

*Annotated comments to the FAA recap/status of the Part 13 complaint.
Left column is the letter. Right column are comments by Rick Beach.*

<p>From: Robert.Y.Lee@faa.gov Date: February 5, 2015 at 3:41:55 PM PST To: knightmail98@yahoo.com Cc: djensen@marincounty.org Subject: Telephone discussion on Parahcute Operations</p> <p>Mr. Knight,</p>	
<p>As requested this morning, here is a recap/status of the Part 13.1 Informal Complaint that you had submitted against Marin County, the sponsor of Gness Field Airport (Airport).</p>	
<p>Hopefully, the contents of this email will help you and the airport sponsor to move forward in your discussions on the proposed parachute operations at Gness Field.</p>	<p>The FAA expects Marin County, as sponsor, and Skydive Golden Gate, as proponent, to discuss and resolve conditions for parachute operations at Gness Field.</p> <p>Note that the FAA defines aeronautical activities to include parachute operations like those proposed.</p>
<p>I will go over ongoing as well as recent discussions that I or our office had with you and the airport sponsor regarding your informal complaint that was received on August 27, 2014. I will refer to Mr. Knight as the proponent for the parachute operations.</p>	

<p>Although the Sponsor's October 3, 2014 response letter to our office's September 19, 2014, notification letter did not deny parachute operations from taking place at the Airport, the two requirements specified in the letter may restrict or impede the proponent from implementing the proposed activity.</p>	<p>The letter affirms that parachute operations are not being denied.</p> <p>The two requirements would restrict or impede an aeronautical activity that your grant assurances to the FAA require you to handle differently.</p> <p>Assurance 22, Economic Discrimination, is specific here. Paragraphs 22a and 22h both require reasonable terms and conditions, which this comment disputes your compliance. Paragraph 22i permits the prohibition or limitation of an aeronautical use due to safe operation. But other FAA guidance defines how 22i would be determined.</p> <p>Assurance 34, Policies, Standards and Specifications, requires compliance with FAA guidance. In the case of parachute operations, that would involve 14 CFR 105, Parachute Operations, and FAA Advisory Circular 150/5190 Minimum Standards.</p>
<p>As of today, there is no written draft business/operation agreement between the proponent and the Airport sponsor. In past discussions with both parties, our office has recommended to the proponent and the Airport sponsor to discuss and work together towards an agreement for parachute operations to take place at Gness Field.</p>	<p>Seems that the FAA letter envisions a successful agreement between Marin County and Skydive Golden Gate. Furthermore, some past discussions with Marin County conveyed this expectation.</p>
<p>As discussed, we had conveyed to the Sponsor the offsite landing and retrieval plan may be requested but it would be an unreasonable requirement for the proponent to obtain an access agreement with the adjacent land owners.</p>	<p>This seems clear. The FAA accepts the need for a plan, but rejects the need for an access agreement. This implicates the Aviation Commission, where I first heard of this requirement.</p>
<p>However, we conveyed to the Sponsor that it has a propriety right as the owner of the airport to protect itself from liability and this may include putting conditions into future agreements to protect itself from certain liabilities.</p>	<p>"Conditions" need a place and later that place is suggested as your Minimum Standards for Commercial Activities at Gness Field.</p>
<p>The Sponsor's response letter and subsequent discussions with our office mentioned safety concerns including the location of the parachute landing zone, high wind speed, nearby tower structures, small foot print of the airport, and the parachute operations that would occur inside the Airport traffic pattern.</p>	<p>You have clearly communicated safety concerns, which the FAA has noted.</p>

<p>The sponsor said that a certain FAA flight Standards staff had once visited the airport regarding parachute operations and said that there may be some safety risks regarding the proposed location of the parachute landing zone.</p>	<p>This sets up the following expectation.</p>
<p>We had requested the airport sponsor to obtain from Flight Standards a documented safety review or safety evaluation on the proposed parachute operation. Aside from what Flight Standards needs to evaluate for its review, it should also include factoring in the safety concerns expressed by the Airport sponsor and the proponent's business plan for parachute operations at the Airport. For example, will the LPZ be encroaching on the helicopter flight path.</p>	<p>Apparently, this has not happened.</p> <p>Compliance with 14 CFR §105, Parachute Operations, is required. As is compliance with FAA Advisory Circular 150/5190, Minimum Standards for Commercial Activities, section 2.1f, Skydiving that states in part "Any restriction, limitation, or ban on skydiving on the airport must be based on the grant assurance that provides that the airport sponsor may prohibit or limit aeronautical use for the safe operation of the airport (subject to FAA approval)."</p> <p>Specific to safety issues, section 2.1f(1) poses this question "Will this activity present or create a safety hazard to the normal operations of aircraft arriving or departing from the airport? If so, has the local Airports District Office (ADO) or the Regional Airports Office been contacted and have those FAA offices sought the assistance from FAA Flight Standards (FS) and Air Traffic (AT) to assess whether safe airport operations would be jeopardized?"</p>
<p>We expect that the Airport sponsor will obtain this review from Flight Standards within one to two weeks.</p>	<p>This seems to provide a turn-around time from a request by Marin County to the FSDO.</p>
<p>I indicated if that if there is a problem in obtaining such a review from Flight standards, to notify our office so we can coordinate with Flight Standards to conduct such a review.</p>	<p>Their offer to help expedite your request.</p>
<p>As an argument to the sponsor's view from Flight Standards, the proponent has indicated to our office that he also had also explained the proposed parachute operation to another FAA Flight Standards staff and that staff member conveyed to the proponent that parachute operations can safely occur at Gness Field. As there are mixed messages, it is essential that we get something in written form from Flight Standards regarding its review.</p>	<p>Get a determination in writing.</p>

<p>We conveyed to the airport sponsor that it may limit or prohibit certain aeronautical activities if such action is necessary for the safe operation of the Airport. This includes skydiving. However, we also mentioned the Airport sponsor would need a solid and specific justification for prohibiting or restricting parachute operations at the Airport because it is an aeronautical activity.</p>	<p>If Marin County seeks to limit or prohibit parachute operations, then you must convince the FAA of your reasons.</p>
<p>Also, FAA makes the final decision if Parachute operations can be conducted safely and efficiently at the Airport.</p>	<p>You made grant assurances that require compliance with offering aeronautical activities. The FAA makes the determination for both your safety claim and your grant assurance compliance.</p>
<p>We have also conveyed to the Airport sponsor to develop minimum standards and policies for skydiving at the Airport depending on the review by Flight Standards.</p>	<p>Marin County has minimum standards for airport businesses in your Marin County, Code of Ordinances, Title 12, Aircraft, Chapter 12.06 Airport Business Operating Standards. Parachute activities should be added as required by FAA grant assurance 34, Policies, Standards, and Specifications.</p>
<p>Regards, Robert Lee Airports Compliance Specialist Federal Aviation Administration San Francisco Airports District Office (650) 827-7629 Robert.Y.Lee@faa.gov</p>	