

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
CERTIFICATE OF WAIVER

ISSUED TO

**Mr. Phil Clinger
Howell Chamber of Commerce**

ADDRESS

**123 E. Washington Street
Howell, MI 48843**

This certificate is issued for the operations specifically described hereinafter. No person shall conduct any operation pursuant to the authority of this certificate except in accordance with the standard and special provisions contained in this certificate, and such other requirements of the Federal Aviation Regulations not specifically waived by this certificate.

OPERATIONS AUTHORIZED

Hot Air Balloon Competitions within a 10 NM radius of a point located at 42°36'52"N/ 83°57'01"W or at the Salem (SVM) VOR 312° Radial at 20 NM from the surface to 8,902 feet MSL (8,000 feet AGL).

LIST OF WAIVED REGULATIONS BY SECTION AND TITLE

**14 CFR 91.119 (b) & (c)
(See Attachment A)**

STANDARD PROVISIONS

1. A copy of the application made for this certificate shall be attached to and become a part hereof.
2. This certificate shall be presented for inspection upon the request of any authorized representative of the Administrator of the Federal Aviation Administration, or of any State or municipal official charged with the duty of enforcing local laws or regulations.
3. The holder of this certificate shall be responsible for the strict observance of the terms and provisions contained herein.
4. This certificate is nontransferable.

NOTE— This certificate constitutes a waiver of those Federal rules or regulations specifically referred to above. It does not constitute a waiver of any State law or local ordinance.

SPECIAL PROVISIONS

Special Provisions Nos. 1 to 18, inclusive, are set forth on the attached pages (see Attachment B).

This certificate is effective from: **Friday, June 23, 2023 from 1815 – 2115 EDT**
Saturday, June 24, 2023 from 0630 – 0930 EDT & 1815-2115 EDT
Sunday, June 25, 2023 from 0630 – 0930 EDT & 1815-2115 EDT

inclusive, and is subject to cancellation at any time upon notice by the Administrator or his authorized representative.

BY DIRECTION OF THE ADMINISTRATOR

**JAMES L
GOTHA**

Digitally signed by
JAMES L GOTHA
Date: 2023.06.12
09:23:56 -04'00'

**James L. Gotha
Manager, EMI-FSDO**

**Great Lakes Region
June 9, 2023**

ATTACHMENT A

Description of the Waiver Area and Regulations Waived

Definition of the Waiver Area:

Section 91.119(b) and (c) are waived, to the extent necessary, to allow participating balloons to compete in the 2021 Michigan Challenge Balloonfest under the terms and conditions set forth in the 2021 Michigan Challenge Operations Manual. Specifically, within the airspace described as follows: Hot Air Balloon Competitions; within a 10 NM radius of a point located at 42°36'52"N/ 83°57'01"W or at the Salem (SVM) VOR 312° Radial at 20 NM from the surface to 8,902 feet MSL (8,000 feet AGL).

Regulations Waived:

14 CFR 91.119(b) "Minimum Safe Altitude Over Congested Areas . . ." is waived to allow flight over a congested area at an altitude of no less than 500 feet above the highest obstacle within a 500-foot horizontal radius of the balloon. This regulation is only waived within a 10 NM radius of a point located at 42°36'52"N/ 83°57'01"W or at the Salem (SVM) VOR 312° Radial at 20 NM from the surface to 8,902 feet MSL (8,000 feet AGL).

14 CFR 91.119(b) "Minimum Safe Altitude Over Congested Areas . . ." is waived to allow flight above, but not less than 75 feet from, any open-air assembly of persons (designated spectator area) under the direct control of the event organizer.

14 CFR 91.119(c) "Minimum Safe Altitude Over other than Congested Areas . . ." is waived to allow flight over open water or sparsely populated areas, no closer than 200 feet horizontally to any person, vessel, vehicle, or structure.

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ATTACHMENT B

Common Special Provisions

Failure to comply with any standard or special provision is a violation of the terms of this Certificate of Waiver (CoW) and justification for cancellation of this Certificate and constitutes a violation of Title 49 of the United States Code Section(s) 44711(a)(2)(B) and/or 44711(a)(5).

1. The FAA has the authority to cancel or delay any or all acts or events if the safety of persons or property on the ground or in the air, are in jeopardy or there is a violation of the terms of the Certificate of Waiver (CoW).
2. The responsible person or Air Boss, Mr. Phil Clinger, will ensure that notification is made to the Leidos Flight Service at 1-877-487-6867 of the date, time, place, demonstration areas, altitudes, nature of the activity, and duration of the operation and request that a Notice to Air Mission (NOTAM D) be issued.
 - a. Such notice shall be accomplished by providing the controlling flight service station (FSS) with a copy of the CoW or CoA, at least 48 hours before the event and no more than 72 hours before the event.
 - b. A NOTAM D is not required, when a TFR NOTAM is issued in accordance with §91.145 for the entire aviation event. TFR verification is required.
3. The responsible person, Mr. Phil Clinger, named in Item 2 on FAA Form 7711-2, must ensure that participants are thoroughly briefed on special field rules, the established demonstration area, flying display area, and aerobic box (other defined areas within the waived/authorized airspace), manner and order of events, and special provisions of the CoW, before beginning the activities each day.
 - a. No person may participate in any event listed on the CoW unless that person has signed a statement stating that they have received a briefing on the provisions of the CoW.
4. All civil aircraft and pilots participating in the aviation event shall provide the requested data to establish qualifications and airworthiness to the event organizer and if required be available for FAA inspection at the time and place agreed upon by the responsible person Mr. Phil Clinger and the FAA IIC.

NOTE: FAA Checklists, Status Forms, and Job Aids can be used to gather data in advance to establish performer qualifications and aircraft airworthiness.

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NOTE: CoW special provisions never supersede aircraft airworthiness operating limitations. Pilots should review their aircraft operating limitations prior to participating in an aviation event to ensure they are familiar and can comply with the requirements as specified.

5. For civil aircraft, only required flight crewmembers by type design, safety pilots as listed in FAA Order 8900.1, Volume 3, Chapter 6, or those persons required to participate in the demonstration (wing walkers, stunt persons, participants integral to the performance, and those conducting safety related functions) will be carried on any aircraft engaged in demonstrations authorized by this CoW. Additional crewmembers or essential personnel may not participate without specific approval by the responsible person or air boss, and the IIC.
6. No demonstrations shall be authorized or scheduled when a suspension of airport traffic or diversion of other aircraft traffic would cause an hardship to scheduled air carrier operations.
7. A control point shall be established where the certificate holder or responsible person shall direct the demonstration. This person, Mr. Phil Clinger, shall be continuously available to the FAA IIC or designated representative and is the person designated as responsible for the overall safety of the event.
8. Adequate communication capability (electronic and visual) must be provided to maintain a safe operation, to control spectators, and to advise participants that the aerial demonstration has been halted or canceled.
9. A crowd line consisting of a physical barrier and/or adequate policing shall be provided to confine the spectators to designated areas. The spectator areas shall have well-defined lateral boundaries.
10. The demonstration shall be halted for any reason that is in the interest of safety. It shall also be halted when unauthorized aircraft enter the demonstration area, or when unauthorized persons or vehicles enter the area underlying the flying display areas.
 - a. Only the minimum number of essential personnel necessary to support operations will be authorized in the flying display areas.
 - b. The holder of the CoW and responsible person, Mr. Phil Clinger, assumes responsibility for the security of areas where unauthorized personnel and aircraft are not authorized access and for compliance with the aviation event security plan.
 - c. The IIC has the responsibility to make the holder of the CoW and responsible person, Mr. Phil Clinger, aware of any identified safety concerns and if necessary

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has the authority for canceling or delaying any or all acts if it is deemed necessary in the interest of safety.

11. The following facilities shall be provided and readily available in accordance with the submitted emergency response plan at the demonstration site: Ambulance, Fire Truck and Livingston County EMS.
12. Persons or aircraft not appearing on the CoW application and subsequently added to the CoW may not participate without specific approval by the responsible person or air boss, Mr. Phil Clinger, and the IIC. Proof of appropriate qualifications for crewmember(s); and an airworthy aircraft is required before the performance can be conducted at that event site.
13. Unmanned Aerial Systems (UAS) Demonstrations are not authorized under the CoW.
14. Rocket Demonstrations are not authorized under this Cow.
15. Parachute Demonstrations are not authorized under this CoW.

Balloon Event Special Provisions

16. Section 91.119(b) and (c) are waived to the extent necessary to allow participating balloons to compete in 2023 Michigan Challenge Balloonfest, under the terms and conditions set forth in the FAA approved procedures section of the Balloon Operations Manual.
17. The 2023 Michigan Challenge Balloonfest Balloon Operations Manual is incorporated into this CoW and becomes a special provision thereof. Any action contrary to the terms, controls, procedures, and conditions pertaining to safety set forth in the FAA approved procedures is ground for cancellation of this CoW.
18. Mr. Phil Clinger shall ensure that each participating event crewmember has read and understands the FAA approved procedures section of the 2023 Michigan Challenge Balloonfest Balloon Operations Manual and the special provisions of this CoW.

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