Section 8. Addenda

8.1—FAA & Washington State Policy & Rules

Sec. 91.101 — Applicability.

This subpart prescribes flight rules governing the operation of aircraft within the United States and within 12 nautical miles from the coast of the United States.

Sec. 91.119 — Minimum safe altitudes: General.

Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:

(a) Anywhere. An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.

(b) Over congested areas. Over any congested area of a city, town, or settlement, or over any open air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.

(c) Over other than congested areas. An altitude of 500 feet above the surface, except over open water or sparsely populated areas. In those cases, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.

(d) Helicopters, powered parachutes, and weight-shift-control aircraft. If the operation is conducted without hazard to persons or property on the surface—

(1) A helicopter may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section, provided each person operating the helicopter complies with any routes or altitudes specifically prescribed for helicopters by the FAA; and

(2) A powered parachute or weight-shift-control aircraft may be operated at less than the minimums prescribed in paragraph (c) of this section.

[Docket No. 18334, 54 FR 34294, Aug. 18, 1989, as amended by Amdt. 91–311, 75 FR 5223, Feb. 1, 2010]

Sec. 91.515 — Flight altitude rules.

(a) Notwithstanding §91.119, and except as provided in paragraph (b) of this section, no person may operate an airplane under VFR at less than—

(1) One thousand feet above the surface, or 1,000 feet from any mountain, hill, or other obstruction to flight, for day operations; and

(2) The altitudes prescribed in §91.177, for night operations.

(b) This section does not apply—

(1) During takeoff or landing.

(2) When a different altitude is authorized by a waiver to this section under subpart J of this part; or

(3) When a flight is conducted under the special VFR weather minimums of §91.157 with an appropriate clearance from ATC.

Sec. 91.801 — Applicability: Relation to part 36.

(a) This subpart prescribes operating noise limits and related requirements that apply, as follows, to the operation of civil aircraft in the United States.

(1) Sections 91.803, 91.805, 91.807, 91.809, and 91.811 apply to civil subsonic jet (turbojet) airplanes with maximum weights of more than 75,000 pounds and—

(i) If U.S. registered, that have standard airworthiness certificates; or

(ii) If foreign registered, that would be required by this chapter to have a U.S. standard airworthiness certificate in order to conduct the operations intended for the airplane were it registered in the United States. Those sections apply to operations to or from airports in the United States under this part and parts 121, 125, 129, and 135 of this chapter.

(2) Section 91.813 applies to U.S. operators of civil subsonic jet (turbojet) airplanes covered by this subpart. This section applies to operators operating to or from airports in the United States under this part and parts 121, 125, and 135, but not to those operating under part 129 of this chapter.

(3) Sections 91.803, 91.819, and 91.821 apply to U.S.-registered civil supersonic airplanes having standard airworthiness certificates and to foreign-registered civil supersonic airplanes that, if registered in the United States, would be required by this chapter to have U.S. standard airworthiness certificates in order to conduct the operations intended for the airplane. Those sections apply to operations under this part and under parts 121, 125, 129, and 135 of this chapter.

(b) Unless otherwise specified, as used in this subpart "part 36" refers to 14 CFR part 36, including the noise levels under appendix C of that part, notwithstanding the provisions of that part excepting certain airplanes from the specified noise requirements. For purposes of this subpart, the various stages of noise levels, the terms used to describe airplanes with respect to those levels, and the terms "subsonic airplane" and "supersonic airplane" have the meanings specified under part 36 of this chapter. For purposes of this subpart, for subsonic airplanes operated in foreign air commerce in the United States, the Administrator may accept compliance with the noise requirements under annex 16 of the International Civil Aviation Organization when those requirements have been shown to be substantially compatible with, and achieve results equivalent to those achievable under, part 36 for that airplane. Determinations made under these provisions are subject to the limitations of §36.5 of this chapter as if those noise levels were part 36 noise levels.

(c) Sections 91.851 through 91.877 of this subpart prescribe operating noise limits and related requirements that apply to any civil subsonic jet (turbojet) airplane (for which an airworthiness certificate other than an experimental certificate has been issued by the Administrator) with a maximum certificated takeoff weight of more than 75,000 pounds operating to or from an airport in the 48 contiguous United States and the District of Columbia under this part, parts 121, 125, 129, or 135 of this chapter on and after September 25, 1991.

(d) Section 91.877 prescribes reporting requirements that apply to any civil subsonic jet (turbojet) airplane with a maximum weight of more than 75,000 pounds operated by an air carrier or foreign air carrier between the contiguous United States and the State of Hawaii, between the State of Hawaii and any point outside of the 48 contiguous United States, or between the islands of Hawaii in turnaround service, under part 121 or 129 of this chapter on or after November 5, 1990.

[Doc. No. 18334, 54 FR 34321, Aug. 18, 1989; Amdt. 91–211, 54 FR 41211, Oct. 5, 1989, as amended by Amdt. 91–225, 56 FR 48658, Sept. 25, 1991; Amdt. 91–252, 61 FR 66185, Dec. 16, 1996; Amdt. 91–275, 67 FR 45237, July 8, 2002; Amdt. 91–276, 67 FR 46571, July 15, 2002]

Sec. 91.803 - Part 125 operators: Designation of applicable regulations.
PREVIOUS: Sec. 91.717 - [Reserved]

FAA Advisory Circular AC 91-36D, Visual Flight Rules (VFR) Flight Near Noise-Sensitive Areas, defines the surface of a national park area (including parks, forests, primitive areas, wilderness areas, recreational areas, national seashores, national monuments, national lakeshores, and national wildlife refuge and range areas) as: the highest terrain within 2,000 feet laterally of the route of flight, or the upper-most rim of a canyon or valley.

Federal statutes prohibit certain types of flight activity and/or provide altitude restrictions over designated U.S. Wildlife Refuges, Parks, and Forest Service Areas. These designated areas, for example: Boundary Waters Canoe Wilderness Areas, Minnesota; Haleakala National Park, Hawaii; Yosemite National Park, California; and Grand Canyon National Park, Arizona, are charted on Sectional Charts.

VISUAL FLIGHT RULES (VFR) FLIGHT
Date: September 17, 2004
AC No: 91-36D NEAR NOISE-SENSITIVE AREAS

PURPOSE. This Advisory Circular (AC) encourages pilots making VFR flights near noise sensitive areas to fly at altitudes higher than the minimum permitted by regulation and on flight paths that will reduce aircraft noise in such areas.

BACKGROUND. a. Excessive aircraft noise can result in annoyance, inconvenience, or interference with the uses and enjoyment of property, and can adversely affect wildlife. It is particularly undesirable in areas where it interferes with normal activities associated with the area's use, including residential, educational, health, and religious structures and sites, and parks, recreational areas (including areas with wilderness characteristics), wildlife refuges, and cultural and historical sites where a quiet setting is a generally recognized feature or attribute. Moreover, the FAA recognizes that there are locations in National Parks and other federally managed areas that have unique noise-sensitive values. The Noise Policy for Management of Airspace Over Federally Managed Areas, issued November 8, 1996, states that it is the policy of the FAA in its management of the navigable airspace over these locations to exercise leadership in achieving an appropriate balance between efficiency, technological practicability, and environmental concerns, while maintaining the highest level of safety. b. The Federal Aviation Administration (FAA) receives complaints concerning low flying aircraft over noise sensitive areas such as National Parks, National Wildlife Refuges, Waterfowl Production Areas and Wilderness Areas. Congress addressed aircraft flights over Grand Canyon National Park in Public Law 100-91 and commercial air tour operations over other units of the National Park System (and tribal lands within or abutting such units) in the National Parks Air Tour Management Act of 2000. c. Increased emphasis on improving the quality of the environment requires a continuing effort to provide relief and protection from low flying aircraft noise. d. Potential noise impacts to noise-sensitive areas from low altitude aircraft flights can also be addressed through application of the

voluntary practices set forth in this AC. Adherence to these practices is a practical indication of pilot concern for the environment, which will build support for aviation and alleviate the need for any additional statutory or regulatory actions. 7. DEFINITION. For the purposes of this AC, an area is "noise-sensitive" if noise interferes with normal activities associated with the area's use. Examples of noise-sensitive areas include residential, educational, health, and religious structures and sites, and parks, recreational areas (including areas with wilderness characteristics), wildlife refuges, and cultural and historical sites where a quiet setting is a generally recognized feature or attribute.

VOLUNTARY PRACTICES. a. Avoidance of noise-sensitive areas, if practical, is preferable to overflight at relatively low altitudes. b. Pilots operating noise producing aircraft (fixed-wing, rotary-wing and hot air balloons) over noise sensitive areas should make every effort to fly not less than 2,000 feet above ground level (AGL), weather permitting. For the purpose of this AC, the ground level of noise-sensitive areas is defined to include the highest terrain within 2,000 feet AGL laterally of the route of flight, or the uppermost rim of a canyon or valley. The intent of the 2,000 feet AGL recommendation is to reduce potential interference with wildlife and complaints of noise disturbances caused by low flying aircraft over noise-sensitive areas. c. Departure from or arrival to an airport, climb after take-off, and descent for landing should be made so as to avoid prolonged flight at low altitudes near noise-sensitive areas. d. This advisory does not apply where it would conflict with Federal Aviation Regulations, air traffic control clearances or instructions, or where an altitude of less than 2,000 feet AGL is considered necessary by a pilot to operate safely.

Washington State Law RCW 14.16.050

Traffic rules.

> *The public safety requiring and the advantages of uniform regulation making it desirable in the interest of aeronautical progress that any person operating aircraft within this state should conform to the air traffic rules now or hereafter established by the secretary of commerce of the United States for the navigation of aircraft subject to the jurisdiction of the United*

States, it shall be unlawful for any person to navigate any aircraft within this state otherwise than in conformity with said air traffic rules.[1929 c 157 § 5; RRS § 2722-5.]

8.2—Special Use Airspace

SPECIAL USE AIRSPACE
A-680 OLF Coupeville WA

Physical/Operational Description

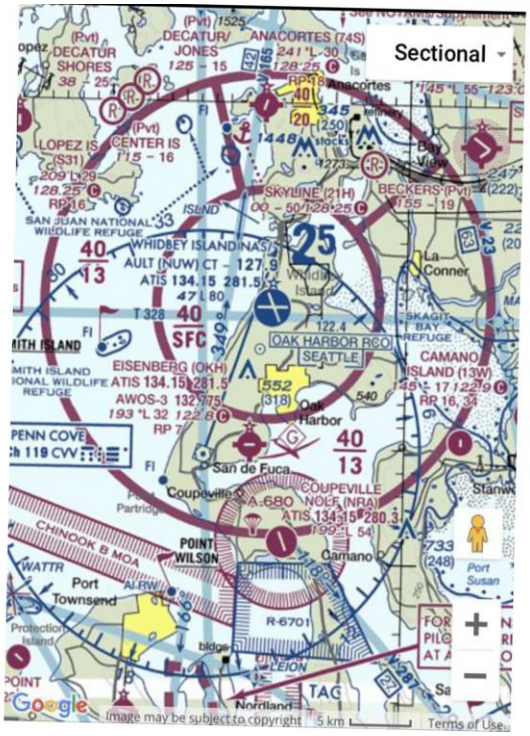
Alert Area A-680
OLF Coupeville, WA

Boundaries. 3 NM radius of lat. 48°10'59"N., long. 122°38'05"W. Altitudes. Surface to and including 3,000 feet MSL.

Times of use. Apr-Oct, 1000-0130 local time Monday-Friday; NovMar, 1000-2359 local time Monday-Friday; other times by NOTAM.
Using agency. U.S. Navy, Commanding Officer, NAS Whidbey Island, Oak Harbor, WA.

TIMES OF USE CHANGED 09/16/93

Source: https://www.faa.gov/documentLibrary/media/Order/7400.10c_20 21-02-09.pdf (p. 308



Alert Areas (definition)

Alert areas are depicted on aeronautical charts to inform nonparticipating pilots of areas that may contain a high volume of pilot training or an unusual type of aerial activity. Pilots should be particularly alert when flying in these areas. All activity within an alert area must be conducted in accordance with CFRs, without waiver, and pilots of participating aircraft as well as pilots transiting the area must be equally responsible for collision avoidance.

Source:
https://www.faa.gov/air_traffic/publications/atpubs/aim_html/chap3_section_4.htm

Comment: The description of OLF Coupeville A-680 defines the area, altitude, and operating hours plus the using agency. The description also includes the parameter/date of the most recent change. In the case of A-680 (marked in red above) the most recent change was to operating times,“TIMES OF USE CHANGED

09/16/93". When I checked other (similar) alert area descriptions, the pattern was the same 'change and date' which would suggest that the current parameters for A-680 predate 09/06/1993.

My guess is that A-680 has been on the books for at least 30 years. When the Navy requested the establishment of the OLF Coupeville alert area, the main FCLP aircraft would have been the A/EA-6 or earlier model aircraft

The FAA is the lead Federal government agency for airspace matters, see links below. The FAA administers the creation of or changes to special use airspace. FAA Order JO 7400.2 outlines governmental procedures for this interagency process.

Appendix 8 and Appendix 10 address 'Airspace Environmental Processing Procedures' (to include NEPA compliance) and Community Involvement. If the Navy ever sought community involvement when it established the A-680, it was undoubtedly when it was operating less powerful aircraft.

FAA Order JO 7400.2 - Procedures for Handling Airspace Matters

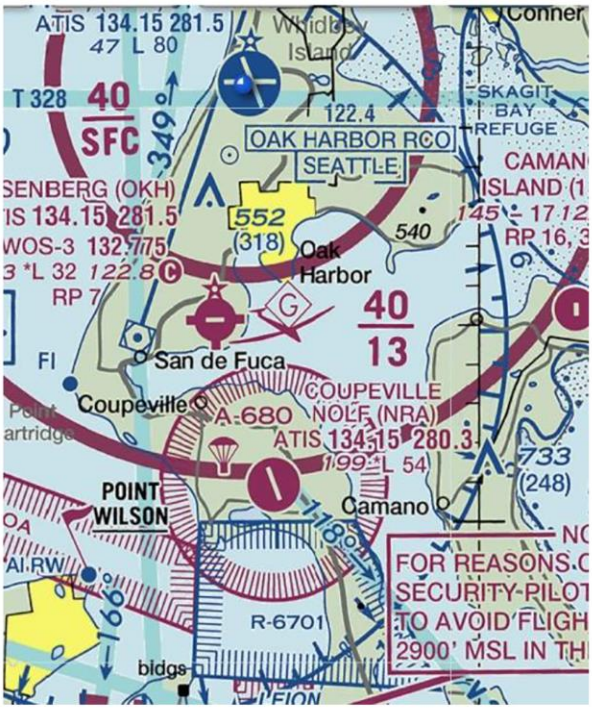
https://www.faa.gov/air_traffic/publications/atpubs/pham_html/
https://www.faa.gov/air_traffic/publications/atpubs/pham_html/chap26_section_1.html (Section 1. General)

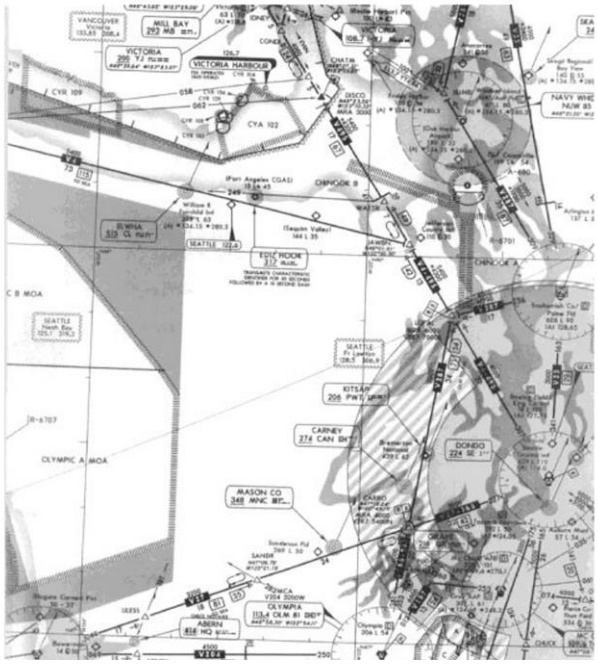
https://www.faa.gov/air_traffic/publications/atpubs/pham_html/chap26_section_2.html (Section 2. Criteria)

https://www.faa.gov/air_traffic/publications/atpubs/pham_html/chap26_section_3.html (Section 3. Processing)

https://www.faa.gov/air_traffic/publications/atpubs/pham_html/chap2_section_3.html (Processing Rulemaking Airspace Actions)
https://www.faa.gov/air_traffic/publications/atpubs/pham_html/appendix8.html (Airspace Environmental Processing Procedures)

https://www.faa.gov/air_traffic/publications/atpubs/pham_html/appendix10.html (Community Involvement Policy





8.3—Various References

8.3.1. FAA

Fundamentals of Noise and Sound
https://www.faa.gov/regulations_policies/policy_guidance/noise/basics

FAA History of Noise
https://www.faa.gov/regulations_policies/policy_guidance/noise/history

Community Response to Noise
https://www.faa.gov/regulations_policies/policy_guidance/noise/community

Neighborhood Environmental Survey
https://www.faa.gov/regulations_policies/policy_guidance/noise/survey

Noise Complaints & Inquiries
https://www.faa.gov/noise/inquiries

8.3.2. Navy

BIRD/ANIMAL AIRCRAFT STRIKE HAZARD (BASH) MANUAL
https://www.denix.osd.mil/dodpif/denix-files/sites/37/2020/07/BASH-Manual-Final-2019-with-out-Appendices_508.pdf

BASH Program
https://cnrse.cnic.navy.mil/Installations/NAS-Kingsville/Operations-and-Management/Air-Operations/BASH-Program/

AICUZ Program
https://cnrnw.cnic.navy.mil/Installations/NAS-Whidbey-Island/Operations-and-Management/AICUZ-Program/

EA-18G Growler Airfield operations Environmental Assessment
U.S. Navy NEPA Project Website > growler > EIS Docs

Air Installations Compatible Use Zones Study for NAVAL AIR STATION WHIDBEY ISLAND, AULT FIELD AND OUTLYING LANDING FIELD COUPEVILLE Final - January 2021
https://media.defense.gov/2022/Apr/18/2002978898/-1/-1/1/NASWI%20AICUZ_FINAL_29JAN2021.PD

8.3.3. Other

Cardiovascular effects of environmental noise exposure
Thomas Münzel, Tommaso Gori, Wolfgang Babisch, Mathias Basner

European Heart Journal, Volume 35, Issue 13, 1 April 2014, Pages 829–836, https://doi.org/10.1093/eurheartj/ehu030

DOAF, 2023. Department of the Air Force Guidance Memorandum (DAFGM) to Department of the Air Force Instruction (DAFI) 48-127, Occupational Noise and Hearing Conservation Program, 31 July 2023. Memorandum for Distribution, MAJCOMs/FLDCOMs/FOAs/DRUs. https://static.e-publishing.af.mil/production/1/af_sg/publication/afi48-127/afi48-127.pdf