



U.S. Department
of Transportation
**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, D.C. 20591

AUG 12 2004

Exemption No. 8255A
Regulatory Docket No. FAA-2003-16491

Colonel Allen S. Baker
Department of the Army
Headquarters, U.S. Army Aeronautical Services Agency
9325 Gunston Road, Suite N319
Fort Belvoir, VA 22060-6582

Dear Colonel Baker:

This is in response to your May 9, 2004, letter petitioning the Federal Aviation Administration (FAA) on behalf of the Department of the Army, 2nd Battalion, 75th Ranger Regiment (2nd/75th) for an amendment to Exemption No. 8255. That exemption from § 105.19(a) and (b) of Title 14, Code of Federal Regulations (14 CFR) permits the 2nd/75th to conduct certain night, unlighted parachute operations, outside special use airspace at Fort Lewis, Washington. The amendment you request would increase the altitude from 800 feet above ground level (AGL) to 1,500 feet AGL.

In your petition, you indicate that the conditions and reasons regarding public interest and safety, presented in the original petition upon which the exemption was granted, remain unchanged. Furthermore, you state that by increasing the altitude to 1,500 feet AGL reduces the risk of injury to the parachutist. You also state that a change in altitude will not impact McCord Air Force Base Class D airspace.

A summary of the petition was published in the Federal Register on July 23, 2004 (69 FR 44073). No comments were received.

The FAA recently issued a grant of exemption in circumstances similar in all material respects to those presented in your petition. In Grant of Exemption No. 8256 (copy enclosed), the FAA found that the petition was unique and provided mitigating factors for consideration. The FAA found that by operating over solely established dropzones with adequate surveillance, and by having command and control, a maximum level of safety is

AFS-04-424-E

obtainable under the circumstances. Therefore, the FAA has determined that the justification for the issuance of Exemption No. 8255, remains valid with respect to this exemption.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator, Exemption No. 8255 is hereby amended by increasing the maximum altitude at which operations may be conducted, from 800 feet AGL to 1,500 feet AGL, subject to the following revised conditions and limitations:

1. This exemption is limited to night parachute, combat readiness, training exercises of the 2nd/75th located at Fort Lewis, Washington, conducted in the areas known as the Roger's Drop Zone, the center having a lat/long of 47.00.98N, 122.27.42W.
2. Each airborne training operation:
 - a. Must be:
 - (i) Conducted in a flight of two or more aircraft with a dedicated observer on duty, who is not a pilot, aboard each aircraft (nonpilot airborne observers);
or
 - (ii) Escorted by an aircraft serving as an observation platform dedicated to surveillance for nonparticipating traffic (pilot airborne observer) in the event the training operation only consists of a single concept from which parachutists jump.
 - b. In addition to the aerial observation, the operation must be conducted with personnel on the ground at the drop zone to conduct surveillance for potential conflicts with nonparticipating aircraft (ground observers).
 - c. The operation must be conducted in such a manner as to enable the airborne and ground observers to survey fully about for nonparticipating traffic and relay the findings to all participants so operations may be terminated while nonparticipating traffic is in the area.
3. Traffic notifications from the observers shall provide the flightcrews with information about the position and speed of the observed nonparticipating traffic.
4. When nonparticipating traffic is in the area, the training exercise and parachute operations shall be terminated until the air traffic is no longer in the area.

5. Unlighted parachute operations may not be conducted above 1,500 feet AGL and must be contained within the boundaries of the Rogers and Rogers West Drop Zones. This area must be established as an area of low air traffic, that does not infringe upon FAA-designated airspace areas, and has been coordinated with the appropriate FAA region's Air Traffic Division and Flight Standards Division offices.
6. Each pilot who will conduct operations for the 2nd/75th under this exemption must be thoroughly familiar with its provisions.
7. The holder shall advertise the approved training area to operators at all airports within 50 miles of the area for 60 days preceding the initial use and 7 days preceding each subsequent use.
8. The holder shall provide notice through the use of NOTAMs/Special Notices disseminated at least 72 hours in advance of scheduled exercises. The training airspace will be identified by name (if applicable) and by latitude/longitude. The NOTAMs will advise that during the course of flight planning, potential users of the operational area will be provided with information on the time and place of the proposed unlighted parachute operations. The NOTAMs must be made available to the civil aviation community and must be capable of being disseminated among civil users of the National Airspace System.

This letter shall be attached to, and is a part of, Exemption No. 8255. The termination date will remain February 28, 2006, unless sooner superseded or rescinded.

Sincerely,



John M. Allen
Acting Director, Flight Standards Service

Enclosure