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# The FAA Begins a New Chapter in Hazardous Wildlife Management



By Keri-Ann C. Baker and Robert P. Diffenderfer, Lewis, Longman & Walker, P.A.

The United States Department of Transportation Federal Aviation Administration (FAA) recently released Advisory Circular Number 150/5200-33C (AC-33C) on the subject of "hazardous wildlife attractants on or near airports." The stated purpose of AC-33C is to provide guidance on various land uses that may attract hazardous wildlife directly on or near a public use airport. Incompatible land development surrounding airports has been an issue of concern that has received more attention as accidents involving wildlife have become more visible.<sup>1</sup> In July, 2003, the FAA, the United States Air Force, the United States Army Corps of Engineers, the United States Environmental Protection Agency, the United States Fish and Wildlife Service, and the United States Department of Agriculture signed a Memorandum of Agreement (MOA) acknowledging that each of the agencies had a responsibility to protect aviation from wildlife hazards. This MOA established procedures for these agencies to coordinate their missions to achieve this purpose. Many airports are generally surrounded by large tracts of land that attract wildlife hazards on or near airport property. Other airports are located near development patterns that encourage situations that result in wildlife hazards to aviation. The FAA has taken a more active role in curtailing dangerous land uses on or near

airports and AC-33C continues this pattern. The FAA is seeking public comments to the AC-33C through January 9, 2013.

To reduce land uses that increase the risk of wildlife hazards the proposed AC-33C establishes three geographic levels of "separation distance" from an "airport operations area." These separation distances vary depending on the type of airplane predominantly served by the airport. The AC-33C divides the separation distance based on: (1) airports primarily servicing piston powered airplanes; (2) airports primarily supporting turbine powered airplanes; and (3) all other airports. The proposed AC-33C encourages a separation area from the air operations area and any wildlife attractant of at least 5,000 feet for all airports primarily serving piston powered airplanes. The AC-33C encourages a separation distance from air operations area for airports serving predominantly turbine powered airplanes of 10,000 feet. The AC-33C encourages a separation distance of at least five miles between the farthest edge of the air operations area and the wildlife attractant if there is a possibility that the wildlife attractant could result in movement of hazardous wildlife into either the approach or departure airspace.

What is unique about the proposed AC-33C is that it specifically identifies land use practices that often are found on or near airport properties and offers guidance on the

management of the various types of land uses. For example, the AC-33C identifies different types of land uses and various subcategories underneath each of these types of land uses. The AC-33C then offers guidance on whether the land use type is considered one that could potentially result in conditions that create a wildlife attractant. The categories identified by the FAA include: (1) waste disposal operations; (2) water management facilities; (3) wetlands; (4) dredge spoiled containment areas; (5) agriculture activities; (6) golf course landscaping; and, (7) other land use consideration. The AC-33C also creates procedures for wildlife hazard management by airports.

While the AC-33C is not final once it is completed the advisory circular will give airports additional tools to influence the land uses surrounding the airport property. Airports can use AC-33C to work with other parties owning land surrounding their airport. Further, the AC-33C goes a long way in detailing the FAA's approach to certain land uses that it deems potential wildlife hazard attractants.

Lewis, Longman, & Walker, P.A. has over twenty-five years of experience assisting Florida's airports, deep water ports, and transportation agencies. We recognize that modern airports are under pressure to address land uses that could result in a wildlife hazard attractant on or near their airport under the threat of increased litigation and strained relationships with federal, state and local governments and the surrounding communities. We work with state, federal, and local agencies and governments every day so we understand their unique perspective and use it to our clients' advantage. What we bring to you is a real understanding of government rules, environmental regulations, processes, procedures and people at every level.



For more information, please visit our website at [www.llw-law.com/industry-groups/ports-airports-infrastructure](http://www.llw-law.com/industry-groups/ports-airports-infrastructure). Keri-Ann C. Baker can be reached at [kbaker@llw-law.com](mailto:kbaker@llw-law.com), or at 561.640.0820. Robert P. Diffenderfer can be reached at [rdiffenderfer@llw-law.com](mailto:rdiffenderfer@llw-law.com) or at 561.640.0820.



<sup>1</sup>On March 4, 2008, a white pelican hit a 500 citation resulting in five fatalities. As a result, the National Transportation Safety Board recommended that the FAA take action to reduce wildlife attractants to prevent these incidents in the future.

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