



# Columbia Seaplane Pilots Association

13200 Fielding Road  
Lake Oswego, Oregon 97034

<i>President</i>	ARON FAEGRE	503-222-2546
<i>Vice President</i>	BILL WAINRIGHT	503-293-7627
<i>Treasurer</i>	JAMIE GREENE	503-292-1495
<i>Secretary</i>	JOHN CHLOPEK	503-810-7690

April 21, 2008

Volume 29, Issue 1

## CSPA BULL-A-TON

### INSIDE THIS ISSUE:

President's Message	2,3
<b>2008 CSPA Annual Fly-In</b> – Mark your calendar, <u>in ink.</u> – Get all the particulars..	4
On the Road with Bill Wainwright: –Traveler, Educator, Trade Show Exhibitionist	5, 6
Knowledge is Good – Seaplane Rules and Regulations – Protect Your Waters	7-8 9
CSPA in Action: – BoR Public Conduct Code – Waldo Lake Updates – Missouri River Reports	10 10-15 15-20
Tongass Narrows Information	21
Check Ride with Dave Wiley – by Jack L. Meligan	22, 23
Donation Form/CSPA Dues Re- newal	24

*Board Members unite in love of flying and snacking.*

On April 10, Jody and Tim Wiley graciously offered to host the CSPA Board Members at the Wiley Residence for their pre-Fly-In planning session.

Aron and Bill updated board members on the current status of the Waldo Lake access legal battle. (See pages 10-15 for details.) They recognized the generous cash donations made by CSPA members, and the need for continued fundraising as the courtroom maneuvering continues. There was some talk about the various proven methods for squeezing blood from turnips, and Jamie suggested that a live auction could be held at the May 18 CSPA Annual Meeting/Fly-In as a fundraising event.

**Members wishing to donate aviation-related items for the auction should contact Jamie Greene, (24/7/366) who, in the absence of volunteers, was forcibly appointed the official Live Auction Coordinator.**

There was discussion among board members that it might be fun to encourage more frequent social gatherings for members. Although Jamie Greene admitted to a having a proven track record in organizing events of this nature for the flying public, he remained steadfast and firm in his decision not to accept the position of Social Coordinator, even after the motion had

been made, seconded, and the majority of board members had voted him into that position. He further threatened to leave the building if discussions of him filling the post continued, and it was decided that perhaps John Chlopek might look into the possibilities of social diversions for the CSPA membership on a more regular basis if membership interest would warrant it. He proposed possibly getting together a trip to Waldo Lake this May or June.

Jamie then brought up for discussion the topic of float plane training in our community. It was agreed that the availability of local seaplane training was of vital importance to our group and the flying community, and it was decided that the board would proceed to investigate several options on how best to achieve that goal.

By this time, the board members had cut a wide swath through Jody's generous offering of snacks and nibbles. The meeting ran about as long as it took to consume everything presented but a few lonely pea pods. It was decided to adjourn for the evening before the Wiley family single-serving M&M dispenser had a chance to become overused.

Respectfully submitted,  
John Chlopek, Secretary

The ultimate responsibility of the pilot is to fulfill the dreams of countless millions of earthbound ancestors who could only stare sky ward...and wish.

Anonymous

Bull-a-Ton Newsletter Editor:  
Mary Chlopek

### Don't Forget—Spring Calendar of Events:

- ✓ May 18, 2008—Sunday, Spring CSPA Annual Meeting Fly-In
- ✓ Possible Joint Fly-Out with WSPA to Visit Byrd Museum in Idaho and continue on to Stillwater Landing in Montana, Circa August 8-10, 2008
- ✓ September 7, 2008—Sunday after Labor Day. Summer CSPA Annual Fly-In, Tentative Date.

## Magnetoreception Found in Seaplane Pilot Brains!



**THERE IS CLEAR EVIDENCE THAT SEAPLANE PILOTS DO INNATELY HAVE SOME ABILITY OF MAGNETORECEPTION.**

Your president's first professional life was as a physicist researching the earth's climate. So my fellow seaplane pilots, I hope you will forgive my continuing interest in physics, and my inclination to share with you where modern science intersects with our lives as masters of the air and water.

There has been no good scientific explanation for how birds are able to migrate over long distances without reference to flight instruments, when they travel to their different homes from season to season. In some cases it appears the animals navigate by the stars, but this theory fails to describe travel that continues on during the day – especially when it is bird flight in monotonous or grey surroundings, or fish or whale travel through deep water while crossing an ocean. Scientifically the most probable theory is that some animals are able to detect the earth's magnetic field and use that information on long distance travel. But how would that work since the field is so weak and animals are small? And if animals have that ability, why haven't humans felt this effect?

Recent studies have identified three potential magnetoreception mechanisms for this ability:<sup>1</sup>

1) "electromagnetic induction" whereby the motion of the animal in the earth's magnetic field creates an internal current like an electrical generator which allows the animal to determine magnetic north (sharks are suspected of using this mechanism); 2) "ferrimagnetism" whereby a deposit of metal crystals in a chain inside the animal are felt with nerves as the chain is

magnetic lines as the animal changes directions (some bacteria and birds are suspected of using this method); and finally 3) "biochemical reactions" whereby a biochemical reaction changes depending on the magnetic field present (the chemical "cryptochrome" which has this kind of reaction is present in the eyes of some migratory birds).

There is clear evidence that seaplane pilots do innately have some ability of magnetoreception. How else can we explain this powerful draw that some seaplane pilots have to start planning a trip north at this time of year? We order maps, think about the capabilities of our aircraft, consider the destinations. But underneath it, more than anything else, there is an unknown powerful force that pulls us in that direction.

It would be easy to just say we love to see the freshness of the northern lakes that have gone from ice to water. We are attracted to a land that is half water, monotonous, and where true direction is beyond recognition. It would be correct to say that there is an aliveness in the wild nature of the areas up north, which is utterly outstanding to experience.

For all the concern that man is warming the climate, the fact is that the earth is also coming out of an ice age of approximately 10,000

<sup>1</sup> *Magnetoreception in Animals*, Physics Today, March 2008, pp.29-36



## 2008 CSPA ANNUAL MEETING

We have scheduled the meeting for **May 18<sup>th</sup>**, as usual that's Sunday. It will be held at **Mike Reese's Airport (McKinnon) near Sandy.**

**Flying: OG29. Latitude 45 degrees, 25.84N, longitude 122 degrees, 14.52W**

**Driving: 12930 SE Ten Eyck Road; Sandy, OR 97055**

**From Hwy. 26 in Sandy, turn North onto S.E. Ten Eyck Road (you'll need to take a couple of hard lefts to stay on Ten Eyck Road), continue on 3.7 miles. If you come to Lusted Road, oops, too far.**

As usual it is a potluck affair with Mike providing the hamburgers and cheeseburgers. This year Mike is also going to provide freshly baked berry cobbler for dessert.

The potluck part is your job, so bring your favorite munchies, hors d'oeuvres or side dishes.

Mike has asked that we get **RSVP's** this year so he can plan for the number of attendees.

Last year he planned on 50 and because of short notice fewer showed up. If you have not already done so, please respond back to me with the number who will be attending.

Remember, it is OK to bring a guest or two if they are interested in Seaplanes.

RSVP to:

**[btwainwright@comcast.net](mailto:btwainwright@comcast.net)** - Bill Wainwright—(503) 293-7627

Remember to bring your donations and disposable money to the annual meeting!!!

We will have a professional auctioneer to loosen all of you up for such things as a weekend beach house on the Oregon coast that sleeps 8, cool stuff donated from Kenmore Air and many other sundry items. This is your chance to help fill the coffers of the Legal Fund and get something in return. Remember, any donations are not tax deductible, do not help the poor and do absolutely nothing for anyone but us. What a great cause. Items that the general membership would like to donate for the auction can be coordinated with Jamie Greene.

Contact Jamie at 503-292-1495 or email at [jamieinport@msn.com](mailto:jamieinport@msn.com).

### ***Rip this Bull-a-Ton apart!***

**Before you file this Bull-a-Ton in the circular file, please do three things.**

- 1. Rip out the pages on Oregon Seaplane Regulations, staple them together, and put them in the plane. Then they'll be right where you can read them when docked waiting for a passenger.**
- 2. Ditto on the Aquatic Hitchhiker sheet, so that you remember to keep checking your water rudders and floats for hitchhiking plants and animals.**
- 3. Most Importantly, clip and mail in your legal fund donation/dues form.**

## On the Road ...

Bill Wainwright, CSPA VP, CSPA Good Will Ambassador

### Oregon Marine Board Sheriffs' Education

On March 19<sup>th</sup> Aron Faegre and Bill Wainwright drove to Hood River to present a talk on seaplanes to the assembled Oregon Marine Sheriffs. This is an annual event presented by the Oregon Marine Board to familiarize and refresh the knowledge of the sheriffs across the state about the issues that they may deal with throughout the coming year. It is a multi day event and we were pleased to be able to present a 45-minute discussion on the practicality and legal validity of seaplane operations in Oregon.

Aron led off with his PowerPoint presentation outlining seaplane pilot training and qualifications. Emphasized was our vulnerability to environmental factors such as wind and difficult docking situations. He also covered the willingness of the seaplane association to work with the Marine Board and Sheriffs to defuse any problems that might crop up between the boating public and seaplanes. After the PowerPoint was finished Aron answered questions relating to seaplane and boating interaction.

I followed, with a new feature of our dog-and-pony show, by going over the various Oregon Revised Statutes and Oregon Administrative Rules that relate to seaplanes. (A copy is included with this newsletter- keep it in the plane with you!) It was a great opportunity to explain to the marine sheriffs how seaplane pilots understand the laws as written, rather than in the future being in a position to listen to some individual officer's interpretation, or experience his possible lack of knowledge as he writes you a ticket for something that was legal in the first place. In the end there were a few more questions and several participants approached us afterwards to talk more about the points we raised.

Several of the marine sheriffs asked to be put on our mailing list, which we will gladly accommodate.

Our presentation was followed by an informative talk on the subject of "Hot Docks". The talk was presented by a local man whose son died as a result of this problem. At issue is a situation around moorages where there is an electrical current in the water due to an electrical fault onboard a boat or through the marina wiring or in irrigation pumps along a river. Since the human body is largely salt water, which conducts electricity much better than fresh water, even a small current can be fatal. It seems that these potentially deadly situations are not uncommon even in newly manufactured boats and after seeing this it makes one think twice about swimming off of or in the vicinity of a moorage. The way to determine if such a fault exists is quite simple and maybe we can get some more information to pass on in a future Bull-a-Ton.

Following the morning's discussion we were invited to stay for lunch and were treated to an additional talk by an OSP officer on partnering with various agencies on high seas enforcement of fishing regulations. Aron and I were seated on each side of Paul Donheffner, the Director of the Oregon State Marine Board, so it was a great opportunity to talk further about the issue of Waldo Lake. Paul is a supporter of ensuring fairness to the seaplane community and it was because of him that we became aware of the Forest Service proposed regulation that intended to restrict seaplanes from the lake. The Marine Board is appreciative that the CSPA has joined the appeal to clarify that Waldo Lake, and potentially many other lakes surrounded by Forest Service lands, are owned by the State of Oregon and thus are governed for boating and seaplane purposes by the Marine Board, not the federal government.

### Rose City Yacht Club Presentation

In December I got a call from the Rose City Yacht Club. I was asked to come and speak to them about seaplanes. Not having any program of my own, I called Aron and asked him if he would be available to go to their meeting with me and put on his PowerPoint presentation. On January 16<sup>th</sup> we attended their evening meeting. Aron made his standard PowerPoint presentation which includes discussion of the history of seaplane development, FAA, and Coast Guard rules, and so forth. They were very appreciative of learning about seaplanes and were supportive of seaplanes sharing the waters with them.

### *So....what's up with the CSPA web site?*

Okay, funny story on the web site (by "funny" I mean more of an interesting type funny and not so much a gut-busting type funny)...it's not actually done yet. I've compiled quite an extensive list of excuses as to exactly why it's not done yet, and none of which I'd call really *good* excuses. There has been no undue pressure from the irritatingly patient and understanding board members, who may not realize I do my best work hopped up on adrenaline and under extreme pressure. So if they can just step up to the plate on that front, it's possible that we'll see some progress very soon.

—Mary Chlopek

## 25<sup>th</sup> Annual Northwest Aviation Conference and Trade Show

On February 23 and 24<sup>th</sup> The CSPA and Washington Seaplane Pilots Association jointly manned a booth at the trade show. I was present on Saturday and was assisted through the afternoon by fellow CSPA member Ron Ems. We met and talked to people interested in Seaplanes and flying in general. On Sunday the booth was staffed by John Chlopek, your CSPA secretary, and his wife Mary. Chris Popov came over from Idaho and also represented CSPA.

Additionally, in the booth both days were Bruce Hinds, WSPA President, and his wife Jeanie as well as several other people from WSPA. Bill Montgomery and his wife, from Montana, spent Saturday helping out and it was a great opportunity to get to meet one of the several people from MT who are working to keep the Missouri River open to seaplanes through the Breaks.

I attended a talk by Phil Boyer, AOPA President, on the political climate of General Aviation. Following the talk I introduced myself to the AOPA regional reps in attendance. Mike Ferguson lives in

Montana and represents Oregon, Washington, Idaho and Montana. We had a good discussion on the Missouri Breaks and Bureau of Reclamation and the action that both of our organizations are taking to keep the skies and, more to the point, the landing areas open.

Tom George, the rep for Alaska, was also there and we spoke at length regarding the proposed closing of a portion of Aleknagik Lake near the village of Aleknagik about 20 miles North of Dillingham. Tom, as the regional AOPA rep was quite involved with getting the city to back off in its proposed closure. Tom is also very much involved with all aspects of aviation in Alaska and as such, was interested in the Oregon statutes on airports and seaplanes. I have sent him information on these rules. He indicated that he may attempt to introduce some of these ideas into Alaska.

---

## Thank you Donors!

A big thank you goes out to the following organizations and individuals who have responded to our call for funds to fight for **seaplane rights**. The actual amount of funds needed will depend on how the Waldo Lake case proceeds. Our attorneys suggest that it will take in the range of \$25,000 to \$50,000. We had asked national SPA to commit to funding 1/3 of the costs, which they have done. We intend to then raise another 1/3 through large \$1,000 to \$5,000 donations from "Core Donors" who have that ability, and the last 1/3 from members at large with donations of \$10 or more. If you're not on the list, please take this opportunity to send in a donation to join in supporting this effort: You can donate to the CSPA Legal Fund simply by filling out the form at the back of the newsletter and sending in a check. Your name will appear in subsequent publications so all seaplaners will recognize your contribution to keeping our waters open.

### Core Donors

Warren Bean, Oregon  
 Ted Millar, Oregon  
 Aron Faegre, Oregon  
 Chuck Jarecki, Montana  
 Mark Masciarotte, Washington

### General Membership Donations

John Knapp, SPA Field Director N Carolina  
 S Carolina & Virginia  
 Thomas Hamilton, Aerocet Inc, Idaho  
 Hugh Ackroyd, Oregon  
 Donald Schwabel, Washington  
 Thomas & June Hurst, Washington  
 Marq Gunderson, Washington  
 Max Lyons, Oregon  
 Bob and Joanne Kembel, Montana  
 John & Julie Gillett, Oregon

Bill & Vicki Zurcher, Washington  
 John R. Locker, Portland  
 John Fitzgerald, Oregon  
 John and Mary Chlopek, Oregon  
 David Bennett, Montana  
 Jamie Greene, Oregon  
 Rodney Kempf, Oregon  
 ArWayne Stonecipher, Oregon  
 Bill and Toni Wainwright, Oregon



## OREGON SEAPLANE RULES: KEEP THIS IN YOUR FLOATPLANE!

### Oregon State Marine Board Regulations Referencing Seaplanes

#### Oregon Revised Statutes (Marine) Chapter 830 — Small Watercraft

**830.005 Definitions.** As used in this chapter, unless the context requires otherwise:

(2) "Boat" means every description of watercraft, including a seaplane on the water and not in flight, used or capable of being used as a means of transportation on the water, but does not include boathouses, floating homes, air mattresses, beach and water toys or single inner tubes.

(4) "In flight" means from the moment a seaplane starts its takeoff run until the end of a normal power-off landing run.

**830.605 State Marine Board and Oregon Department of Aviation to distribute information on regulation of seaplanes.** (1) The State Marine Board and the Oregon Department of Aviation shall cooperate to publish and distribute information concerning laws, rules and regulations that govern seaplane safety and operations in Oregon.

(2) As used in this section, "seaplane" has the meaning given that term in ORS 835.200.

#### Oregon Administrative Rules (Marine)

### PROCEDURES FOR IMPLEMENTING MANDATORY BOATING SAFETY EDUCATION PROGRAM

#### 250-018-0080 Exemptions

(a) A person operating a seaplane with a valid license issued by the Federal Aviation Administration (FAA) and a seaplane endorsement is not required to carry a boater education card. Seaplane pilots must possess a boater education card to operate a recreational boat;

### PROCEDURES FOR ADOPTING, AMENDING AND REPEALING LOCAL AND SPECIAL RULES

#### 250-019-0020 Definitions

(5) "Boat" means every description of watercraft, including a seaplane on the water and not in flight, used or capable of being used as a means of transportation on the water, but does not include boathouses, floating homes, air mattresses, beach and water toys or single inner tubes.

### Oregon Department of Aviation Regulations Referencing Seaplanes

#### Oregon Revised Statutes (Aviation)

### Chapter 835 — Aviation Administration

#### SEAPLANE REGULATION

835.200 Rules for operation and safety.

(4) As used in this section and ORS 835.210, "seaplane" means an aircraft equipped to land on water.

835.210 Application by political subdivision for special regulation. (1) The governing body of a political subdivision of this state may apply to the State Aviation Board for special regulations relating to the operations of seaplanes on waters within the territorial limits of the political subdivision. These regulations may include, but need not be limited to, the establishment of limits on the areas of operations, hours and time of operations, and the prohibition of seaplane landings and takeoffs. Within a reasonable time, the board shall act upon the application in accordance with ORS chapter 183.

(2) For purposes of regulation, no political subdivision of this state may enact or enforce any law or other regulation for purposes of subsection (1) of this section. [Formerly 835.085]

#### Oregon Administrative Rules (Aviation)

#### 738-040-0010 Purpose and Statutory Authority

To regulate seaplane operations on certain waters of this state to ensure the safe operation of such aircraft in relation to marine craft and persons using the same waters:

#### 738-040-0016 General Provisions

(1) Division 40 rules are applicable to all seaplanes on state waters and waters of this state except when inconsistent with an applicable laws or regulations of an agency of the United States.

(2) Given due regard for the suitability of any area for take off and landing in accordance with Federal Aviation Regulation 91.103, Seaplanes may land, take off or operate on waters of this state open to motorboats, unless specifically prohibited by Division 40 rules or unless inconsistent with any applicable laws or regulations of an agency of the United States. These rules establish no priority or precedence for seaplane operations. All seaplane operators must exercise due caution and consideration for the other users of the water.

(3) A seaplane, operating on the water and not in flight, is subject to, and must comply with all boating restrictions and regulations established for the particular body of water on which it is operating.

(4) No political subdivision of this state may enact or enforce any law or other regulation pertaining to the operation of seaplanes on waters of this state (See OAR 738-040-0040 for the application for special regulations.)

#### 738-040-0018 Waters Closed to Seaplane Operation

Except in an emergency, seaplanes shall not land, takeoff or operate on the following waters:

(1) Any body of water designated as a state or federal Wilderness or Primitive area or Wildlife refuge.

(2) Those waters listed in ORS 830.180 and in State Marine Board rules, OAR Chapter 250, Division 20, where motors are prohibited or that allow electric motors only. These restrictions are summarized and published in the "Oregon Boating Regulations" booklet available from the State Marine Board.

**738-040-0018 Waters Closed to Seaplane Operation** (continuation)

Except in an emergency, seaplanes shall not land, takeoff or operate on the following waters:

- (3) Other bodies of water as designated by special regulations and adopted in OAR Chapter 738, Division 40.
- (4) Those waters under federal jurisdiction that are closed to seaplane operations by federal regulations.
- (5) Privately owned bodies of water without the permission of the owner.

**738-040-0020 Interagency Coordination**

(1) Seaplane operations on those federally navigable waters defined under 33 Code of Federal Regulations §§ 2.05-25(a)(1995), are subject to regulation by the United States Coast Guard and, for impoundments behind Corps of Engineer dams, by the Army Corps of Engineers. Seaplane operators should ascertain the federal regulations before conducting seaplane operations on these waters:

- (a) For informational purposes, a list of significant Oregon river segments that have been determined as of 1995 to be federally navigable waters is provided as section (3) to this rule. These waters are subject to Coast Guard regulation. Impoundments under Corps of Engineer jurisdiction are not listed, however, the Corps of Engineers has adopted regulations for seaplane operations at lakes under Corps of Engineer jurisdiction. These regulations and the waters effected are listed in the Corps pamphlet, "Seaplane Operations at Corps of Engineers Lakes" (1982). A copy may be obtained from the Portland District Office of the Army Corps of Engineers or from the Department.
- (3) Navigable waters of the United States where Federal Regulations apply, include but are not limited to, the significant river segments listed in subsections (a) through (v) of this section. This list of waters is meant to be informational only. Determinations of navigability are made by the U.S. Coast Guard and are subject to change. (See 33 CFR § 2.10-5 for the latest determinations and other waters not noted here.) The distance shown in the column headed "Miles" refers to the distance up-stream from the river's entrance at the ocean, or its confluence other body of water):

Name—Miles	Name—Miles	Name—Miles
(a) Alsea Bay and River - 13;	(l) Nehalem Bay and River - 8;	(w) Smith River (North Fork) - 1;
(b) Chetco River - 3.5;	(m) Nehalem River (North Fork) - 5;	(x) Snake River (along boundary) - 54;
(c) Columbia River - Entire Length in Oregon;	(n) Nehalem River (South Fork) - 5;	(y) Tillamook Bay and River - 16;
(d) Coos River (above Coos Bay) - 6;	(o) Nestucca Bay and River - 9;	(z) Trask River - 2;
(e) Coos River (South Fork) - 9;	(p) Netarts Bay - 5;	(aa) Umpqua River - 25;
(f) Coquille River - 35;	(q) Rogue River - 33;	(bb) Willamette River (to Eugene) - 185;
(g) Coquille River (North Fork) - 2;	(r) Salmon River - 3;	(cc) Wilson River - 3;
(h) Coquille River (East Fork of North Fork) - 2;	(s) Siletz Bay and River - 22;	(dd) Yamhill River - 7;
(i) Coquille River (South Fork) - 2;	(t) Siuslaw River - 19;	(ee) Yaquina Bay and River - 23;
(j) Little Nestucca River - 2;	(u) Siuslaw River (North Fork) - 2;	(ff) Youngs Bay and River - 10.
(k) Millicoma River - 9;	(v) Smith River - 20;	

**738-040-0025 Equipment**

All seaplanes must be equipped as required by the regulations of the Federal Aviation Administration specifically for seaplanes that are in effect on November 1, 1996.

**738-040-0030 Operation**

- (1) Each person operating an aircraft on the waters shall, insofar as possible, keep clear of all vessels and avoid impeding their navigation, and shall give way to any vessel or aircraft that is given the right-of-way by any of the following provisions of this section:
  - (a) When aircraft, or an aircraft and a vessel, are on crossing courses, the aircraft or vessel to the other's right has the right-of-way;
  - (b) When aircraft, or an aircraft and a vessel, are approaching head-on or nearly so, each shall alter its course to the right to keep well clear;
  - (c) Each aircraft or vessel that is being overtaken has the right-of-way, and the one overtaking shall alter course to keep well clear; and
  - (d) When aircraft, or an aircraft and a vessel, approach so as to involve risk of collision, such aircraft or vessel shall proceed with careful regard to existing circumstances, including the limitations of the respective craft.
- (2) Each person operating an aircraft on any water in the state shall observe these additional operational restrictions:
  - (a) No seaplane shall be moored to any navigational aid placed by federal authority or by the State Marine Board;
  - (b) No seaplane shall be anchored or moored in such a position as to obstruct a charted channel or other passageway ordinarily used by other watercraft;
  - (c) No seaplane shall be operated in any water area that is clearly marked by buoys or other devices as a bathing or swimming area;
  - (d) No seaplane shall tow any person or object at speeds greater than five (5) knots without an observer on board maintaining constant direct visual contact with the person or object being towed;
  - (e) No person shall ride on the outside of a seaplane while the seaplane is taxiing at speeds greater than five (5) knots;
  - (f) No seaplane shall accomplish any portion of its take off or landing run within 200' of a public boat launching ramp or a boat moorage listed in the "Oregon Boating Facilities Guide," a ferry landing or a designated and marked swimming area; and
  - (g) No seaplane shall initiate a take off or landing run if that run can reasonably be expected to bring it within 100' of a canoe, kayak, a water skier or a diver in the water marked by a flag.

[Publications: Publications referenced in these rules are available from the agency referenced.]

[This document prepared by Columbia Seaplane Pilots Association, April 2, 2008.]



KEEP THIS DOCUMENT IN YOUR FLOATPLANE!



**STOP AQUATIC  
HITCHHIKERS!**

# Protect Your Waters

[Hitchhikers](#) [Impacts](#) [Prevention](#) [Resources](#) [News](#) [Activities](#) [About Us](#)

[Contact Us](#)  
[FAQ](#)

Seaplanes can transport Aquatic Hitchhiker species between water bodies on their floats. It is important to clean the aircraft and remove all plant fragments or attached mussels before traveling, rather than after landing in new waters. Pilots are advised to include these steps into their flight operations. As always, safety is the first priority when using the guidelines.



## **Before entering the aircraft -**

- Inspect/remove plants from floats, wires or cables, and water rudders;
- In infested water, check transom, bottom, chine, wheel wells, and float step area.
- Pump water from floats.
- Use these methods to kill aquatic hitchhiker species:
  - Wash/spray floats with hot or high-pressure water;
  - Dry for 5 days.

## **Before takeoff -**

- Do not taxi through heavy aquatic plant growth prior to takeoff;
- Raise and lower water rudders to clear off plants, minimize cable stretch and improve steering effectiveness.

## **After takeoff -**

- Raise/lower water rudders several times to free aquatic plant fragments while over the waters you are leaving or land;
- If aquatic plants remain visible on the plane, return and remove them.

## **Storage or Mooring -**

- Remove aircraft from the water and allow parts to dry. Summer temperatures will kill adult zebra mussels (longer time is required for cool, humid weather);
- Aircraft moored for extended periods may have mussels attached and should be cleaned regularly. In remote locations, zebra mussels or other aquatic hitchhiker species may be present. If no cleaning equipment is available, the best prevention option is to hand-clean the submerged floats with a scrub brush and to physically remove any attached life.

## CSPA In Action

The following pages contain information pertaining to the CSPA Legal battles that are currently underway. Included is information about the Waldo Lake situation and included documentation of our contact with The U.S. Forest Service, The Bureau of Land Management, and correspondence from Senator Gordon Smith. We are also looking into the BLM ruling with regard to seaplane use on the Missouri River. The large volume of information requires a liberal amount of squeeze-work on the printed pages to follow, and it is recommended that you keep your specs handy as you read through the fine print of the next section.

### Bureau of Reclamation Public Conduct Rule

In the later part of 2007 people became aware of a change in policy at the Bureau of Reclamation in the form of their Public Conduct Rule. Essentially the change was a blanket closure of over 400 impoundments in the western states of BoR and partner managed facilities. The Bureau of Reclamation adopted a revised Public Conduct Rule on or about April 17, 2006. In that rule Section 423.41 stated: *(a) You must not takeoff or land an aircraft on Reclamation lands or water bodies except in special use areas so designated by an authorized official.*

CSPA Members Ed Dickman and Steve Burak were the first to begin what has been a hard fought apparent victory for the seaplane community. Ed wrote to the Secretary of the Interior Dirk Kempthorne on the issue and to my knowledge was summarily ignored. Steve Burak wrote an article that appeared in the Idaho Division of Aeronautics newsletter "Rudder Flutter". Following that article things started to happen. The article was widely distributed and many people, seaplane associations, AOPA, and state agencies got on the bandwagon and

started to write to the BoR and demand action to reverse the rule or at least give us a way to seek relief.

The first "effort" by the BoR was to say that if there had been documented allowance of seaplanes on an impoundment then it would be grandfathered. The only problem was that before the new PCR, there was no need to document use and therefore no, or at least very little documentation available to work with.

In December I wrote first to Bill McDonald, Regional Director, in the Boise office and to my surprise the letter was answered by Jerrold Gregg from the Snake River Area Office. As time went on and nothing seemed to be happening in January I wrote to Robert Johnson, Commissioner, in Washington, DC. In the meantime Jim McManus, Seaplane Pilots Association Executive Director, was successful in having a face to face meeting with officials out of the Denver office, which was largely responsible for the ruling.

On March 26<sup>th</sup> 2008 I received a letter back signed by the Commissioner himself. In it he said "in addition to the concerns raised by you and others over seaplane access, there are other areas of concern with the PCR that have come to our attention. To fully address all of these issues, we will be revising the PCR, and among the changes we intend to make will be a revision to the section concerning seaplanes"

On March 27, 2008, In a phone call to SPA Director James McManus, the Washington, D.C., office of the Bureau of Reclamation announced they will make a formal revision of the 2006 Public Conduct Rule which banned seaplanes from most of their lakes. The revision is expected to return seaplane access to BoR lakes to pre-Public Conduct Rule status. The BoR has also said that the SPA will be the official contact to work through this issue for seaplane interests.

Bill Wainwright  
CSPA Vice President  
SPA Field Director OR/ID

### Waldo Lake Report - The Saga Continues

By Aron Faegre

From the last Bull-a-ton, you know that CSPA was about to file in the 9<sup>th</sup> Circuit Court to stop the Forest Service from closing Waldo Lake to seaplanes. This was a case where again a federal agency was prohibiting seaplanes from using waters, with no record of problems. And again the closure was being initiated by federal staff that had never even seen a seaplane on the lake. A fundamental aspect of this case is that Waldo Lake is owned by the State of Oregon and not by the Forest Service, so there is also a state's rights issue.

The first hearing on the case was held in Eugene, Oregon on February 25, 2008. Aron and Bill attended, along with CSPA's attorneys. CSPA and an environmental group called McKenzie Flyfishers were allowed to join the case (one for each side) without objection by any of the parties. All attorneys took part in the proceedings. The initial hearing focused on the US Government's motion to dismiss the issue of who owns the lake, claiming it should not be part of the case.

The US said that ownership should be resolved by the Quiet Title Act (the QTA occurs in a different court proceeding with different parties). The judge pushed hard on the US attorney to explain its position. The US attorney wavered and would not definitively say whether it claims title to the lake or does not.

The US attorney generally said they assume everything is not navigable unless proved in court otherwise. The judge created a hypothetical of what if the US laid claim to a 5 block radius around the courthouse to reduce auto noise at the courthouse and asked the US attorney if the only remedy for commuters would be to file a QTA (and they would also have to be property owners in the 5 block area to use the QTA). The US attorney tried to avoid the question, but in the end said yes that would be the only remedy. The judge asked several times "why is the State not here?" The US attorney said it is because they are acquiescing to the US on all issues here. Cloran (Stewart's attorney) read the Oregon law [see ORS 274.430 below which is very eloquent] that clearly says lakes such as Waldo ARE state owned because the lake was meandered and is navigable. The point was if a court case is needed, it would be to prove it is NOT navigable.

***274.430 State ownership of meandered lakes; status as navigable and public waters.***

*(1) All meandered lakes are declared to be navigable and public waters. The waters thereof are declared to be of public character. The title to the submersible and submerged lands of such meandered lakes, which are not included in the valid terms of a grant or conveyance from the State of Oregon, is vested in the State of Oregon.*

*(2) ORS 274.430 to 274.450 shall not apply to any non-navigable lakes lying within the boundaries of any duly organized and incorporated drainage district which was in existence on January 1, 1921.*

*(3) Nothing in this section impairs the title of any upland or riparian owner to or any vested rights in land which was added prior to May 25, 1921, by natural accretion or reliction to the lands of such upland owner.*

The judge appears to understand the issues and be willing to take them on. In conclusion he gave the US attorney 2 weeks to respond as to whether they believe they have title to the lake or not. Then there are 2 weeks for all to respond, and then 2 more weeks for all to respond to the responses.

On another issue, the judge seems to be interested in whether the Forest Service can regulate uses on Waldo Lake even if the State of Oregon owns it. That will likely be the direction the US goes either as a back-up argument or if they decide not to fight navigability. The Keep Waldo Wild folks were grandstanding before and after the hearing, they had canoes out on the sidewalk and were playing up to the two TV stations present, but from initial reviews of media outlets, their message did not transfer into any "positive" press for them. I talked to KEZI and explained our position, but from looking at their web site I don't see any result yet.

Since that first hearing, the State of Oregon has filed an affidavit that it does own the lake, and that the State Marine Board is the agency that sets rules for boats (which is in fact how rules for the lake have historically been made). Briefs by all parties have been filed, and there will likely be another hearing before too long. We will keep you posted.

*Waldo Lake Access Battle– Sequence of Events to Date*

- 2006 December: CSPA learns Forest Service planning to close Waldo Lake to seaplanes
- 2007 January: CSPA files objections during comment period
- 2007 January: CSPA files Freedom of Information Act (FOIA) request with Forest Service
- 2007 April: Forest Service provides response to FOIA request with all the negative comments about seaplanes
- 2007 April: CSPA says there must be more information in Forest Service files
- 2007 May: Forest Service finds more responses to FOIA request (all the positive comments)
- 2007 May: Forest Service comes out with final plan which continues to prohibit seaplanes
- 2007 June: CSPA files appeal of decision to Forest Service regional director (next step in process)
- 2007 June: CSPA invited to negotiate with Forest Service staff to try to find resolution
- 2007 June: CSPA attends meeting with Forest Service and asks to continue meeting to try to find resolution; Forest Service says no
- 2007 July: Forest Service denies CSPA appeal
- 2007 October: Steven Stewart files petition to 9th Circuit Court against Forest Service concerning motorboat prohibition
- 2007 October: CSPA asks membership for donations to legal fund; CSPA asks SPA to assist with funds
- 2008 January: SPA commits to help in funding; many CSPA members help with funding
- 2008 January: CSPA files to join Steven Stewart petition, on behalf of seaplanes
- 2008 February: CSPA admitted by Judge Coffin to take part in the petition
- 2008 February – April: legal proceedings continue on per summary provided in this Bull-a-ton.



## Columbia Seaplane Pilots Association

13060 SW Fielding Road  
Lake Oswego, Oregon 97034

*President* ARON FAEGRE 503-222-2546  
*Vice President* BILL WAINRIGHT 503-293-7627  
*Treasurer* JAMIE GREENE 503-292-1495  
*Secretary* DAVE WILEY 503-636-4930

### Page 2 of 3: Waldo Lake Meeting Memorandum

June 21, 2007

#### MEETING MEMORANDUM

Informal Disposition Meeting with Forest Service June 21, 2007

This memo summarizes a meeting held on June 21, 2007 from 9:15 am to 10:30 am at Forest Service (FS) Headquarters, Federal Building, 211 E. 7<sup>th</sup> Avenue, 2<sup>nd</sup> Floor, Eugene, Oregon at the invitation of the Forest Service to discuss possible alternatives to the Waldo Lake plan that might resolve some or all of the Columbia Seaplane Pilots Association (CSPA) concerns expressed in its appeal dated June 7, 2007. Attending the meeting were FS representatives: Chip Weber (representing Dallas Emch the Deciding Officer), Neal Forrester, Stacey Smith, and CSPA representatives Aron Faegre, Bill Wainwright, Dave Wiley, and Jay McCaulley.

The following items were discussed:

1. Introductions: All parties made introductions to each other. Faegre noted that Wiley is also a regional representative for the national Seaplane Pilots Association. Faegre added that Wiley is one of the nation's foremost experts in seaplane issues as he is an FAA designated pilot examiner, an FAA safety advisor, and an FAA certified A&P with inspection authority. Wiley is a great resource on all seaplane issues and the FS should make use of his nationally recognized expertise in any future examination of floatplane issues on any of its lakes.
2. Reason for Meeting: Weber reiterated that he had called Faegre as the FS has a required process for appeals which is to offer an informal disposition meeting to those making the appeal. Weber stated that the FS is pretty much set on the decision it has made, but is obligated to offer a meeting so offers that it is open to minor changes to their alternative if that would resolve CSPA issues.
3. Informal Disposition Process: Forrester passed out a two page document titled Title 36, Chapter II, Part 215, Section 215.17 Informal disposition. He had highlighted key issues and noted that there were three possible outcomes of the meeting: 1) reach agreement, 2) consider new information or changes to analysis, or 3) appeal continues.
4. Responsible Official Authority: Faegre asked whether Weber has been given the authority to actually reach agreements if ones were developed between FS and CSPA. Weber said he is authorized, but that in fact he would not make them without first discussing them with Emch.
5. FS Does Support Floatplane Use at its lakes generally: Weber noted that he had just previously worked in the FS Tongass Forest and is very familiar with floatplane use and its ability to fit in with wilderness settings and uses. In the case of Waldo Lake the

FS believes there are many other lakes in their region that can be used by floatplanes and so it is not a great loss to lose Waldo Lake to floatplanes.

6. Reasons FS Does not Support Floatplane Use at Waldo Lake: The FS has decided that Waldo Lake will best be served for recreation by having the lake surface be classified as semi-primitive non-motorized. Forrester and Weber indicated that this goal of semi-primitive for the lake is not in any way related to the wilderness designation of lands nearby around the lake that occurred in 1984. Neal Forrester stated that the semi-primitive designations on portions of land around the lake occurred as a result of the 1991 management plan.

Weber said the decision to not allow motors on the lake was strictly a social decision based on the general feel and experience of the uses on the lake. Therefore, Weber said the FS believes it does not need any noise measurement to make this decision, and in any case acknowledges that they did not take any measurements.

Faegre asked whether Weber or anyone else involved has ever seen or experienced a floatplane on Waldo Lake, and the response was no. Faegre asked how they could make a decision based on feel and experience, without the experience. Faegre noted that the report "Human-Induced Noise Impacts on Boaters at Waldo Lake, Oregon" by the Florida student Joseph Kuhn, which was used in large part as the basis for their EA said that noise had only a limited effect on the satisfaction levels of boater groups [n.b. p. 105] and that actual measurements using recording equipment and decibel meters should be taken as a next step [n.b. p. 107]. Faegre noted that the FS seemed to have just selected from the report items that what would support the FS alternative while ignoring suggestions and items in the report that were counter to the FS position. The FS acknowledged that the report did contain these other recommendations and comments which were not used in the EA.

7. No Consultation with FAA or with Corps of Engineers: The FS acknowledges that they did not consult with the FAA or the Corps of Engineers in preparing this plan amendment. The FS also acknowledged that they did not take any measurements of noise of any kind. Forrester asked McCaulley why CSPA would expect the FS to consult with the Corps of Engineers. McCaulley said because of the navigability issue. Weber said the FS had consulted with only the agencies they felt were necessary. Forrester said that they had asked for an opinion from legal counsel and were advised that they did not have to consult FAA or Corps of Engineers and had not problem with the jurisdictional issue regarding navigability. CSPA asked if this decision was in written form, and if so asked for a copy. Forrester and Weber said they would check and see if they could find that document, and would ask whether it could be released. [Note: Forrester called McCaulley later the same day and reported that there is such a document, but that it is privileged and will not be released.]
8. Floatplane Community Not Consulted at all during the EA Process: Faegre noted that the FS did not make any real attempt to gain input from the floatplane community. The



Columbia Seaplane Pilots Association

13060 SW Fielding Road  
 Lake Oswego, Oregon 97034

ARON FAEGRE  
*President*  
 503-222-2546

BILL WAINRIGHT  
*Vice President*  
 503-293-7627

JAMIE GREENE  
*Treasurer*  
 503-292-1495

DAVE WILEY  
*Secretary*  
 503-636-4930

June 23, 2007

Waldo Lake Recreation Use EA  
 Chip Weber, District Ranger  
 Middle Fork Ranger District  
 Willamette National Forest  
 USDA Forest Service  
 46375 Highway 58  
 Westfir, Oregon 97492  
[cweber@fs.fed.us](mailto:cweber@fs.fed.us)

RE: INFORMAL DISPOSITION MEETING 6-21-07 FOLLOW-UP  
 REQUEST TO CONTINUE DISCUSSIONS PER SEC. 215.17 (d) (2)

Dear Mr. Weber:

This letter is a followup to our meeting in your offices on Thursday June 21, 2007 from 9:15 am to 10:30 am concerning our request that the Forest Service continue to allow floatplanes on Waldo Lake as has been permitted up to this time. Based on the discussion we had about options of working together to solve any issues with floatplanes, you said we could write you a letter, and you would share it with Dallas Emch and Linda Goodman, to see if there are any opportunities for finding an alternative resolution to our appeal.

Specifically, we felt that a new understanding emerged in our discussion with you, Neal Forrester, and Stacey Smith, that the Forest Service might be able to accept floatplanes coming to Waldo Lake as long as they are understood to be a "vehicle of arrival" similar to that of a car arriving at the lake. A rule could be established with the following outline of conditions:

Floatplane as Vehicle of Arrival: Floatplane use of the surface of Waldo Lake will be for arrival and departure purposes only. Seaplanes will not be permitted to use the lake for any other aircraft activity.

Preferred Locations for Arrival: Based on joint discussions between the Forest Service and the Columbia Seaplane Pilots Association, specific locations may be designated as closed to floatplane taxi and mooring operations (such as a swimming area). Locations will be chosen to meet the Forest Service's management goals, along with the safety and operational requirements of floatplanes.

Coordination with FAA and Seaplane Community: Columbia Seaplane Pilots Association will agree to provide coordination with the FAA and with the national Seaplane Pilots Association to get this information integrated into standard pilot charts, data bases, and training programs for floatplane pilots.

We look forward to meeting with you again to consider how such an arrangement could be accomplished in a way consistent with the Forest Service's goals, while allowing this form of arrival to continue.

Respectfully submitted,

*Aron Faegre*

Aron Faegre, President  
 Columbia Seaplane Pilots Association

Page 3 of 3—Waldo Lake Meeting Memorandum

FS should have known that taking comments locally and advertising in the Eugene Register Guard would not get input on floatplane issues, since floatplanes would generally be coming from more distant points. Local citizens would likely drive to the lake, whereas people in floatplanes would likely be from more distant areas. Why didn't the FS reach out and contact either a regional organization like the CSPA or a national organization like the Seaplane Pilots Association? The staff in the room had no answer to this question.

Faegre noted that had the FS contacted CSPA early in the process, CSPA would have been very willing to work with the FS to determine if there were alternatives that would result in the same end goals of the FS. In fact by working together it might have been possible to come up with far improved alternatives. The current alternative only proposes to eliminate floatplanes from the surface of the lake. By working together and finding a way to allow some floatplane access, the CSPA could have helped in finding ways to also help protect the area from general fly-over's, low altitude passes, or other more general aviation-related intrusions to the general area.

9. Floatplane as "Vehicle of Arrival": The FS has been so far considering the floatplane as essentially the same as a boat in its use of Waldo Lake. During the discussion Wainwright realized this and explained that the seaplane should have been considered by the FS in a different light, as a vehicle of travel to bring a visitor to access the lake much like a car or truck. The use of a floatplane on the lake will be only for a very short period of several minutes; floatplane use is not at all like a motor boat that spends many hours on the water. Once landed the floatplane will moor and park similar to that of a car. CSPA suggested that a set of rules could be jointly established which acknowledge that floatplanes could only use the lake as a vehicle for arrival, and cannot do training, or any other aircraft activity.

10. Outcome of this Meeting: With this new information, Faegre asked what the staff feel the outcome of this meeting will be. Forrester said that the FS had no intention to write a memo of the meeting, and if they did it would simply say that there was a meeting and that it resulted in no change to the FS position. There would be no passing on of this information.

11. CSPA Request that this meeting be considered a Type 2 Outcome: Faegre requested that the FS instead take this new approach into consideration as a Type 2 Outcome. Weber said he would review our input with Dallas Emch and Linda Goodman and see if this provided a new approach for resolution of all or part of the CSPA appeal.

12. End of Meeting: The meeting ended with a feeling that there might be some opportunity for finding common ground.

Memorandum by Aron Faegre



# Columbia Seaplane Pilots Association

13200 Fielding Road  
Lake Oswego, Oregon 97034  
President ARON FAEGRE 503-222-2546  
Vice President BILL WAINRIGHT 503-293-7627  
Treasurer JAMIE GREENE 503-292-1495  
Secretary DAVE WILEY, *In Memoriam*

October 19, 2007

Dr. James McManus, Executive Director  
Seaplane Pilots Association  
3859 Laird Blvd  
Lakeland, Florida 33811

Dear Jim:

You will recall our past emails and conversations about the Waldo Lake legal battle that CSPA has been shouldering with the U.S. Forest Service. The Forest Service has said they are going to outlaw all seaplanes and internal combustion boat engines from Waldo Lake based on a belief that they can pass such laws on any lake that is in or near their property. This ban is being done without any basis – no noise data, no pollution problems, no complaints, no legal justification – just preference of Forest Service staff. In June CSPA created and filed a 47 page appeal of the decision – which appeal went to a higher up USFS chief. I've attached a copy of that appeal and a summary of the key issues, and ask that you set up a place on the SPA web site for this information.

Our appeal was recently summarily denied, and the only remedy now is a lawsuit in federal court. While legal procedures are very costly we have the advantage in this case of having a very well healed citizen taking on a major role in this battle. As a result his legal team has done a major portion of the research and preparation needed for a law suit. Stewart's attorneys have pledged to assist our efforts in preparing our complaint knowing that we have limited resources. They have already filed in federal court and suggest that both our causes will be best served if CSPA can get their complaint in before the USFS has a chance to file a response.

The first step is to file the complaint. CSPA has the \$2,000 to do this but is starting this process with much trepidation as it doesn't make any sense to spend the money if we know we'll never have the funds to follow it through. The attorneys have given us a break down of the potential cost. Overall we anticipate it costing between \$25k and \$50k. Our hope is to raise 1/3 of the needed funds from private individual donors with contributions of \$1000 - \$2000 amounts (for example I am going to put in a \$1000 donation), and another 1/3 from our legal fund which will grow from CSPA member smaller individual donations. We are asking national SPA for the remaining 1/3 as this is a case that will be of national importance in establishing the rights of seaplanes to use all navigable waterways. For example the court that will ultimately decide this case is the same one that would decide the Missouri River case, if that one ultimately needs to also go the court route.

I want to emphasize the fact that Stewart is probably going to spend considerably over \$150,000 on his legal position. We aren't going to be represented as seaplanes in his complaint, as his will only cover internal combustion boat motors, but will cover the basic issue of "boat navigability". So protecting seaplane rights is up to us. Our board and its advisors feel that this is a very strong

Page 2 of 2—Waldo Lake SPA Request

case on Stewart's and our side. I say this from the fact that our legal council is willing to discount their fees and figure in the long run winning this case will serve them as well.

A "seaplane navigability win" of this decision will substantially influence the way the federal government does business with respect to seaplanes in the future. Particularly on the subject of States Rights and having to prove that there is a problem before they go and place a ban on seaplanes for no substantiated reason. Missouri Breaks is a prime example, a decision in our favor on Waldo Lake could have effect on what the BLM is doing to States Rights (State ownership of the Missouri River under the Equal Footing Doctrine etc.) and private land interests in Montana.

Please give this request priority attention. Our board has unanimously approved proceeding subject to a strong fund raising effort. We have told our attorneys to start drafting the complaint as there are time constraints to success there. We request that you take this up with your board on an emergency basis. Our specific request right now is for an \$8,333 commitment from SPA to help with legal fees now. We are going to try to keep our total legal costs to \$25,000 by doing some of the work and preparation of factual materials (our attorneys say this will be helpful and will reduce costs). Also, our brilliant water rights/access consultant Jay McCaulley (who is knowledgeable of both U.S. Coast Guard and FAA aspects of these issues) has offered to donate his time on this, which otherwise likely would result in an additional cost of \$10k to \$50k. We commit that your involvement will not go above another \$8,333 should our total go above the \$25,000 number.

We understand that SPA has recently spent over \$14,000 on a manatee issue involving seaplane operations there in Florida. If we can win this U.S. Forest Service case it will set precedent for many federal agencies in the west, including for the Missouri River. Please find a way to come along on this one with us. We need you as our partner.

Yours truly,

Columbia Seaplane Pilots Association

Aron Faegre, President

Attachments: CSPA Waldo Summary 10-15-07, Waldo Lake CSPA Appeal 6-7-07

January 28, 2008

Aron Faegre, President

Columbia Seaplane Pilots Association

Dear Aron,

The SPA board met on January 21. Part of our discussion focused on the request of the Columbia Seaplane Association for SPA financial assistance in your litigation efforts with the U.S. Forest Service over seaplane landing rights on Lake Waldo.

Various points of view were expressed by different board members about the wisdom of seaplane operations on this extraordinarily pristine waterway. However, the consensus of the board was that SPA would support your cause.

The rationale for this financial assistance was not so much in support of seaplane landing rights on these waters but rather the issue of the state's authority to make these decisions versus the federal government. The board also concurs that a "seaplane navigability win" of this decision will also influence the way the federal government does business with respect to seaplanes in the future. We believe preserving states rights is the area where a positive outcome would have the most valuable precedent and most far-reaching beneficial effect for seaplane pilots.

The SPA Board has decided to contribute the full \$8,000 that the Columbia SPA initially requested. Our board will not be able to authorize any additional funds beyond this amount, however.

To clarify another matter referenced in the Columbia SPA request letter to SPA, your letter referenced the Manatee Zone seaplane issue in Florida. For clarification, all of the SPA money expended for this litigation came directly from donations specifically earmarked for this issue. The funds were donated to SPA on behalf of our member for his legal battles. SPA was merely a conduit of these funds - no SPA funds were allocated for the Manatee Zone litigation.

We are proud to be part of Columbia Seaplane Pilot Association's effort to establish the rights of individual states to govern waterways within their borders.

Sincerely,

J.J. Frey, Board Treasurer

Seaplane Pilots Association

## Moving along to the Missouri River....

### Missouri River Report

by Aron Faegre

The BLM in late January 2008 issued its final rule prohibiting seaplanes from using 146 miles of the Missouri River. In doing this the BLM ignored federal law which requires seaplanes to have access to the Missouri River, since it is a navigable waterway usable for interstate commerce. (See CSPA's original detailed submittal to BLM which can be found on the national SPA's web site at [www.seaplanes.org/advocacy/CSPA\\_mobreaks.pdf](http://www.seaplanes.org/advocacy/CSPA_mobreaks.pdf).)

The BLM final ruling outlaws seaplanes, even while admitting in the 12 inch thick document that seaplanes have caused no problems, and in fact have not yet even been seen by BLM staff. The ruling allowed power boats to continue to use the river, but lumped seaplanes and PWC together and outlawed them both. One insider suggested to us that we had been "thrown to the wolves" to try to appease the environmentalists who had wanted to prohibit motorized vessels of all kinds.

The next step in gaining a remedy to this ruling was to file a protest to the BLM Director in Washington D.C. within 30 days of the issuance of the rule. CSPA researched the BLM's commentary, contacted the FAA and the Coast Guard to gain help, and then filed a protest. To make the point that this is an issue of national significance, our protest included signatures of support from 9 other seaplane organizations as well as 77 individuals from 19 states. Lastly, we are working with Senator Smith's office to get his help in directly contacting the BLM Director on this issue. A copy of our protest is attached in this Bull-aton.



# Columbia Seaplane Pilots Association

13200 Fielding Road  
Lake Oswego, Oregon 97034  
President ARON FAEGRE 503-222-2546  
Vice President BILL WAINRIGHT 503-293-7627  
Treasurer JAMIE GREENE 503-292-1495  
Secretary JOHN CHLOPEK 503-810-7439

March 4, 2008

Jim Caswell, Director  
Bureau of Land Management  
Attention: Brenda Williams (WO-210)

P.O. Box 66538  
Washington, D.C. 20035

RE: PROTEST OF DECISION - UMRBNM RMP/EIS  
SEAPLANE ACCESS NEEDED TO MISSOURI RIVER WATERS

Dear Director Caswell:

To maintain a safe seaplane transportation mode for interstate travel between the Eastern and Western United States, it is necessary that seaplanes be permitted to land on the Missouri River of which 149 miles are in the Upper Missouri River Breaks National Monument (UMRBNM). The Missouri River is the key waterway for our travel between East and West.

The BLM's recent UMRBNM Resource Management Plan and Final Environmental Impact Statement (RMP/EIS) would prohibit this. Seaplane pilots while transiting these areas need routine access to the river for flight safety. Additionally, seaplanes need unfettered access to the river for:

- precautionary landings (to check on or solve mechanical or other flight issues before developing into an emergency),
- weather delays,
- nighttime stops,
- meal stops, and
- passenger comfort stops.

Our seaplane pilots have been using that 149 mile section of the river for these uses for approximately 50 years. The BLM Monument staff has acknowledged that they have not had any problems with seaplane use. In fact they admit they are not even aware of it occurring. Yet they propose a plan that would outlaw our continued use of the river.

BLM staff did not adequately consider nor address the issues we raised during the public comment period; nor did they consider conflicting federal policy regarding the closure; nor did they adequately follow federal policy regarding consultation with other agencies.

Therefore, we demand that you either:

- a. Delete the prohibition on seaplanes from the RMP/EIS documents (Plan), or

Page 2 of 6—CSPA Protest to Allow Seaplane Access

- b. Remand that issue back to the BLM Monument staff with an order that they are to have meaningful group consultation with the FAA, the Coast Guard, and our organization (we represent the nation's seaplane pilots on this issue) with the intent of finding a way to allow seaplane use of the UMRBNM while minimizing any negative impacts (if any are found to exist).

This issue of need for seaplane access to the river was raised by us during the prior stage of development of the Plan, and can be found in our submission dated February 8, 2006 (copy attached to this letter).

The reasons are stated in much detail, in our prior submission. We request you read our detailed document. For purposes of introducing you to this issue, we will summarize several of the key reasons here, and provide explanation for why we feel that our issues were not adequately understood or considered in the prior stages of your District staff's work. Key reasons to not prohibit seaplanes include the following:

- 1. No Scientific, Verifiable Reason was given for Prohibiting Seaplanes: A FOIA request early in the process, along with several direct discussions and correspondences with Gary Slagel, Monument Manager, established that the BLM has never had a problem with a seaplane using the river, has no record of complaints about an actual seaplane using the river, and has with its own District staff never seen a seaplane in the river. There is no problem which is solved by prohibiting seaplanes.

[For more detail on this issue see the CSPA February 8, 2006 submittal to BLM.J.

- 2. Interference with a Federally Navigable Waterway: The entire stretch of river covered in the Plan is a federally navigable waterway, which the Coast Guard is charged with protecting for public use and transportation, both commercial and recreational. Seaplane travel constitutes one such use that is both public and involves transportation.

The BLM staff did not seriously consider this fact during the preparation of the basic alternatives considered in the Plan; nor did they consult with the Coast Guard in any meaningful way during the preparation of the basic alternatives considered in the Plan; nor did they seriously consider this fact subsequently in determining the final Plan. The Columbia Seaplane Pilots Association (CSPA) raised this navigability issue with the BLM staff in our February 2006 comments, criticized their lack of prior consultation, and asked them to consult with the Coast Guard and our organization about the rights of seaplane use due to federal navigability of the river.

The BLM staff has ignored the factual information we provided on this issue (see our submittal of February 8, 2008 which is in the record). The BLM staff in January of 2007 apparently attempted to contact the Coast Guard, substantially after the fact and never achieved a meaningful consultation with the Coast Guard.

The BLM staff clearly had a goal of prohibiting seaplanes from using the river, irrespective of not seeing them there, irrespective of the federally granted rights of access, as evidenced by a lack of consultation prior to creating alternatives, and then evidenced by a lack of persistence in addressing the issue once it was raised by us.

[For more detail on this issue see the CSPA February 8, 2006 submittal to BLM.]

3. Interference with National Air Transportation Policy: The entire stretch of river covered in the Plan is a federally navigable waterway, which functions as a practical flyway for seaplanes which are primarily regulated by the Federal Aviation Administration (FAA) as the agency charged with ensuring a national policy for use of aircraft as a basic transportation mode.

The BLM staff did not seriously consider this fact during the preparation of the basic alternatives considered in the Plan; nor did they consult with the FAA in any way during the preparation of the basic alternatives considered in the Plan; nor did they seriously consider this fact subsequently. The Columbia Seaplane Pilots Association (CSPA) raised this transportation issue with the BLM staff in our February 2006 comments and criticized their lack of prior consultation, and asked them to consult jointly with the FAA and our organization about the rights of seaplane use due to the FAA's role as the lead federal agency for air transportation modes.

Once the final plan was issued in January 2008 by BLM, CSPA read in the final Plan that consultation with FAA had occurred. CSPA contacted BLM on February 5, 2008 (see copy in Appendix A) asking who the BLM consulted with at FAA. BLM responded with a letter dated February 19, 2008, received February 22, 2008, (see copy in Appendix) that provided information that a telephone call was made from BLM to the local FAA office on December 5, 2006.

Apparently in response to CSPA's request that BLM consult with the FAA, Wade Brown, Supervisory Outdoor Recreation Planner for the BLM on December 5, 2006 did contact a Floyd Dockum of the FAA Flight Standards District Office at 406-449-5270 and had a telephone discussion concerning the BLM's draft preferred alternative to prohibit seaplane and power boat use of the Missouri River. A memo was created by Mr. Brown and is attached in Appendix A to this letter.

Mr. Brown's memo shows that the specific concerns of CSPA for safety of seaplane operation in this section of the river were not passed on to Mr. Dockum. It also indicates that Mr. Brown was at that time describing an alternative that prohibited both seaplanes and power vessels, whereas the final adopted plan allows most power vessels, but discriminates against seaplanes as a power vessel, simply because that vessel is capable of flight (no scientific analysis of noise data, safety concerns, or factual information is provided for the discrimination). The memo indicates that Mr. Dockum offered to "answer any other specific questions" that might arise, yet when the preferred alternative changed, the BLM did not do any follow-up with Mr. Dockum.

Since the BLM had never consulted with

We believe the BLM staff clearly came to this study with a prejudiced goal of prohibiting seaplanes from using the river, irrespective of not seeing them there, irrespective of the federally granted rights of access, as evidenced by a lack of consultation prior to creating alternatives, and then as evidenced by a lack of persistence in addressing the issue once it was raised by us.

On learning of the BLM contact of Mr. Dockum, Aron Faegre, CSPA President, called and communicated directly with Mr. Dockum on February 25 and 26, 2008 concerning the issue of seaplane use of the river. A copy of the memo from that discussion is attached in Appendix A to this letter. Mr. Dockum stated that he remembered the telephone discussion with Mr. Brown, but he had never been provided with a copy of the memo to review its accuracy and/or to review it with others in the FAA to determine if his verbal comments were correct. Mr. Dockum stated to Mr. Faegre that he was not aware of the fact that the Missouri River is a federally navigable waterway protected for transportation use. Mr. Faegre had on February 25, 2008 emailed to Mr. Dockum a copy of the CSPA 2-8-06 submittal to BLM. After reviewing the CSPA submittal, Mr. Dockum told Mr. Faegre that he felt it provided very convincing arguments that seaplanes do in fact have rights to land in the Missouri River, and wished CSPA good luck in trying to preserve those rights. The BLM should follow up on this issue and consult with a branch of the FAA which is designated for responding to this kind of basic issue of federal rights of access - such as would be available at FAA Headquarters (Washington, DC) or with a Regional Administrator (NW Regional Office in Seattle).

Mr. Faegre had previously contacted Regional Administrator Dennis Roberts of the FAA NW Regional Office, whose office suggested that CSPA should be in contact with Craig Holmes, Branch Manager, Certification and General Aviation Operations Branch, FAA Headquarters. Mr. Faegre contacted Mr. Holmes, and sent him information about the Missouri River issue. Mr. Holmes responded back that "I agree with you if they allow a powered vessel on the water it shouldn't matter whether it's a propeller in the air or a propeller in the water." Mr. Holmes agreed to do further research on the issue and see what he could do to help. A copy of the memo from that discussion is attached in Appendix A to this letter.

[For more detail on this issue see the CSPA February 8, 2006 submittal to BLM.]

4. Interference with Interstate Commerce: Seaplanes use the Missouri River as their path of travel for crossing between the western and eastern parts of the United States. They require the ability to land in the water while they are traveling, because they do not have wheels and cannot use any other surface. While flying in federally controlled airspace they are regulated primarily by the Federal Aviation Administration. While on a federally navigable waterway they are a vessel regulated primarily by the Coast Guard. The BLM does not have authority to remove this ability of seaplanes to accomplish interstate commerce, as it is protected by the Commerce Clause of the Constitution.

[For more detail on this issue see the CSPA February 8, 2006 submittal to BLM.]

Signatures from 77 Individuals from 19 states and one Canadian Province who desire for you to know that your decision will affect their future abilities to use a seaplane to cross the country, and potentially put them and their passengers at a significant safety risk:

Oregon	10
Washington	17
Montana	11
Idaho	15
California	2
Texas	2
North Carolina	1
Wisconsin	1
Florida	5
Maine	2
No. Dakota	1
Iowa	1
Connecticut	1
Virginia	1
Minnesota	2
New Jersey	1
Nevada	1
Alaska	1
West Virginia	1
Ontario, Canada	2

Thank you for this opportunity to present our concerns. Through other channels we are attempting to encourage the FAA and the Coast Guard to contact your office directly, so that your decision can have the benefit of meaningful consultation with them.

On a personal note, I would add that my daughter and I have flown this route with my floatplane, following the Lewis and Clark route across our great country. It is a rough and difficult flight, over an otherwise unimproving landscape. Given that your local BLM staff have not identified an existing problem with seaplanes in the river, can you please be reasonable and allow this historic use of the river to continue?

Respectfully,

Aron Faegre, President

Attachments: Appendix A

Original Submittal to BLM dated February 8, 2006

5. Potential Major Negative Impact on a Nationally Significant Travel Mode: Our nation relies on multiple modes of transportation for its commerce, competitiveness, and security. The seaplane mode of travel has been essential at some times for use during war, for use in fire fighting, for access to areas not easily accessible by other transportation modes, and for use as basic civil transportation. For the seaplane transportation mode to remain nationally viable the essential navigable waterways that seaplanes use must be protected for such use, and the seaplane skills and practical knowledge that accompanies them must be retained. We are entering an era where sustainability is an important issue. Our country is recognizing the importance of limiting the need for paved areas, while increasing the protection of water and natural areas. From a national perspective the protection of and use of water bodies, in lieu of pavement, for aircraft landings and takeoffs could become an environmentally preferential practice. This option must be protected as a basic national security issue, and thus our waterways must be allowed to continue such use.

[For more detail on this issue see the CSPA February 8, 2006 submittal to BLM.]

6. Nationally Broad Public Interest of Aviation Community: Attached in Appendix A is a letter of support to this CSPA protest, with the sole intent to make sure that BLM understands that this is a national issue of importance to the ability of seaplanes to be functional as a transportation vehicle. It is noted that it has been signed by the following organizations and persons from the following states and provinces:

Signatures representing other Seaplane Pilot Associations and National Aviation enterprises:

- US SPA, Dr. James McManus, Exec Dir.
- SPA Australia Rob Loneragan, Pres.
- Georgia SPA Todd Westfall, Pres.
- Grumman Mallard Owners Assn. Loel Fenwick
- Indiana SPA Randy Strebbig, Pres, SPA F. D.
- Minnesota SPA Eric Hynnek, James Baker, Officers
- Montana SPA Larry Ashcroft, Pres.
- Washington SPA Bruce Hinds, Pres.
- Sun-n-Fun Fly In Inc. Kathryn McManus, Dir.

GORDON H. SMITH  
OREGON

COMMITTEE  
FINANCE  
COMMERCIAL, SCIENCE, AND TRANSPORTATION  
ENERGY AND NATURAL RESOURCES  
INDIAN AFFAIRS  
MEMBER, SPECIAL COMMITTEE ON AGING

**United States Senate**  
WASHINGTON, DC 20510-5704

March 25, 2008

Mr. Aron Faegre  
President  
Columbia Seaplane Pilots Association  
13200 Fielding Road  
Lake Oswego, OR 97034

Dear Mr. Faegre:

The Bureau of Land Management has responded to my inquiry on your behalf. I have enclosed a copy of this response and hope you will find the information provided helpful.

Please do not hesitate to contact me if you have any further questions or comments on this or any other issue which falls under the jurisdiction of the federal government. I am grateful for this opportunity to be of service to you.

Sincerely,

Gordon H. Smith  
United States Senator

GHS:gs  
Enclosure

www.gordon-smith.senate.gov  
PHOTO COURTESY OF GHS



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Montana State Office  
5001 Southgate Drive  
Billings, Montana 59101-4669  
<http://www.blm.gov/mt>

In Reply To:  
1781 (060)

March 20, 2008

Honorable Gordon H. Smith  
United States Senate  
One World Trade Center  
121 SW Salmon Street, Suite 1250  
Portland, OR 97204

Dear Senator Smith,

I am writing in response to your March 11 inquiry on behalf of your constituent Mr. Aron Faegre. He contacted your office concerning how the Proposed Resource Management Plan (RMP) for the Upper Missouri River Breaks National Monument addresses seaplane use within the monument.

The protest period for the proposed RMP ended March 4, 2008. Mr. Faegre and the Columbia Seaplane Pilots Association did protest the proposed RMP with the director of the Bureau of Land Management in Washington, D.C. Their specific concerns will be addressed via the protest process through the director's office.

However, I would like to add that the proposed RMP does allow seaplane use on the first three miles of the Upper Missouri National Wild and Scenic River near Fort Benton, Mont. It also allows emergency seaplane landing and take-off on the entire 149-mile stretch of the Upper Missouri National Wild and Scenic River, which provides a safety net for those seaplane pilots/passengers flying cross-country along the river.

I hope this information clarifies the bureau's process for addressing Mr. Faegre's concerns. If you have any questions, please contact Gary Slagel, monument manager, at 406-538-1950.

Sincerely,

Howard A. Lemm  
Acting State Director

cc:  
Lewistown Field Manager  
WO Correspondence (WO 615, MS 406C LS)

# Columbia Seaplane Pilots Association



13200 Fielding Road  
 Lake Oswego, Oregon 97034  
 President ARON FAEGRE 503-222-2546  
 Vice President BILL WAINRIGHT 503-293-7627  
 Treasurer JAMIE GREENE 503-292-1495  
 Secretary JOHN CHLOPEK 503-810-7690

March 31, 2008

Senator Gordon Smith

121 SW Salmon Street, Suite 1250  
Portland, Oregon 97204

RE: BLM RESPONSE DOES NOT ADDRESS SEAPLANE CONCERNS

Dear Senator Smith:

Of course I am very appreciative of your contacting the BLM, but the BLM's response continues to ignore our fundamental concerns.

It is kind of the BLM to offer up that seaplane pilots can use the Missouri River in an "emergency". Obviously our pilots will try to use the Missouri River for "emergencies" which the FAA defines as things like "power plant failure."

However, for practical seaplane flight across the country, our pilots need access to the Missouri River on an unfettered, as-needed, flight-by-flight basis, for more than emergencies. We have specifically asked for access to the river for:

- precautionary landings (to check on or solve mechanical or other flight issues before developing into an emergency),
- weather delays,
- nighttime stops,
- meal stops, and
- passenger comfort stops.

Furthermore, the BLM has ignored the fact that the Missouri River is a navigable waterway, historically intended by the Department of Interior and the U.S. Coast Guard for use of vessels that are traveling long distances, as our seaplanes do along that route.

The BLM's suggestion that the first 3 miles (Fort Benton) of their section of the river is a significant offer ignores the fact that that portion of the river is, according to some pilots, unusable at low water times due to sand bars and debris, and that the two bridges curving across it in that area make it difficult and dangerous for some seaplanes to use. When I flew from Portland across that area, I looked down at that stretch of the river to contemplate a landing; it did not look safe to me, and so I did not land there.

The BLM also ignores the fact that the next approximately 150 miles downriver from their 149 mile section of the river has already been closed to seaplanes by the Corp of Engineers, as it is

Page 2—Senator Smith

part of the Charles M. Russell National Wildlife Refuge. Thus, if the BLM is permitted to close this section, we will have an approximate 300 mile section of the river we cannot use. Imagine a 300 mile car drive from Portland to Ashland with the accelerator pedal stuck "on", and no stops allowed unless it is an "emergency" (like the engine quits). Then imagine that you know there is a risk that you will get to Medford and the weather may make continuing on not possible, so you would then have to turn back to Portland (again without being allowed to ever stop the car for one second). That is what we would have to face just to set off on the flight with the rules now promoted by the BLM.

For seaplanes, the Missouri River is the equivalent of a highway shoulder or rest stop on this long flight. I think that non-aviation people are not aware of the level of safety that pilots must observe in their flights. Under FAA regulations we are allowed to initiate a flight only if we have knowledge and confidence that the flight can be completed or that there are "alternatives available if the planned flight cannot be completed" [FAR 91.103 Preflight action]. For seaplane flight across that wild part of the country to be possible, we need to be able to plan to land, in cases that preclude the definition of an "emergency." We need to have the right to land if only because the pilot believes that landing is the "safe" course of action, and that it is available as an "allowed alternative" to proceeding.

Senator Smith, I appreciate your patience with me on this issue. And I hope you might be able to convince the BLM that our interests are purely ones of safety and well being for our pilots and passengers. The BLM regularly uses general aviation aircraft in the management of their lands, and I would ask the administrators to consult with their own pilots to perhaps gain a better understanding of the safety needs for which we are pleading. The level of safety for which we are asking, is one that the BLM administrators would want for their own friends and families.

I remain indebted to you for your efforts on our behalf.

Respectfully,

Aron Faegre, President

# Tongass Narrows Information — by Bill Wainwright

I was recently contacted by a boat operator who was concerned about a situation that he had encountered in the Ketchikan Alaska harbor. He was piloting a large boat that unexpectedly had a transmission failure on one of the engines. While trying to keep the boat under control under what he described as difficult conditions of tide and wind, the boat began to encroach on the landing lane used by the local floatplane pilots. His concern arose from the way the floatplanes kept arriving and landing near his boat as he tried to signal them that he had an emergency and keep the boat under control and avoid the floatplanes that he felt were getting entirely too close. Repeated calls on marine channel 16 did not elicit a response from any of the floatplanes. His main question to me was "do floatplanes, which are vessels when in the water, carry marine radios?". I explained to him that it was not a common piece of equipment for most aircraft unless they were going to be in a situation where they needed to be communicating with boats as a part of their operation. I told him how the Ketchikan harbor is operated by a flight service station which is not a tower and is advisory in nature. I suggested that in this day in age with cell phones readily available or also marine operator service that a call to 911 to alert the flight service station of his difficulty would have been very effective in getting the word out to the pilots as they approached the area. I also mentioned that the floatplane is often perceived by the unaccustomed public to be much too close while to the pilot, knowing the maneuvering capabilities of the plane, feels no danger.

As our conversation continued he told me about the Tongass Narrows Voluntary Waterway Users Guide. As some of you may be planning a trip to Alaska this summer I thought I would reproduce a portion of the users guide for your reference and education. The harbor is a very intimidating area to operate in for a first time user, probably more so than Lake Hood in Anchorage, due to the mix of different types of vessels and aircraft using a very confined area.

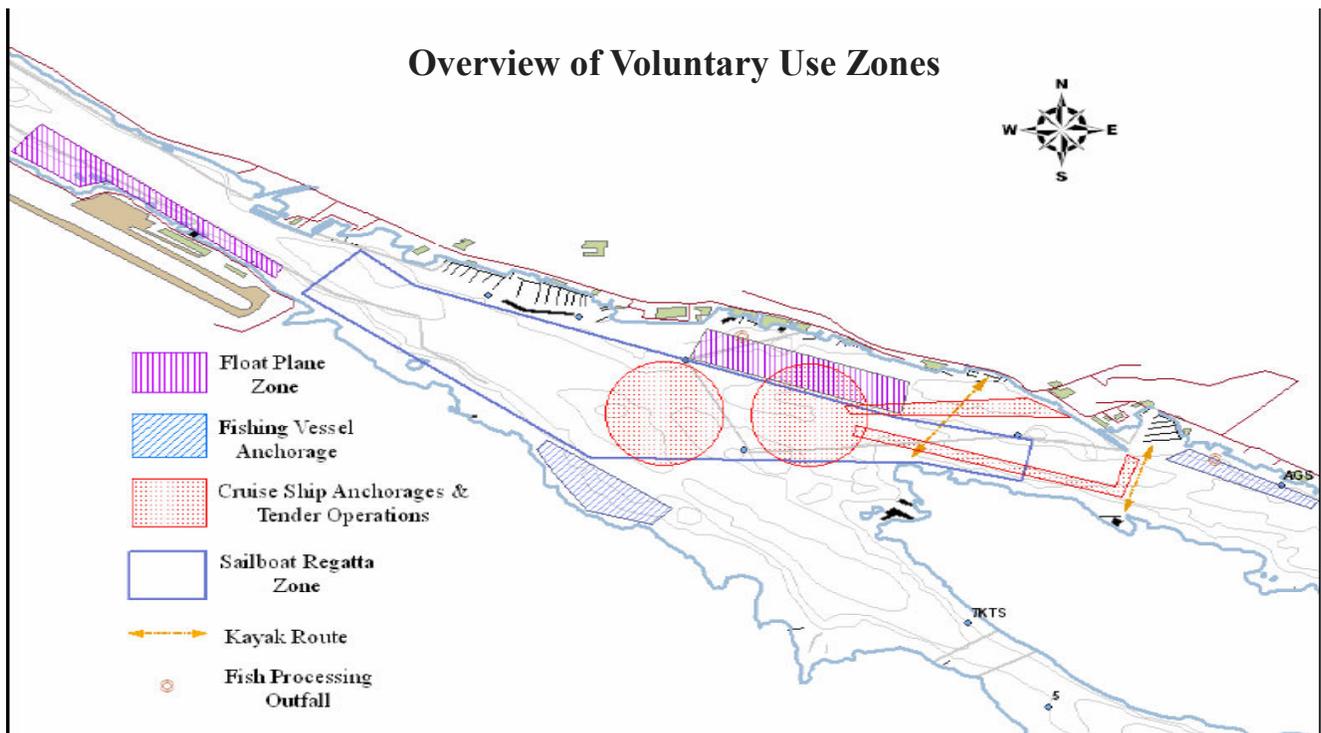
If you are planning a trip into Alaska and Ketchikan or Lake Hood will be on your itinerary, I suggest that you seek out a pilot that has been there and with a map and an Alaska Supplement go over your planned route and procedures in these congested areas. The complete Waterway Guide can be viewed at [www.seapa.com/waterway/Tongass%20Narrows%20VWG2007.pdf](http://www.seapa.com/waterway/Tongass%20Narrows%20VWG2007.pdf)

I have copied the floatplane related information below. As the last issue came out in April 2007 check for the 2008 edition before you leave.

## TONGASS NARROWS VOLUNTARY WATERWAY GUIDE April 2007

### FLOAT PLANE OPERATIONS

- Floatplane operators are reminded that when the plane is on the water it is considered a vessel and is subject to the International Navigation Regulations (72 COLREGS). As the operator of a floatplane, you are reminded that under the 72 COLREGS, floatplanes on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances however, where risk of collision exists, she shall comply with the Rules of this Part.
- It is recommended that "Step Taxiing" in floatplanes be minimized. "Idle Taxiing" is preferred.
- Floatplane operators should keep a close eye out for kayaks and other small vessel traffic when landing and taking off. • Landing through fish processing outfalls should be avoided. The EC Phillips and Trident Seafoods outfalls are marked on the attached chartlet. • Floatplane operators should be aware of changing wind conditions when in the lee of a cruise ship.
- When landing and taking off in the vicinity of a cruise ship keep a sharp lookout for vessels that may be screened from your sight by the cruise ship.
- Floatplane operators are encouraged to extend their taxi to the west when operating under the East Wind Pattern. This will aid the pilots in avoiding most of the congestion.
- There is no set distance a floatplane should keep from the waterfront facilities. However, pilots are reminded that many vessels depart from these facilities and by keeping more to the outside of the channel, you will decrease your risk of being surprised by a vessel leaving one of these facilities.
- When using the floatplane facilities at the Ketchikan International Airport, floatplane operators.
- Should avoid operating in the vicinity of the airport ferry. The attached chartlet illustrates a suggested landing and take-off zone to the northwest of the floatplane dock. By using this area for your landing and takeoffs, you are helping to ease the congestion in this, the narrowest portion of Tongass Narrows. You are also limiting the amount of vessel traffic that you will have to contend with when using this facility.
- Floatplane operators, when landing or taking off in the vicinity of any vessel should avoid doing so in a manner that will impede or surprise the operator of that vessel.
- The following is a list of contacts in the Ketchikan area:  
 Taquan Air (907) 225-8800  
 Promech Air (907) 225-3845  
 Pacific Airways (907) 225-3500  
 Ketchikan Flight Services (907) 225-9481  
 U.S. Customs (907) 225-2254



## Check Ride with Dave Wiley

By Jack L. Meligan

In the course of working on a design for the dock for my house, at which I intended to have a seaplane some day, I happened to mention to Aron Faegre that I was going to be completing my private pilot license training soon and would be ready for a check ride. Aron suggested that I could call his neighbor, Dave Wiley, who was the main man on the river for teaching float flying, and he could do my check ride for me as the examiner. He can give the private single engine land exam which is in a wheel plane, in addition to being able to give the single engine sea exam. Aron warned me that some people consider Dave a pretty tough examiner, so I might not want him for my private land exam which would be my first license to fly. But since I knew I wanted to continue on at some point to get my floatplane license, I figured I might as well meet him now. So, I called Dave and introduced myself, and it just so happened that there was an FAA safety meeting out at one of the hotels by the airport the very next week. I went to the meeting and saw Dave being introduced and after one of the breaks I went up and introduced myself. I told Dave who I was and mentioned that I had just called him and he said, "Yeah, I remember your call, give me a call whenever you're ready for your check ride." It was about a month later that I called Dave and reminded him of our conversation and told him that I was ready for my check ride, and we set the date.

The appointed date arrived and I arrived at the conference room at Aurora State Airport at about 8:00 a.m. Dave and I planned on meeting at 9:00. I got my books and my text materials all lined up just so, and all of my paperwork ready for inspection. Most importantly, I plotted a cross-country trip, and I plotted the weight and balance with Dave and I in the two front seats. When Dave came in I wouldn't say that he was gruff, but he wasn't quite as smiley and friendly as he was at the safety seminar. He was very serious and all business when he sat down and checked through all of my paperwork. Everything was checking out but when he finally got to the weight and balance and looked at it he said, "this all looks well and fine, but let me ask you a question, if you and I are in this airplane today, where would the weight and balance be most critical? At what point would the weight and balance be so critical that it could bite us in the butt?" I thought that was a funny statement at the time, but I thought about it for a minute and said, "well, I suppose on take-off."

I hadn't thought it through past that, but Dave went on to probe and press me, "Yeah, yeah, everybody knows that take-off is critical, but where else?" Well, there wasn't much else (in my brain), but I kept searching for the answer. I kept stabbing here and stabbing there to no avail, and he kept prodding me and pushing me to no avail. Finally there wasn't much of an option left but to say, "on the landing." I didn't say it very convincingly because I couldn't quite conceive of weight and balance biting us on the butt in our landing configuration since I hadn't been taught to think about it that way. But he said "exactly." But then Dave started firing questions at me: "Why?", "How is it that it's going to bite us?", "Why is it going to bite us?", "What is it about this weight and balance with you and I, two pretty big fellas, sitting up front?. What's going to happen to the weight and balance to

cause it to pop up and bite us?" I did the best I could, but I couldn't come up with the answers. Maybe it was just the pressure of the situation or the stress of his examination but I could not come up with them. Dave could see that I was at a loss so he said, "Okay, I'm not going to tell ya, but maybe this will give you some clues and you can come up with it. If we're flying straight and level, what do you have to do to keep the nose from dropping or climbing?" I said, "Well, I've got to trim the airplane." He said "Exactly, so now, where does that hurt us on landing?" It then became clear. What Dave taught me was that you can do the calculations, and that's all well and good on a weight and balance problem, but unless you know where weight and balance becomes critical in your flight plan, it isn't much good to you.

An important thing that I learned was that with the nose heavy in an airplane, and having trimmed it up so it'll fly straight and level, if I didn't re-trim on final approach we could come in with the airplane trimmed to keep the nose up, and that would change the stall characteristics of the airplane and could lead to a situation where I could literally land the tail of the plane before I landed the wheels on the tarmac. Not a good thing. So that was something, the first hour of my exam was spent on checking my paperwork (5 to 10 minutes), and the rest of the time we talked about this weight and balance problem with Dave drawing diagrams and so forth on a board behind him. What really struck me was that in the first hour of my exam I had already learned something that could potentially save my life. But Dave was careful to explain to me that as an examiner, he wasn't supposed to be teaching anything, but if I happened to learn something in the course of the exam then I wouldn't be penalized for it. I thought that was pretty funny because that was exactly what he was doing - teaching!

Then we proceeded out to the airplane where I got another lesson in the pre-flight. It was rather interesting walking around that airplane with Dave following me and asking me questions about why I did this and why I did that. It was embarrassing actually. The only answers I had were that "I have been trained that way," or "that's what the book told me to do," or "that's what the checklist told me to do." But he kept asking me: "Why?" "Why do you do this?" "Why do you do that?" "Why is this important?" What I remember very vividly about this part of the exam was when I was checking the tanks for gas, he made it a point to ask me how I knew how much gas those wings held, and how much was in them. I told him there were xx gallons in each wing. He asked my how I knew that. I said that the manual says that is how much the tanks hold. He asked me why I believed the manual - had I ever checked how much fuel was put in at the end of a flight or used a dipstick to try to learn for sure how much fuel the tanks held? He told me that I could never really be sure unless I checked the tanks with a stick

We then talked about one of Dave's pet peeves which was the way Cessna designed their doors. In an emergency situation when you have to put the plane down, you're always taught to get the doors open so that if the plane buckles a little when you land, the doors don't become stuck and you can't get out of the plane. Dave didn't like that you could get the Cessna doors open as you're coming in on final or to do an off-airport landing, but when you hit the ground the doors could slam shut and stay shut. Dave spent the next several minutes showing me how to lock those doors open and why it was important.

The final thing that really made an impression on me was that when doing a pre-flight you put the flaps down on a Cessna high wing airplane, but he asked me how I could be sure before I started the airplane that no one was walking up around me. He said: "You know, it's probably a good idea, and I know that your checklist doesn't say to do it and you probably haven't been trained this way, but it's probably a good idea to make sure that you flip the flaps up when you turn the airplane on. When you turn the master switch on so that the flaps are all the way up; you can see all the way underneath them and make sure nobody's walking up behind ya before you kick that engine over." That's another good lesson from an examiner that was not supposed to be teaching me anything!

Well, we proceeded into the air and I established myself on my cross-country course and Dave said, "Okay, get yourself straight and level and oriented and when you're ready let me know, and the exam will begin". Little did I know that the most amazing experience in my flight life was about to take place. I spent plenty of time getting myself oriented and making sure I knew right where I was in the sky and that I was straight and level at the flight altitude that I had selected that day. At 3,000 feet I turned to him and said, "Okay, I'm ready." Dave said, "Great, put the hood on," and I put the hood on, and he said, "All right, you've been diverted to Mulino Airport. You cannot look at your gages. You cannot look at your instruments. You can look at your heading indicator, you can look at your airspeed indicator, and you can look at your map on your knee". So, with nothing else, he wanted me to find Mulino Airport with the hood on. Then he said, "When you think you're within range and you can see it from the window, that doesn't mean you have to be over it, but that you can see it, then pull the hood off and point to it and tell me, and we'll see how good you do". So I did a 180 and tried to ascertain about where I'd need to fly to get back towards Mulino. When I pulled the hood off, Mulino was off to my right still about oh, three or four miles, but clearly visible and I was pointing at it. I passed that part.

Dave then said, "Okay, go ahead and land at Mulino." I finished a right hand turn and pointed the plane towards Mulino and then Dave announced, "We have a cockpit fire." I went through my flow check for an emergency and I started off over by the ignition switch and the master switches, waving at those as if I were turning them off. Then I went across my panel and checked all my circuit breakers and electrical equipment and then finally finished up at "fuel shut off", ending with my hand on my fire

extinguisher. Dave said, "No, I still smell fire." So goofy me, I thought maybe he didn't quite catch that I had gone through my "flow," so I repeated it and this time I exaggerated all of my movements. As I got toward the end he said, "No, I don't think you understand. Jack, you're on fire. The plane's on fire. There's smoke in the cabin. What are you going to do?" And I turned to him and said, "Dave, do you mean that you want me to turn the airplane off, because that is the ultimate solution to the problem?" And, of course, he said, "yes". I could not believe it because I had never turned an airplane off on purpose in the air, but here we were heading towards the Mulino Airport, practically over the top of Arrowhead Golf Course, and I shut the plane off. I had no radios. No flaps. I had no nothing. And I needed to make the airport. I immediately trimmed the plane to best glide, 65 knots, and then just started praying that "this thing" wasn't going to sink too fast and that I'd make it over the top of the Molalla River and the canyon that separates the Molalla River from the end of runway 14 at Mulino. And lo and behold, I had plenty of altitude, but I had kept so much of it on so long that I had to slip the airplane down. I had to slip it hard because I had waited too long to make the decision. I ended up slipping it to the middle of the runway! I pulled it out of the slip and touched down, squealing the tires two times, and turned a hard right at the end to make the last exit taxiway and screeched around the corner. Dave looked at me and smiled and said, "Congratulations, you've just passed, and if you can land under those conditions, you can fly with anybody and I'll fly with you any time." I was elated!

This exam was nothing like I had been warned by my instructors to expect. It was totally unconventional. Dave then turned to me and said, "Okay, we've got a few things we need to do to fulfill the requirements of the FAA. I want you to taxi down to the end of the taxiway here, but I want you to do a short field take-off and I'm going to teach you the proper way to do one, because I've got a feeling you've never been taught." As we're taxing down the taxiway, he's teaching me what he wants me to do. He wants me to get to the end of the taxiway as far down to the far corner as I can, and then he wants me to give the plane full power as I'm coming from the taxiway towards the runway and turning the corner, and he promised by the time I got to the center line that plane would be flying. Dave explained to me that this was the way that you did it in "the bush," and we couldn't just go to the end of the runway (like we had there with a paved runway) and give it full power and do a short field take-off. You have to start from a side spot, and you couldn't afford to do a full power run up with gravel spraying up and chipping your prop and hitting the bottom of your airplane. That take-off was the most fun to this point!

We finished up about 3:00 in the afternoon. It had been about a six-hour check ride, for which Dave charged me \$75.00 at a time when other examiners I had heard of were charging \$125.00. It was an incredible experience with a man who obviously knew more about flying than ten people had ever forgotten. Not only did I get a check ride from a Master Certified Examiner that day, but I got six hours of flying lessons and experience and knowledge that will stay with me for the rest of my life, and I will continue to use that for the rest of my aviation days.



DONATION FORM FOR LEGAL FUND

Clip and send to:

Columbia Seaplane Pilots Association
401 NW Brynwood Lane
Portland, OR 97229

Donation to Columbia Seaplane Pilots Association Legal Fund to keep Waterways Open



[ \$\_\_\_\_\_ Name \_\_\_\_\_

[ \$500 Address \_\_\_\_\_

[ \$250 City \_\_\_\_\_ State \_\_\_\_\_

[ \$100 Telephone \_\_\_\_\_ email \_\_\_\_\_

[ add \$20 Add another year's CSPA dues while I'm at it.



Columbia Seaplane Pilots Association
13200 Fielding Road
Lake Oswego, Oregon 97034

