

Airport Services Newsletter

In this issue of the Airport Services Newsletter, we review proposed revisions to Grant Assurance No. 19, relating to airport operations and maintenance, and associated draft guidance documents dealing with wildlife hazard management.

Clarification of Wildlife Hazard Management Requirements for Non-Certificated Federally Obligated Airports in the National Plan of Integrated Airport Systems (NPIAS)

On [December 10, 2012](#), FAA published a Proposed Clarification of Airport Improvement Program Grant Assurances to clarify the FAA's interpretation of 49 U.S.C. 47107(a)(19) and the corollary Grant Assurance No. 19, relating to airport operations and maintenance. FAA proposes to require sponsors of federally obligated, non-certificated airports that, after the effective date of the Federal Register (FR) Notice, accept a new airport development grant funded under the Airport Improvement Program, or accept a transfer of land under the Surplus Property Act for airport purposes to identify and mitigate wildlife hazards at their airports. These actions will take the form of initial Wildlife Hazard Site Visits (WHSV) or Wildlife Hazard Assessments (WHA), depending on the size of the airport, potentially followed by more detailed Wildlife Hazard Management Plans (WHMP).

Grant Assurance No. 19, "Operation and Maintenance," requires a sponsor to operate "the airport and all facilities which are necessary to serve the aeronautical users of the airport [* * *], in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state and local agencies for maintenance and operation." Under Assurance No. 19, sponsors are also required to "have in effect arrangements for [* * *] promptly notifying airmen of any condition affecting aeronautical use of the airport." The airports affected by this clarification of Grant Assurance No. 19 (Subject Airports) are non-Part 139 airports (typically, general aviation airports), which FAA has divided into four categories based on based aircraft and total operations:

- Subject Airports with 100 or more based turbine-powered aircraft or 75,000 or more total annual operations—The WHA must be initiated within three years of receiving a development grant, and the airport sponsor must update its WHA at least once every 10 years thereafter.
- Subject Airports with between 20–99 based turbine-powered aircraft or 30,000–74,999 total annual operations—The WHSV must be initiated within three years of receiving a development grant, and the airport sponsor must update its WHSV at least once every five years thereafter.
- Subject Airports with between 0–19 based turbine-powered aircraft or between 10,000–29,999 total annual operations—The WHSV must be initiated within five years of receiving a development grant, and the airport sponsor must update its WHSV at least once every five years thereafter.
- Subject Airports with no based turbine-powered aircraft and fewer than 10,000 total annual operations—The WHSV must be initiated within eight years of receiving a development grant, and the airport sponsor must update its WHSV at least once every five years thereafter.

This notice does not apply to Part 139 certificated airports, which will continue to follow Part 139 regulations for determining when WHAs are required.

Comments on the proposed interpretation of the existing grant assurances are **due on or before January 9, 2013**. FAA will consider comments received on the proposed interpretation of the existing grant assurances and may adopt revisions resulting from comments as of the date of a subsequent Notice in the FR.

FAA Issues Wildlife Management Draft Advisory Circulars (AC) for Comment

Concurrently with the Notice discussed above, the FAA Office of Airport Safety and Standards (AAS-300) recently published three wildlife management draft ACs for comment, which address wildlife aircraft strikes; hazardous wildlife attractants on or near airports; and the protocol for conduct and review of wildlife hazard site visits, wildlife hazard assessments, and wildlife hazard management plans.

[Draft AC 150/ 5200-32B](#), **Reporting Wildlife Aircraft Strikes**, explains the importance of reporting collisions between aircraft and wildlife, more commonly referred to as wildlife strikes. It also examines recent improvements in the FAA Bird/Other Wildlife Strike Reporting system; how to report a wildlife strike; what happens to the wildlife strike report data; how to access the FAA National Wildlife Strike Database (NWSDB); and the FAA's Feather Identification program. Changes in this AC include clarifications and updates regarding processes for submitting strike reports and wildlife remains for identification by the Smithsonian Institute.

[Draft AC 150/5200-33C](#) **Hazardous Wildlife Attractants on or near Airports**, provides guidance on certain land uses that have the potential to attract hazardous wildlife on or near public-use airports. It also discusses airport development projects (including airport construction, expansion, and renovation) affecting aircraft movement near hazardous wildlife attractants. Changes in this AC include clarification by the FAA that Grant Assurance No. 19 requires Subject Airports to have a qualified airport wildlife biologist conduct a Wildlife Hazard Assessments (WHA) or Wildlife Hazard Site Visits (WHSV); consolidation and reorganization of discussion on land uses of concern; and updated procedures for evaluation and mitigation. The AC addresses off-airport hazardous wildlife attractants followed by discussion of on-airport attractants. The AC also clarifies language regarding the applicability of AC requirements. In the Federal Register (see above), FAA clarified that the Agency interprets the phrase "farthest edge of the airport's AOA" in Para 1-4 to refer to the edge of the air operations area (AOA) closest to the wildlife attractant.

[Draft AC 150/5200-XX](#), **Protocol for the Conduct and Review of Wildlife Hazard Site Visits, Wildlife Hazard Assessments, and Wildlife Hazard Management Plans**, defines the minimum acceptable standards for the conduct and preparation of WHSV, WHA, and Wildlife Hazard Management Plans. This new AC also provides guidelines that define when a WHSV should be conducted and when a WHA must be conducted. It also defines minimum standards for conducting WHSV and WHA, as well as developing Wildlife Hazard Management Plans. The AC further defines and explains continual monitoring programs and provides checklists for evaluating WHSV, WHA, and Wildlife Hazard Management Plans.

Comments on the draft ACs are **due on or before January 31, 2013**.

If you have any questions about the draft documents published by FAA, or if you would like assistance in the preparation or submission of comments, please contact our office.

Lisa A. Harig, Esq.
McBreen & Kopko
1501 Lee Highway, Suite 180
Arlington, Virginia 22209
lhurig@mklawdc.com
Tel: +1 703 247 5487
Fax: +1 703 852 3590
www.mcbreenkopko.com