



Columbia Seaplane Pilots Association

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December 2008

Volume 29, Issue 3

CSPA BULL-A-TON

The Future of Seaplanes in the Lower 48: *Toy or Transportation Vehicle?*

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Some of us in the Western United States have hoped that seaplanes could continue to be useful as real transportation vehicles, to get around the country. We have had outstanding instructors that provided the training, we have had an exceptional flock of experienced pilots helping the newcomers learn the ropes, and then many of us newcomers have taken the plunge. With some trepidation our members have launched to travel long distances – lake to lake, river to river, water body to water body . . . flight

from Portland to Lake Tahoe,
from Portland to Ontario, Canada,
from Portland to Seattle,
from Portland to Anchorage,
from Portland to Coer d'Alene,
from Portland to Klamath Lake,
from Portland to Nimpo Lake, BC,
even one exceptional member, a
flight from Portland to Portland, around the globe.

The practical use of seaplanes to travel these long distances requires that there is a reasonable right to use the intermediary water bodies for rest stops, fueling, weather stops, and precautionary landings. In the lingo of the Constitution, this is called the right to per-

form "interstate commerce" and to use "navigable waterways."

For the first 100 years of our country, waterways were our only major long distance routes of travel.

Seaplanes are the last vestige of that era. The problem for seaplanes comes when water bodies are closed to seaplanes, by governmental agencies that have no idea how important they are for the seaplane use. Local governmental decision-makers are removing water bodies from allowed seaplane use, one after another, thinking that *their* water body couldn't really be that important to seaplanes. There must be plenty more somewhere else.

Like the problem for any endangered species, our habitat is being lost. There is a certain amount of regular water habitat needed along a route to make it reasonably safe, given the uncertainties of weather, winds, gas, and gear. The problem is that there is no-one is looking out this seaplane habitat.

As a pilot only two bad things can happen to you and one of them will:

- One day you will walk out to the aircraft knowing that it is your last flight in an airplane .
- One day you will walk out to the airplane not knowing that it is your last flight in an airplane..



More and more, from the air, we have to wonder: which of the multitude of puddles below can we use? One would have thought that if there is one water body type we should be able to count on, it would be federally navigable waterways.

But, after three years, a hundred pages of explanation, Jay and Bill going to Montana to meet with their staff – all attempting to educate the Bureau of Land Management about the water habitat needs of seaplanes as a transportation vehicle- the BLM has denied CSPA's appeal to allow seaplane use on 146 miles of the most navigable of all the United States water bodies: The Missouri River.

This river was Meriwether Lewis and Captain Clark's sole pathway to the west. Likewise, it is our only safe pathway back and forth across the country.

Navigable waterways are the blood arteries of the land. They are natural, green eco-systems needed by fish, wildfowl, boats, and ... – seaplanes – except under the

belief system of the Bureau of Land Management.

Attached within this edition of the Bull-a-ton is the rejection letter from the Director of the BLM.

The rejection begs a fundamental question:

What is the future of seaplanes in our great United States?

The BLM answer is that seaplanes are to be treated as no more than toys. The BLM answer is that there is no problem with closing a stretch of 146 miles of the Missouri River to seaplanes. Given that the next 150 miles of the river are the Charles M. Russell National Wildlife Refuge (itself largely closed to seaplanes), that means that seaplanes are required to transit a desolate and rugged landscape, for a distance of 296 miles, with virtually no chance to stop.

All the while, below, sits the federally navigable Missouri River.



Will the seaplane community accept this? This would appear to be a tipping point in the functionality of the seaplane as a national transportation mode. There is a point where the risks exceed the rewards. There is a point where seaplanes become toys, not transportation vehicles. Have we just now reached this point?

The next step, if we wish to argue that the seaplane is more than a toy, is to file a lawsuit against the BLM. In the months ahead we will be talking with others concerned about this issue to decide what action to take. We will find out whether there are other groups fighting the BLM that might be partners in a fight for preservation of this seaplane habitat. We will talk with our national organization – SPA – to get their opinion.

As important as anything, we want to know from YOU our members – *what do you advise?*

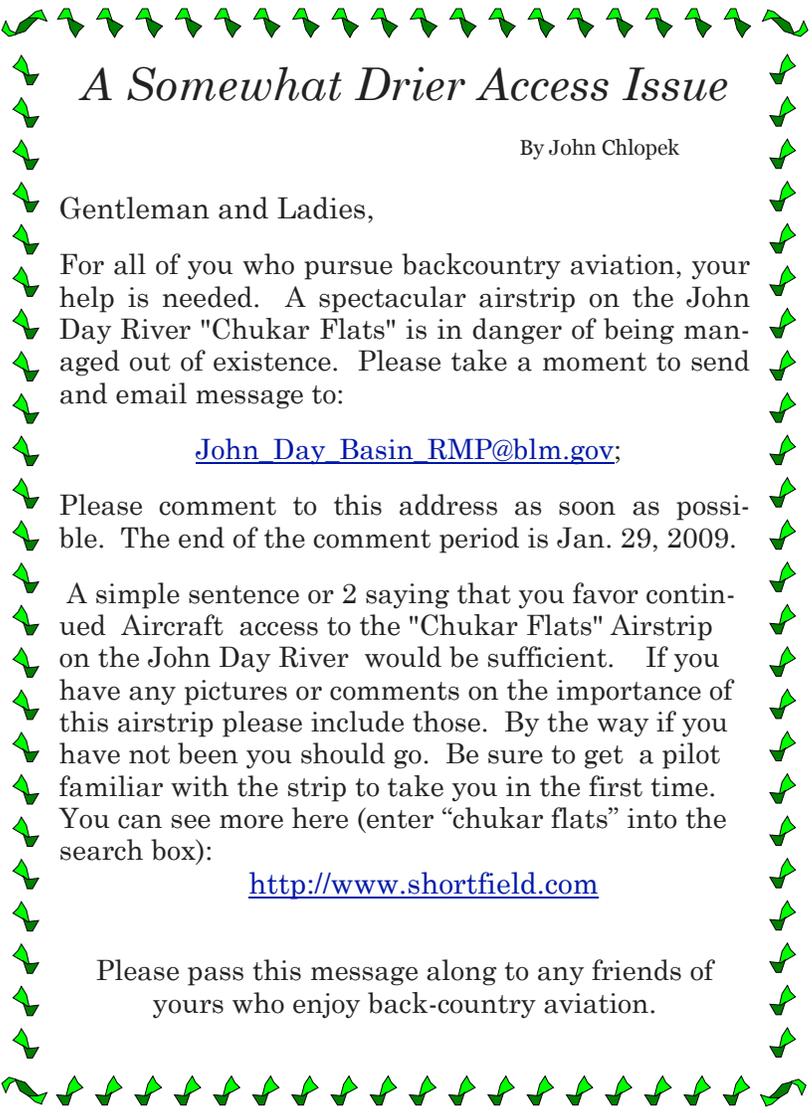
CSPA was founded 29 years ago, with the purpose:

“To represent, provide, and protect, the interests of Seaplane Pilots.”

We are doing our best to represent your interests, and we look forward to hearing from you as to how we should continue in that effort.

Respectfully,

Aron Faegre, CSPA President



A Somewhat Drier Access Issue

By John Chlopek

Gentleman and Ladies,

For all of you who pursue backcountry aviation, your help is needed. A spectacular airstrip on the John Day River "Chukar Flats" is in danger of being managed out of existence. Please take a moment to send and email message to:

John_Day_Basin_RMP@blm.gov;

Please comment to this address as soon as possible. The end of the comment period is Jan. 29, 2009.

A simple sentence or 2 saying that you favor continued Aircraft access to the "Chukar Flats" Airstrip on the John Day River would be sufficient. If you have any pictures or comments on the importance of this airstrip please include those. By the way if you have not been you should go. Be sure to get a pilot familiar with the strip to take you in the first time. You can see more here (enter "chukar flats" into the search box):

<http://www.shortfield.com>

Please pass this message along to any friends of yours who enjoy back-country aviation.



Recent Legal Fund Donors

Silver Level:

Dale Walker
Channing Wilson

Just for Fun

David Quam has a website where you can see many seaplane videos. You may want to add it to your favorites list, I doubt you'll be able to watch them all in one sitting . When you have a chance for some entertainment, visit:

<http://www.paulbunyan.net/usspa/>

This one just came through too... Wow, look what they can do with models and cameras! Model seaplanes that is....

<http://vimeo.com/1788614>



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Washington, D.C. 20240

<http://www.blm.gov>



In Reply Refer To:
PP-MT-BREAKS-08-39
1610 (670.36) P

OCT 17 2008

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

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

Dear Mr. Faegre:

The Bureau of Land Management (BLM) has carefully reviewed and considered your letter dated March 4, 2008, regarding the Upper Missouri River Breaks National Monument Proposed Resource Management Plan (PRMP) and Final Environmental Impact Statement (FEIS). As the Assistant Director for Renewable Resources and Planning, I am responsible to the BLM Director for reviewing and resolving all protests of BLM land use plans. The purpose of this letter is to inform you of the results of my review.

As outlined in the Dear Reader Letter for the proposed plan, the planning regulations at 43 CFR 1610.5-2 outline the requirements for filing a valid protest. I find that you meet these requirements, in part, and therefore portions of your protest letter are considered a valid protest. I have determined that your letter also contained comments which are not considered valid protest issues because the comments represent opinions or observations not substantiated with a concise statement of why the State Director's proposed decision is believed to be wrong. These comments have been forwarded to the BLM Montana State Office. The issues identified in your letter are addressed below.

Issue 1: *The Proposed RMP's decision to prohibit seaplane landings on the Upper Missouri River is wrong because the BLM did not consult with the Coast Guard or the Federal Aviation Administration prior to their decision.*

Response: In accordance with 40 CFR 1503.1, after preparing a draft environmental impact statement and before preparing a final environmental impact statement, the BLM is required obtain comments of any federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved or which is authorized to develop and enforce environmental standards. A federal agency may reply that it has no comment (40 CFR 1503.2) but a response is not required.

The Federal Aviation Administration (FAA) was contacted in December 2006 regarding regulation of seaplanes (floatplanes) on the Upper Missouri River. They were asked if the landing of floatplanes on the river is governed by the FAA. The FAA indicated that they do not regulate where floatplanes can land: landings are a civil issue except where the right-of-way between boats and aircraft on a river is concerned (14 CFR 91.115). The Proposed RMP does allow seaplane landings on the Upper Missouri River between river miles 0-3, the stretch of river below Ft. Benton, as well as for emergency landings (such as during inclement weather) along the remainder of the River (miles 3-149). The FAA did not submit comments on these decisions.

The U.S. Coast Guard was contacted in January 2007 regarding alternatives to manage and in some cases restrict use of motorized watercraft and seaplanes on the Upper Missouri National Wild and Scenic River. The Coast Guard was specifically asked to determine if BLM management actions infringed on their regulatory authority. The Coast Guard did not respond to this request.

After careful review of your protest letter, I conclude that the BLM Montana State Director, Lewistown Field Office Manager, and the National Monument Manager followed the applicable planning procedures, laws, regulations and policies and considered all relevant resource information and public input in developing the Upper Missouri River Breaks National Monument Proposed RMP/Final EIS. There is no basis for changing the Proposed RMP/Final EIS as a result of your protest, and as such, your protest is denied.

This completes my review and is the final agency action for the Department of Interior on the concerns raised in your letter. At the time the BLM implements the Upper Missouri River Breaks National Monument RMP, any party to a case adversely affected by that decision of a BLM official to implement the RMP may appeal such decision to the Interior Board of Land Appeals (IBLA). Please note that while the IBLA does review appeals from implementation decisions, the IBLA does not review appeals from a decision of the Director of the BLM on protests concerning resource management plans.

Thank you for your participation in the development of the Upper Missouri River Breaks National Monument Proposed RMP/Final EIS, and for your interest in public lands. I encourage you to remain actively involved in BLM's resource management activities and to provide information and input during the implementation of the plan. If you have any questions, or wish to further discuss any issues regarding the plan, please call Gary Slagel, National Monument Manager, at (406) 538-1900.

Sincerely,



Ar Edwin L. Roberson
Assistant Director
Renewable Resources and Planning

Bureau of Reclamation, The New Rule

By Bill Wainwright, CSPA, V.P.

Since our last printed Bull-a-Ton in August **The Interim Final Rule for Public Conduct on Bureau of Reclamation Facilities, Lands and waterbodies** was published in the Federal Register (FR) on September 24, 2008. Those of you who receive updates by e-mail were made aware of this development and asked to comment. Many CSPA and SPA members responded and the Bureau got an earful. To view the **Interim Final Rule** click on the following link or type :

<http://edocket.access.gpo.gov/2008/pdf/E8-22423.pdf> into your browser.

In the final analysis, I think we pretty much got what we wished for as far as removing the offending language that stated "You must not takeoff or land an aircraft on Reclamation lands or waterbodies except in special use areas so designated by an authorized official". There were also other changes to Sec. 423.41, Aircraft, that were primarily redundant, because of other parts of the rules or state law or Coast Guard regulations, and were therefore removed.

One of the biggest contentions was over the definition of "Vessel". They removed wording that brought us under the definition of a vessel for purposes of operating rules recognizing that we were already amply regulated by FAA, State and possibly other local rules already in place. Many people commented on this issue mainly because of concerns that if we are not considered vessels we might be open to discrimination specifically directed at seaplanes. The FR also stated that "This change will make Reclamation consistent with the US Coast Guard and a majority of western States which do not consider a seaplane a vessel when on the water", which is not true. As a result of the comments received, in the **Final Rule** which was published on December 11th, seaplanes were restored to status as vessels. To view the **Final Rule** as it appeared in the FR click the following link or type into your browser: <http://edocket.access.gpo.gov/2008/pdf/E8-29088.pdf>

Following the release of the Interim Final Rule myself and SPA, both, asked the Bureau to provide a listing of the status of their waterbodies as they existed prior to April 17, 2006, the date of the offending rules. What we got on October 15th was a listing of 29 waterbodies that were exclusively managed by the Bureau. The listing included 10 that were listed as permitted and 19 that were listed as prohibited. That left approx 400 that were managed by Managing Partners that the Bureau was not going to respond to. On these partner managed lakes seaplane pilots were asked to contact the managing authority to determine seaplane access status. My link to the list isn't working but for those of you wanting a copy or not receiving the Bull-a-Ton by email I will be happy to forward the complete list if you email to btwainwright@comcast.net with your request.

Earlier in this process I had a conversation with Bruce Hinds, WSPA President, about his experiences in trying to contact the managing partners that were on a list that the Bureau provided in 2007. Bruce indicated that most of the contacts were either unaware of their managing partnership status or simply unable to comment on whether seaplanes were allowed or not. This prompted me to conduct my own survey of lakes in Oregon. In Oregon we have 17 sizeable lakes that were listed as partner managed. I called 9 of the phone numbers and got the results that you will see in the submitted comments that I have included below.

While my survey was conducted on November 20 & 21, 2008, I have yet to receive answers from all of the partners. On the bright side I can report that every partner that I contacted or received a follow up call from was positive on seaplanes, unless the waterbody was restricted prior to April 17, 2006, which was the case on Clear Lake, in Linn County, which has an electric motor rule.

Our main hope for action on this front relies on the reported meeting between Jim McManus and the BoR in which Jim released the following brief. *December 16, 2008 - The SPA office and many members wrote "Public Comments" following the Interim Final Rule posting in the Federal Register. Our main concern was the lack of responsiveness of "Managing Partners" of BoR lakes to seaplane access questions. Many seemed to have no knowledge of the BoR's Interim Rule. The Commissioner of the BoR told SPA that he is "not happy" and the Managing Partners responses are "unacceptable". All reservoir Managing Partners will be contacted at once by the BoR and directed to provide clear, courteous, and prompt information [to] seaplanes pilots about access to their waters. Regarding the list of contact information for Managing Partners initially provided to SPA, the Commissioner said his office would verify the accuracy of the data for each lake and make corrections as needed.*

In Idaho the Bureau listed Black Canyon, Minidoka (Lake Walcott) and Palisades as "access prohibited". I am not sure what the actual status of these bodies is at this time. Black Canyon was used in the past and again this fall, after the ban was lifted, by an SPA member, but the Bureau made no mention of it being closed when he contacted them prior to landing in October. Whether these restrictions refer to selective special use areas or not will need to be clarified. In a phone call to one of the managers in Boise I was told the reason for Black Canyons prohibition was because it appeared on the list and, probably, safety concerns. I expressed my dismay that just because it appeared on a new list didn't seem like a justifiable reason if the prohibition hadn't been in place before April 17, 2006 through some public process. He said he would research further and get back to me. In a second phone conversation he and I discussed what he found out and made plans to get together on this issue after the first of the year when they will take it up with other partners like the U.S. Fish and Wildlife Service that has a refuge on Lake Walcott and the Forest Service for Palisades. Clearly these lakes which are over 10 miles long and open to power boats should be open to us to some degree.

Comments were sent in by Idaho pilots and State officials responding to the listed closures of Black Canyon, Minidoka and Palisades. The BoR response in the **Final Rule** was that "This rule does not determine the status of any particular reservoir or set of reservoirs with respect to seaplane activity". Jim McManus has indicated that the BoR office in Washington D.C. has expressed a willingness to address any closures that we feel are unjustified.

In Washington State they listed Billy Clapp and Scooteneys as "access prohibited". I will leave that battle to the Washington pilots represented by the very proactive WSPA and the new SPA field Director Bob Dempster

I have reprinted my survey comments on the Oregon reservoirs below with my final determination in *italics* if it had not been determined by Nov. 24, 2008, the closing date of the comment period.

David Achterberg
 Director, Security, Safety and Law enforcement
 Denver, CO
 RE: 1006-AA55, DIN BOR 2008-0003

Dear Mr. Achterberg,

With the recent publishing of the Interim final rule myself and the Seaplane Pilots Association requested that the BoR provide a listing of known access restrictions and open reservoirs that BoR and Managing Partners (MP) control. That list was delivered to SPA on or about October 15, 2008. At first review it appeared that other than the page listing BoR managed reservoirs it was essentially a rewrite of the earlier listing of agency and managing partners. Further examination revealed that there were several instances where earlier MP reservoirs were now listed as BoR lakes and vice versa. I would hope that the Oct 15th list is the correct one.

As a Seaplane Pilots Association (SPA) Field Director for Oregon and Idaho I then focused my attention on the new listing of Oregon Managing Partners. What I found was that while some of the information lead me to a knowledgeable person who could answer questions on access other phone numbers were dead ends or lead to people who had no clue as to what the status of the reservoir might be, what a Managing Partner was or if they were one, or the person who might know is "off today".

The MP list for Oregon contains 17 reservoirs; I contacted, or attempted to contact 9 of these MP's over the past couple of days. I recap below:

Bully Creek Res.; Person on phone didn't know anything. Supervisor was off on Fridays, hoping for a call back on Monday. **Result: status not answered.**

Follow up: Heavy summer use, freezes in winter, not aware of any official closures.

Clear Lake; Listed phone number resulted in a FAX answering. I tried number listed on SPA website for the Willamette National Forest but it was out of order. Called a forester in the Eugene office that I knew and he got back to me on the following day with the number for a person in that district. I left 2 messages for supervisors in that office and neither has been returned. **Result: status not answered. Follow up: found listing in Oregon Boating Regs. as electric motors only. Status: Closed**

Crane Prairie Res; Listed number connected to the main office and was then directed to the local guy at a different number. I spoke to that person but he wasn't sure what the policy was (apparently there was no policy and that creates indecision) and he was a bit stand offish. He would have to get back to me, but hasn't. **Result; Status not answered. Follow up: I got a call from Randy Henry of the Oregon Marine Board last week. He was inquiring as to the nature of the questions I had asked the ranger mentioned above. We discussed Crane Prairie and Wickiup which have speed limits and heavy fishing use. C.P. has much floating debris. Status: lakes open, speed limits do not apply to seaplanes taking off or landing.**

Emigrant Lake: I called listed phone number and left a message. My call was returned in short order. Parks manager was courteous and very familiar with seaplane operations on the lake. They want pilots to call ahead so that if the other lake users can be advised that a seaplane is expected. They will also coordinate with the airport for fuel if needed. **Result: status OPEN.**

Henry Hagg Lake: The listed phone number led me to the county facilities manager who was knowledgeable on past seaplane ops. He directed me to the Sheriff's office and a particular lieutenant

that was in charge of marine issues at another number. The Sheriff was very helpful and interested in what I had to say. He asked for more information and I have been trying to provide it but so far, apparently, his spam blocker is thwarting my efforts. I have not received a definitive answer from Washington County. **Result: Status not answered. Follow up: Final call from County Marine Sheriff concluded that there were no restrictions on seaplanes. However: this is one of the busiest lakes in Oregon in the summer. If there is no overriding reason, it is advised that pilots avoid Henry Hagg during times of heavy use. Status: Open, use discretion.**

Phillips Lake: I made several calls but the phone was not answered. **Result: Status not answered. Follow up: Still no answer from repeated calls during business hours.**

Unity Res.: I left a message but call has not been returned. **Result: Status not answered. Follow up: call returned, No restrictions Facilities open seasonally, good fishing, and cabins for rent. Status: Open.**

Upper Klamath Lake; Listed phone number connected me to the County Road department. I was given the number to call for the Parks manager in community development. He didn't see any problems as long as pilots were aware of boat traffic and avoided the wildlife areas. He directed me to the City Parks manager who was equally helpful and told me where to potentially get fuel. **Result: Status OPEN**

Wickiup Res.; I Left a message at the listed phone number, call never returned. **Result: Status not answered. Follow up: see Crane Prairie**

I think the results of my efforts speak for themselves. While I am thankful that there were knowledgeable people available to answer the question at the two most important lakes used for interstate travel, Emigrant and Upper Klamath, the results from the rest of my attempts show that the current list is woefully inadequate. I understand that it would be a burden on Bureau manpower to proof every one of the numbers provided but that is the position that you have put yourselves in when you provided the contact numbers.

SPA has offered to put the status of these BoR and MP managed reservoirs on their website and I intend to provide this information to the Bureau and SPA as it becomes available. But, as a Field Director, I and others in the Northwest, far removed from the headquarters of the BoR and the SPA, need some sort of cooperation from the Bureau in the form of a local contact person who will interface with the MP's to assure that they are informed of the Bureaus new rules and who will work with the seaplane people in the field who are trying to get this resolved. In the end, it is my position that we should be able to verify that all the waters in Oregon, and other States, as OPEN unless there has been a restriction prior to April 2006 through a public process such as a Resource Management Plan or other local, State or federal action. Without a conclusive listing of open or restricted waters myself and the seaplane using public are severely disadvantaged in our efforts to operate within the established rules.

Again, thank you for your past efforts and I look forward to continuing a constructive relationship between the seaplane community and the Bureau of Reclamation.

Yours truly,

Bill Wainwright
 CSPA Vice President
 SPA Field Director OR/ID

TEXT OF SPA NEWSBRIEF POST

December 16, 2008 - The SPA office and many members wrote "Public Comments" following the Interim Final Rule posting in the Federal Register. Our main concern was the lack of responsiveness of "Managing Partners" of BoR lakes to seaplane access questions. Many seemed to have no knowledge of the BoR's Interim Rule. The Commissioner of the BoR told SPA that he is "not happy" and the Managing Partners responses are "unacceptable". All reservoir Managing Partners will be contacted at once by the BoR and directed to provide clear, courteous, and prompt information from seaplanes pilots about access to their waters. Regarding the list of contact information for Managing Partners initially provided to SPA, the Commissioner said his office would verify the accuracy of the data for each lake and make corrections as needed.



Are You Seeing Red?

If Jamie did his job and I did mine, you should be. Have you ever noticed that little splotch of holiday cheer on your address label? Those little red numbers are part of a special CSPA code to tell you the year that your membership is due to expire, or alternatively, the year that your membership officially did expire. In a bold stroke of counterintuitive genius, Dave Wiley instituted a policy whereby it is actually more expensive to be taken *off* the mailing list than it is to renew your membership. In these trying economic times, by paying your yearly dues, you'd be demonstrating your keen knack for fiscal responsibility, saving money, and at the same time supporting the CSPA. So clip the dues form out, write the check, and mail it in. If you're looking for a way to spend some or all of the money you have saved by taking this action, feel free to add whatever amount feels right as a donation to the CSPA legal fund.

—Mary Chlopek

Give the Gift of Seaplane Training for the Holidays!

By Bill Wainwright

As many of you are probably aware, seaplanes can sink. It is not a good situation to be in when you realize that you have just run out of options and the water is over the windshield and you are hanging on your seatbelt. There are two options that I can suggest in preparation for this unhappy outcome to an otherwise pleasant day.

A few years ago several of us went up to Vancouver Island and took the inversion training offered by Aviation Egress Training Systems in Victoria, BC. It was a very intensive one day course that familiarized us with the problems that one might face if you became, well—inverted. The plus side of this training as opposed to my following option is that it is relatively close to the Northwest and being a shorter course not as expensive. You can view their website at www.dunkyou.com

The second option that I have to suggest is the Seaplane Safety Course offered by Southern Seaplanes in Belle Chasse, across the river from New Orleans, Louisiana. This course is for the really serious seaplane pilot. It includes ground school, immersion training and flight training in a seaplane in the working environment. Lyle Panepinto, the owner, is a SPA field Director for LA and has been operating seaplanes in the Oil Patch all his adult life. His father started the business in 1954. You can view their website here: www.southernseaplane.com and here: <http://southernseaplane.com/cms/news.php?readmore=6>. If you keep old copies of Water Flying you can also read the article that was in the Nov/Dec 2007 edition. There are also many other training options that you can view on the new SPA website www.seaplanes.org under TRAINING.

DHS Finalizes GA Border Crossing Rule

From the AOPA Website*

A final rule issued by the Department of Homeland Security this week is not as bad as it might have been for GA pilots, but it still will have an impact on all across-the-border operations. That's the bottom line from AOPA analysis of the rule

(<http://www.aopa.org/advocacy/articles/2008/081118cbp.html>) published Tuesday by the Bureau of Customs and Border Protection, which is part of the DHS. As initially proposed (<http://www.avweb.com/avwebflash/news/196127-1.html>) last year, the rule would have required pilots to file passenger manifests and other information via the Internet an hour before the flight, a problem for pilots who operate from remote and undeveloped airports where Internet access is not available. More than 2,900 comments were filed. "Thanks to pilot input, the CBP better understands the nature of GA operations and the remote areas that pilots often travel," Andy Cebula, AOPA executive vice president of government affairs, said on Tuesday. The final rule offers various options for pilots to file the required information. "Pilots didn't get everything they wanted," Cebula said. Concerns remain over the type of information required and possible delays in approving flights. But, Cebula

said, the revisions in the final rule are "proof of how influential general aviation pilots can be when they unite."

The rule will take effect on Dec. 18, and pilots will be required to comply with the new regulations starting May 18, AOPA said. DHS Secretary Michael Chertoff said on Monday: http://www.dhs.gov/xnews/releases/pr_1227017943465.shtm

that GA pilots can also expect further rulemaking that will require GA flights to be screened and scanned for radioactive material at an airport outside the U.S. Although such screening is now required upon landing in the U.S., doing it on departure instead will prevent an attacker from flying a bomb into the country and detonating it in the air, Chertoff said.

**Reprinted with permission from the WSPA newsletter*

Tom Donnelly (WSPA) wrote to Transport Canada to get an explanation of the new ruling. Here is the response he received which puts it in no uncertain terms. Thanks Tom for sharing this with us.

Dear Mr. Donnelly,

Thank you for your question regarding the requirements of a 406MHz ELT in Canada.

You asked whether Automatic portable ELT's conform to the Transport Canada regulations. The proposed regulation which we anticipate will come into effect on February 1, 2009 requires the carriage of a 406 MHz ELT or an alternate system that has the same performance as a 406MHz ELT. Similar to the 406MHz ELT the alternate means must also be capable of providing immediate notification of an aircraft incident without activation by a crew member. In this context PLB will not by themselves be considered as meeting the requirements of the proposed regulation. However, a PLB could be used as an additional device to provide location information of an aircraft incident.

I would also like to add that Transport Canada will be offering an exemption to provide a two year transition period to allow all aircraft flying in southern Canada including foreign registered aircraft, to meet the requirements of the regulation. During this transition period such aircraft will be required to carry a 121.5MHz ELT. The transition will not apply to new aircraft, the purchase of a used aircraft or aircraft flying into northern Canada (north of 55 Lat west of 80 Longitude and 50 deg. east of 80 Longitude) as these situations will require a 406MHz ELT as of February 1, 2009.

I hope this information is helpful.

Robert Bancroft , Chief/Chef
Personal Aviation & Special Flight Operations &
Launch Safety Office/ Aviation personnelle et Opérations aériennes spécialisées et Sécurité des lancements
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Waldo Lake Update: December 2008

by Aron Faegre

The 9th Circuit Court is continuing to hear our case on whether the U.S. Forest Service has the right to prohibit seaplanes from Waldo Lake. The judge has several times asked for our attorneys to provide briefs to clarify the issues involved. For seaplanes the key issues are:

- Waldo Lake is navigable and as such should remain usable by seaplanes for interstate commerce, travel, and recreation; and
- Waldo Lake was navigable at the time of statehood, and as such is owned by the State of Oregon, which in turn through its regulatory process says that seaplanes are allowed to use the lake.

These both involve extremely fundamental issues of public ownership, public use rights, and the limits of federal agency control. Because of the importance of the issues and the potential impact of precedence for future cases, the federal court process is a slow one, and there is as yet no hint as to when the judge will make his ruling, or what it will be.

Waldo Lake Access Battle: Prior Sequence of Events

- 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.

WHAT IS IT WE'RE FIGHTING FOR AGAIN?



Waldo Lake, June 2008

Trip to Waldo Lake by John Chlopek

In mid-June after a short break-in period on the new cylinders of my 1948 Stinson, I made a last minute impulsive decision to jump up to Waldo Lake and see what all the fuss is about. The flight from Wiley's Seaplane Base to Waldo Lake was relatively unremarkable. The last leg of the journey is up a typical Cascade river valley with a mix of logged and unlogged areas. Not having seen Waldo Lake before, I wondered whether the flight was worth it. As I crested a ridge and got my first sight of the lake, all of those thoughts disappeared. The cerulean blue water is enough to take your breath away. Rimmed with snow-covered Cascade volcanoes, in the very near vicinity I was reminded of Crater Lake. Waldo still had traces of ice

rimming the lake and small bergs floating in the middle. It was as, or more beautiful than anything I've seen in my travels to the Canadian wilderness. I surveyed the length and breadth of the lake and not a soul did I see. Landing on the ethereal blue surface I step-taxied into a bay on the northwest side, found no one, and the parking lot covered in 3 feet of snow. I was surprised to find good cell reception and called Mary to let her know what she was missing. After a short unsuccessful attempt at fishing, I chided myself for not throwing my camping gear in the plane, made another circuit of the lake and headed back for Portland. Waldo Lake is an easy flight from Portland and should be a destination for any adventurous local float flyer.

CSPA and E-Mail:

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