoid responsibilities. Therefore, when operating outside of Restricted Airspace, special provisions must be made to ensure an equivalent level of safety exists for operations had a pilot been on board. Listed below are the special provisions that must be complied with. All personnel connected with this UAS operation shall comply with the contents of this authorization and its special provisions.

1. All UAS operations shall be conducted under Visual Flight Rules (VFR) in Visual Meteorological Conditions (VMC) in accordance with CFR 14 Part 91.

2. For the purpose of see-and-avoid, visual observers must be utilized at all times when operating outside of restricted, prohibited or warning area airspace. The visual observers must remain within (b) (3) vertically of the UAS during all operations. Pilot/observers must not operate the Predator at a distance beyond that at which see-and-avoid responsibilities can be exercised. The visual observers may be either ground based or in a chase aircraft. The observer(s) must keep the UAS in sight at all times.
3. Operations outside of restricted airspace may only be conducted during daylight hours.
4. The proponent will contact (b) (6), (b) (3) no later than 1 business day prior to flight to allow for inter-facility coordination.
5. The position/navigation/anti-collision strobe lights shall be activated at all times during flight, if equipped.
6. UAS transponder shall be activated at all times during flight.
7. In the event of a lost link or emergency the:
 - Pilot will immediately notify (b) (6), (b) (3) , and provide the following:
 - UA last known location
 - UA altitude
 - Direction of flight/heading
 - Fuel on board
 - Pilots intentions
8. In the event of a lost link Aircraft will:
 - a. Lost Link Within a Restricted Area. If lost link occurs while operating within a restricted area, the UAS will notify ATC. The UAS will remain within restricted airspace while the UAS pilot attempts to regain command link. If link cannot be re-established the UAS will remain in the restricted area until it runs out of fuel and impacts the ground.
 - b. Lost Link Outside a Restricted Area. If the UAS is operating outside of restricted airspace, the UAS will notify ATC, the UAS will fly directly back to an Emergency Mission within (b) (3) , then proceed as indicated above.
 - c. If command link is restored to the UAS, the pilot will advise ATC and make the decision to either continue the mission if the cause can be determined, or recover the aircraft.
9. Operations to include lost link procedures will not be conducted over populated areas, heavily trafficked roads, or open-air assemblies of people.

The proponent will comply with the (b) (3) for the use of (b) (3), and, the (b) (3) for the use of (b) (3) (b) (3) as applicable. This includes the requirement to notify (b) (3) daily ^{(b) (3)} hour prior to each flight.

10. The PIC will establish and maintain direct two-way communications with (b) (3) prior to exiting any Restricted Airspace on frequency (b) (3) to receive appropriate transponder code, and have the ability to maneuver the UAS per their instructions as applicable.

11. Flight operations south of (b) (3) must remain within the (b) (3)

12. Due to the limitations of UAS, the following ATC procedures are not authorized:

- Application of visual separation when the pilot of the UAS would be required to apply and maintain the visual separation
- Visual sequencing of manned aircraft and UAS in the traffic pattern
- Special VFR operations

NOTAM: A distance (D) Notice to Airman shall be issued when UA operations are being conducted. This requirement may be accomplished through your local base operations or NOTAM issuing authority. You may also complete this requirement by contacting the Automated Flight Service Station at (b) (6), (b) (3) not more than 72 hours in advance, but not less than 48 hours prior to the operation and provide:

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

NOTE FOR PROPONENTS FILING THEIR NOTAM WITH DoD ONLY: This requirement to file with the AFSS is in addition to any local procedures/requirements for filing through DINS. The FAA Unmanned Aircraft Systems Office is working with the AFSS, and to eliminate the requirement to file a NOTAM with both the AFSS and DINS in the near future.

INCIDENT / ACCIDENT REPORTING: The following information is required to document unusual occurrences associated with UAS activities in the NAS.

- The proponent for the COA shall provide the following information to (b) (6) on a monthly/annual 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 Communications.
- The following shall be submitted via email or phone (b) (6) to (b) (6) within 24 hours:
 - All accidents or incidents involving UAS activities
 - Deviations from the “Special Provisions” 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 Department of the Navy to resolve the matter. This COA does not authorize flight within Special Use Airspace without approval from the Using Agency. The Department of the Navy is hereby authorized to operate the Predator UAS in the operations area depicted in “Activity” above and attachment 1 below.

Attachment 1

OPERATIONS AREA

(b) (3)

(b) (3)