



Aerobatic Practice Area Waiver – Fill Out the Paperwork

BY BRUCE BALLEW, IAC 26969, GOVERNMENT RELATIONS CHAIR

THIS ARTICLE IS THE FOLLOW-UP to one that was published in the July 2020 *Sport Aerobatics* issue. The July issue discussed ideas and issues related to the selection of an aerobatic practice area (APA) site. This article will provide guidance related to the preparation and submittal of the necessary forms required by the FAA to get the certificate of waiver (CoW) for your APA.

Two forms must be completed and submitted to the FSDO — the 7711-2 (Certificate of Waiver or Authorization Application) and the Environmental Information Document (EID). It would be helpful for you to review 8900.1, Volume 3, Chapter 5 (Issue a Certificate of Waiver for an Aerobatic Practice Area or an Aerobatic Contest Box) about the guidance that the flight standards district office (FSDO) will be using to issue your CoW. Chapter 5 is not too long and will help you understand the process better. There are links to these documents on the International Aerobatic Club website under “Programs > Govt Liaison > Waivers.”

Many FSDO inspectors confuse an APA or aerobatic contest box (ACB) with an air show, which it is most definitely not. Air show CoWs (including air races, certain parachute demonstrations, balloon meets, and competitions conducted before an invited assembly of persons, e.g., Red Bull races) are addressed in 8900.1, Volume 3, Chapter 6 (Issue a Certificate of Waiver or Authorization for an Aviation Event) and have more onerous requirements. Be on the lookout for your FSDO inadvertently inserting Chapter 6 (air show) requirements into your APA CoW.

Most FSDOs do not process many applications for APAs or ACBs and may not be completely familiar with the process, so be patient. The FAA has made great progress in the last few years by incorporating APA/ACB CoW training as part of the required training for aviation safety inspectors (ASIs). Also, the FAA has four aviation events specialists who are a great resource for the IAC and the FSDOs and are folks I regularly talk with. They are the subject matter experts at the FAA for our APAs. You can always politely request that the inspector contact one of these specialists with any questions about the process.

It is worth your time to call the FSDO and ask to speak with someone about your plans to apply for an APA. Hopefully, you can speak with the person who will actually process your application. This step gives you a chance to ask any questions and establish a relationship with your FSDO ASI. It also gives the ASI a heads-up that your application is on its way.

The whole purpose of requesting an APA CoW is that you want to waive certain FARs that would otherwise preclude you performing aerobatics where you want. Below is a list of commonly waived FARs:

- 91.117(b)(c) Aircraft speed
- 91.119(c) Minimum safe altitudes
- 91.121 Altimeter settings
- 91.127 Operating on or in the vicinity of an airport in Class E airspace
- 91.129 Operations in Class D airspace
- 91.130 Operations in Class C airspace
- 91.131 Operations in Class B airspace
- 91.155 Basic VFR weather minimums
- 91.303(c)(d)(e)(f) Aerobatic flight

7711-2 APPLICATION FOR CERTIFICATE OF WAIVER OR AUTHORIZATION

The 7711-2 form is available online at the FAA site in a fillable form and on the IAC website via a link. The 7711-2 is used for APAs, ACBs, and other aviation events like air shows. Only sections 1 through 10 and Section 17 are required to be completed for an APA.

BE A GOOD NEIGHBOR, MAKE FRIENDS, RESPECT THE OTHER STAKEHOLDERS, AND DON'T ABUSE THE AIRSPACE JUST BECAUSE YOU CAN.

- Item 1, Name of Organization. If you are requesting the APA on behalf of a club or chapter, put the name of the club or chapter in this section; otherwise, leave it blank.
- Item 2, Name of Responsible Person. As the name suggests, put the name of the person who will be responsible for administering the APA. This is the person who will be named on the CoW and will be the person who the FAA contacts if it has any questions relating to the APA before or after issuance of the CoW. The responsible person has the obligation to assure that all the conditions of the waiver are complied with. (Note: Others may be authorized to activate and deactivate the APA. Do not include their names here. This topic is discussed later in this article.)
- Item 3, Permanent Mailing Address. Insert the mailing address of the Responsible Person.
- Item 4, State whether the applicant or any of its principal officers/owners has an application for waiver pending at any other office of the FAA. I have never seen a case where this has anything but a “not applicable” (NA) in it. However, if you do have another application pending at another FSDO, insert that here.
- Item 5, State whether the applicant or any of its principal officers/owners has ever had its application denied, or whether the FAA has ever withdrawn a waiver from the applicant or any of its principal officers/owners. This item usually gets an NA, but if it is applicable to your situation, state so.
- Item 6, FAR section and number to be waived. Insert the complete FAR(s) that you are requesting in this section, e.g., 91.303(c)(d) or 91.119(a)(b). Do not simply put 91.303 or 91.119.
- Item 7, Detailed description of proposed operation. I recommend that APA applicants put “Aerobatic practice area (APA) for the purpose of developing and maintaining proficiency in aerobatic flight.” Don’t just put “APA.”
- Item 8, Area of Operation (Location, Altitudes, etc.). Hopefully, you have decided to make your APA a circle centered on the airport or some landmark versus a box of some sort. Reference a Google Earth graphic and sectional chart attachment that you have made that shows the proposed APA. State the location and the altitude of the proposed APA. Example: *Area depicted in the attached aerial picture but generally encompasses an area within 1 nm radius of the KXXX airport (latitude/longitude) from the surface to 5,000 feet MSL.*
- Item 9a and 9b, Beginning (Date and Hour), Ending (Date and Hour). For the beginning date, insert your best guess as to the date and time you would like the CoW to be issued. As for the ending date, APAs are usually issued for a three-year term, so insert the date and time that is three years from the beginning date. A common error is that an applicant puts a beginning date of 04/01/2020 at 00:01:00 and an ending date of 04/01/2023 at 23:59:00. That is three years and one day. The dates should read 04/01/2020 to 03/31/2023.
- Item 10a through 10d, Aircraft and Pilot Information. I suggest that you put the aircraft that will be representative of the aircraft that will be using the APA. For example, write a Pitts, an Extra, a Decathlon, and a Christen Eagle if these are representative of your situation. Also, put a pilot name, certificate number/rating, and home address for each of these. I recommend that you include the statement “Other unnamed aircraft and pilots” on a blank line in this section. The section does not limit the aircraft type and pilots that can use the APA but is intended to give the FSDO and environmental folks an idea of the kind of aircraft that will be using the APA. If you think there is a possibility a radial engine-equipped or jet aircraft will use the APA, you should include it in this section.

GB1 GameBird
Fly Without Compromise

FAA Certified
200 knot cruise
1000nm range
+/- 10g
Made in the USA

GameComposites.com
Info@GameComposites.com

- Items 11 through 16. These sections are not applicable to an APA. I usually put NA in each of these places. At the top of Page 2 of the 7711-2, it specifically states that “Items 11 through 16 to be filled out for Air Show/Air Race Waiver Requests Only.” Many FSDOs miss this statement and ask that you complete this section. Don’t do it. It’s explicitly not required, provides no value added, and sets an unfavorable precedent.
- Item 17, Certification. The Responsible Person should sign and date the form.
- Remarks. If you choose to permit other people to activate or deactivate the APA, they must be named here by name only. Their names will be listed in the CoW. Note of caution: As the Responsible Person, you are responsible for complying with all of the requirements of the CoW and its special provisions (SPs).

If you choose to allow others to activate and deactivate the APA, you are responsible for making sure they are briefed, and you accept the requirements of the CoW and the SPs. Specifically, they are required to 1) brief all the pilots who will be using the APA on that day, 2) assure the pilots using the APA complete the Use Log and 3) assure that all pilots comply with the requirements in the CoW and SPs. If they screw up, you get the phone call from the FAA and will have to explain their actions. When you submit your application package, it is worth putting in your cover letter that you have included the names of the people authorized to activate or deactivate the APA in the Remarks section on Page 2 of the 7711-2. This section is often overlooked by the FSDO. It’s a real bummer to get your fancy new CoW only to find that your buddies were not included in the CoW, and you have to go through some hassles to get them officially added to the CoW.



OUR HISTORY IS OUR FUTURE

Betty Skelton
IAC 13402

ROLL WITH US!
JOIN today
www.iac.org/roll-us

 **IAC 50**™
1970-2020

ENVIRONMENTAL INFORMATION DOCUMENT (EID)

This form is available online at the FAA's website, or you can Google the words "Environmental Information Document for Proposed Aerobatic Practice Area."

This document is only required for a long-term APA and is not required for a short-term (less than 10 days) APA or an ACB. The FAA's environmental folks really do a great job. Section 1, 1 through 4, is the same as that presented in the 7711-2 and should be restated here.

- Section 1, 5, Proposed Day(s) and Time(s) of Operation. Use your best estimate of when you will be using the APA. You are not strictly bound by the days and times that you put here, but make a good faith estimate of what you think.
- Section 1, 6, Aerobatic Practice Area (APA) Use and Flight Duration. Again, use your best estimate here, and you are not strictly bound by what is presented here. Note: Remember that columns 2 and 3 ask for how much actual flying that you are forecasting, *not* how long was the APA activated. Example: If you activate your APA for four hours on a given day, you fly two flights of 15 minutes each on each day, and you do these things three times per month, you would put 3 in Column 1, 30 minutes in Column 2, and 90 minutes in Column 3. Use your best estimate on the seasonal distribution (columns 4 through 7).
- Section 1, 7, Aircraft Information. Put your best estimate of the aircraft make and model representing the aircraft that will use the APA, the type flight (Primary, Sportsman, Intermediate, Advanced, Unlimited, or air show routine), and the number of times per month. Once again, you are not strictly held to the precise numbers you put here, but they should be credible.
- Section 1, 8, Description of land use and structures underlying and within 1/4 mile of the APA boundary. This section will normally include airport, industrial, agricultural, or residential property.
- Section 2, 1, Background of APA:
 - (a) Select the appropriate box for a new APA or an APA renewal.
 - (b) If it is a renewal, complete items i, ii, and iii.
- Section 2, 2, Environmental Issues. Note that this section only applies to noise or environmental complaints related to a previous APA operation and not "normal" airport noise complaints. For a new APA application, this section would not be applicable, and you should place an NA here.

- Section 2, 3, Public Involvement. This section is where you identify any efforts or discussions you have had with the airport management and other stakeholders.

That's it for the EID.

The FAA folks that handle the EID have certain notification requirements that take time, approximately four to five weeks, and there is no wiggle room here. The result of the EID folks' work is that the FSDO will receive a categorical exclusion (CATEX) from the FAA environmental folks stating that no further environmental review is required. The EID and 7711-2 processing occur in parallel, not in series. Therefore, the sooner the FSDO can forward it, the better. Many times, the FSDO will hold off forwarding the EID until other CoW issues are resolved. If this happens, politely request that the EID portion of the submittal be submitted. But actually, it shouldn't be necessary; it delays the process and should be avoided. It's best to get the EID clock started as soon as possible. Receipt of the CATEX by the FSDO does not commit the FSDO to issue a CoW. Additionally, if there were an environmental issue that would be rare and unlikely, it's better to learn about it early in the process.



Harvey & Rihn
Aviation

WORLD CLASS TRAINING AND MAINTENANCE

AEROBATIC TRAINING
Basic through Unlimited
Competition & Sport
Safety & Proficiency
Basic & Advanced Spins

MAINTENANCE FACILITY
Specializing in fabric, tailwheel
and aerobatic aircraft repair.

AIRCRAFT
Pitts S-2B ★ Super Decathlon ★ Decathlon

Debby Rihn-Harvey - Owner
281-471-1675
101 Airport Blvd., Laporte, TX 77571
www.harveyrihn.com

I GUESS IT'S A SIGN OF THE TIMES, BUT PEOPLE ARE BECOMING MORE SENSITIVE TO NOISE AND THE PERCEIVED "UNSAFENESS" OF AEROBATICS. IF THE AIRPORT OR FSDO HAD ANY CONCERNS, AFTER A LITTLE TIME USING THE APA, MOST — IF NOT ALL — LEARN THAT THEIR CONCERNS ARE NOT REALLY ISSUES AT ALL.

SPECIAL PROVISIONS

All CoWs are accompanied by a list of standard-approved SPs. These provide details about activation and notification requirements, record-keeping, weather minimums, etc. If the FSDO ASI believes it is appropriate to deviate from the standard SPs and add a nonstandard SP, the ASI must receive the approval from the regional or national aviation events specialist. These are usually done to address site-specific issues and are not very common.

SUBMITTING THE PACKAGE

When the paperwork and coordination is done, it's time to submit the package to the FSDO. You are required to submit three copies of the package to the FSDO for its use. Some FSDOs are okay with submitting it via email, but I believe it's best to do it through a hard copy sent via the U.S. Postal Service, FedEx, or UPS, or to hand-deliver it if you can. Prepare a cover letter that identifies any special circumstances that may apply to your situation. Specifically, mention that there are other people who can activate the APA who are identified in the Remarks section on the 7711-2 and reference any coordination with ATC or the airport management.

Hopefully, you have already spoken with the FSDO, can get a specific name of the ASI who will be handling your application, and can address the submittal to that person. Follow up to make sure the ASI received it. I mentioned earlier in this article that you should be politely persistent. That advice applies here, too. FSDOs have a lot on their plate these days, and it's easy for your materials to get buried and forgotten in their inboxes.

The ASI will get the process going. This part is where your coordination efforts should pay off. The ASI will contact the airport manager to make him or her aware of the application. Hopefully, the airport manager remembers your discussion and does not voice any objections. A lot of FSDOs are requesting a letter or email from the airport manager stating the manager has no objections, so if you can get it beforehand and include it with your submittal, you'll make it easier for the ASI. The ASI also will reach out to ATC to see if it has any concerns and is required to get, in writing, a statement from ATC that it has "coordinated." ATC does not approve APAs. Hopefully, you have identified any concerns that ATC may have and mitigated them. The ASI will forward the EID to the FAA's environmental folks for their action. Again, there is no reason to delay forwarding it to the environmental folks even if there are there issues related to the APA that must be resolved.

The FSDO should contact you if it has any questions, but stay in contact with the FSDO if you sense any undue delays; be politely persistent. After the ASI finishes and the environmental folks do their thing, the ASI will prepare the 7711-1 CoW with the associated special provisions and submit it to the FSDO manager for a signature. You'll get a copy, and away you go.

Read everything in the CoW and SPs and be prepared to comply with them. Clarify any questions you may have and then go fly. That's it. Be a good neighbor, make friends, respect the other stakeholders, and don't abuse the airspace just because you can. It will pay off in the long run. I guess it's a sign of the times, but people are becoming more sensitive to noise and the perceived "unsafeness" of aerobatics. If the airport or FSDO had any concerns, after a little time using the APA, most — if not all — learn that their concerns are not really issues at all. ***IAC***