

CALPILOTS

CALIFORNIA PILOTS ASSOCIATION

Volunteers Promoting and Preserving California's Airports

Airports Are Asset\$



Want to know another reason your local airport is more than a storage area for local airplanes? This picture was taken at the Chino Hills, Yorba Linda fire a few months ago. Our state's general aviation airports have always been a part of the strategy to fight fires in California. Make sure you protect and promote your local airport. You may need its emergency response capability one day.

Frequently anti-airport types bemoan that "airports are playgrounds for the rich". One disaster however, can make believers out of the uninformed. Where would California be without its airport transportation infrastructure system to help fight the state's annual wild fires? How many more homes would be lost? Our airports are assets. It is time to educate them and to help them understand the facts.

CALPILOTS ACTION

December 12, 2008

Distribution: All Supervisors
BOARD OF SUPERVISORS
Jackson, CA 95642

Re: Wicklow Project – Environmental
Impact Report – Airport Land Use Commis-
sion

Honorable Members:

The California Pilots Association assists California's counties in land use planning that is consistent with California airport compatibility law. Compatibility of projects such as the Wicklow Project must be determined by reference to specific sections of statutory law, the Airport Land Use Planning Handbook and a recent California Supreme Court decision

Your Board should revisit the Final EIR for at least three reasons:

First, in 2007 the California Supreme Court in the Case of **Muzzy Ranch v. Solano County Airport Land use Commission, 41 Ca. 4th 372, 387**, provided additional guidance for county supervisors. The Court held that the California Environmental Quality Act (CEQA) requires an agency to review any area that will be affected by a proposed project. That includes environmental impacts geographically outside the project boundary. The Court recognized that a given project might indirectly affect land use outside an agency's jurisdiction. The Wicklow Project Final EIR appears silent in this respect.

Second, the Wicklow Project proposes a zone change from "R1" to "R3". That means the project must be referred to the Amador County Airport Land Use Commission in accordance with the mandate of Public Utilities Code Section 21676(b). This section also authorizes a special hearing procedure that

your Board could follow to overrule the ALUC if, based on evidence in the record, the project would in fact be consistent with state airport compatibility law.

Finally, the Amador County ALUC has not reviewed the County's Airport Compatibility Plan for more than fifteen years. The ALUC is clearly derelict in not carrying out its responsibilities to the citizens of Amador County. Not only have conditions around the Amador County Airport changed but California law has changed. Failure of the ALUC to timely consider these changes in an appropriate review is tantamount to there being no viable or operative Airport Compatibility Plan in Amador County. Under California law the absence of an airport compatibility plan means that the ALUC must review all projects within two miles of the airport.

The ALUC must promptly update the Amador County Airport Compatibility Plan incorporating changes in accordance with the Airport Land Use Planning Handbook. Until that is done a proper Environmental Impact study cannot be completed. Moreover, continued failure of the Amador County ALUC to perform its mandatory duty to update the Airport Compatibility Plan, or to review all projects within two miles of the Amador County Airport, is to invite a court to issue a writ of mandate requiring it to perform its duty.

Thank you for the opportunity to comment on this very important issue.

Yours truly,

Jay C. White
General Counsel
California pilots
Association
cc: Amador County
Planning Commission



NEW YEAR — NEW APPROACH

*Ed Rosiak - President
California Pilots Association*



Happy New Year to all. I think we can all agree that 2008 was a difficult year and most are happy it is behind us. We are all looking forward to better times ahead. We must however, insure that we have a better understanding of what is required to insure times change for the better. And that means we need to be much more involved in the changes that will affect our future. That goes for all aspects of our lives, but in this case I am referring to our reliance on, and misspent trust in government leadership - at all levels.

If we have learned anything in the last few years it should be that we can no longer completely trust our government representation—period. That may sound like a harsh statement, but all one has to do is to review the decline of our collective financial capability over the past few years. Most of us have suffered significant losses as a result of criminal decisions made by Wall Street where our government representatives sat idly by and allowed it to happen. Some would say that they were ignorant of the situation, but I would argue that is what they get paid for, and they are failing us.

What is this rant doing in an airport advocate publication? It proves that across the board we must create a 'checks and balances' situation for all elected officials. Citizens must also demand accountability for public servant actions, or lack there of. That is just not happening today. Take airports as an example. All you have to do is to go to our web site and look at the latest incredibly bad decision by Stockton City Council to approve a housing development that borders their airport. This had to be a mon-

etary biased decision – period.

Admittedly, most City or County Councils have a difficult job trying to balance development against funding shortfalls. What the California Pilots Association has observed however, is monetary based decisions, mostly void of safety and noise considerations, which will clearly become an ongoing costly problem for the municipality. One does not have to look far for proof of this phenomenon. Just go to our web site to look up Stockton, Watsonville, Tracy, amongst others.

What can you do? It is time to get involved. Local airport and pilot groups do not have budgets to counter deep pocket developer money. We know that developers spend time and money to cultivate relationships with city and county officials. It is part of the permit process. They simply take it far as they can to insure the outcome is in their favor. Example: The Watsonville Pilot Association found that local developers had “donated” \$500,000 to “assist” in the studies required to increase the housing density around the airport. You have been reading about this issue for a few years now and it still isn't over. What do we do?

No local airport organization? Start one. If you do not belong to your local airport/pilot organization, it is time to join. If you already belong, it is time to participate. As always, a “select few” typically do the majority of the work in any organization, especially when issues turn up. Yes your money in the form of dues is important, but so is your time and effort. You don't have to become president of you local organization, but you do have to join and participate. You can do something to help - ask.

The New Approach? “Verify then Trust” elected officials - not the other way around. Your participation is no longer optional, it is required.

'New Approach' --Continued Next Newsletter

WATSONVILLE AIRPORT - LAWSUIT APPEALS UPDATE

City Files Appeal of Lower Court Ruling

The City of Watsonville has submitted their Appeals Brief to the Appeals Court in San Jose. The Watsonville Pilots Association and others are currently preparing their response brief. It is estimated that the court's review of briefs will be in June 2009, and appeals court decision in early 2010.

In review, on March 21, 2008 the Santa Cruz County Superior Court ruled that Watsonville City Resolution 74-05 and the new General Plan update violated the State Aeronautics Law. The purpose of the law is "to prevent the creation of new noise and safety problems" around airports. The City of Watsonville's Resolution 74-05 was a prerequisite for the city's general plan update, specifically, building plans just west of the airport. This resolution removed two sections of the Zone 3 runway protection zone, changed density criteria, and removed all restrictions on building high-occupancy buildings in the Zone 6 airport influence area – illegally.

The Division of Aeronautics' (DoA) California Airport Land Use Planning Handbook "prohibits" building high-occupancy buildings such as schools, assisted living facilities, facilities where people congregate, and housing densities in Zone 3 runway protection zones.

The City of Watsonville's attempt to change the Zone 3 area to a less restrictive Zone 6 was a deliberate attempt to circumvent the DoA's California Airport Land Use Planning Handbook and Aeronautics Law. The lower court concluded that this was an attempt to circumvent the intent of state law and the land

use precepts contained in the DoA Handbook. The city's appeal brief tries to obfuscate these details. We trust that the appeals court will observe that the city's brief is simply an attempt to confuse the facts.

Who does this affect? It affects everyone in the community, including those that operate aircraft, FBOs, and business aircraft operators. Economic studies show that Watsonville Airport is responsible, directly and indirectly, for 1600 jobs. Like many others, Watsonville's City Planners tend to misunderstand or ignore the long-term positive economic impacts of airports and their value.

This case is about preventing development encroachment off the runway ends at Watsonville Airport. The lawsuit is intended

Is greed the motivation that overrides common sense?

to prevent what has already happened around other airports. Where, instead of landing in open areas, aircraft in emergency situations impact houses. Inappropriate planning decisions turn aircraft "incidents" into "accidents", often resulting in devastating fires.

In 2008 two accidents in Florida were fatal to aircraft and housing occupants in areas off the ends of runways. Two fatal accidents also occurred in new developments at North Las Vegas Airport. Now there is an effort to prevent closure of North Las Vegas airport. Just recently an F18 crashed into two houses just southwest of Miramar Naval Air Station in San Diego. The pilot ejected and landed in a high school athletic field. Believe it or not, Universal High School was built southwest aligned with the departure end of Miramar's runway 24R. All these accidents involved ruptured fuel tanks followed by ignition.

West of Phoenix, AZ, there is a lawsuit to prevent encroachment at Luke AFB.

Continued on Page 5

Watsonville Lawsuit continued...

Maricopa County, the defendant, wants to build houses around Luke AFB even though departing jet fighters are often carrying ordinance. Is greed the motivation that overrides common sense?

Currently, the Stockton, Tracy, and Half Moon Bay Airports are all resisting plans that would result in housing encroachment of their airports. Housing encroachment inevitably results in restriction of aircraft operations. The responsible solution is to deny encroachment attempts, thereby eliminating new noise and safety problems.

The essence of the Watsonville Pilots Association lawsuit, and the current appeals process, is to keep the community and airport safe, and to prevent closure of a runway. A win in the appeals court will be precedent that deters costly litigation involving other airports in California. Or if litigation is unavoidable, a favorable decision by the appeals court could be very helpful in a legal win for other airports.

What can you do? Write letters and contribute. Now is an excellent time to write to state Senators and Assembly Members. Ask them to amend or remove the insane housing element law that requires (and finances) cities and counties to continually build more houses.

The Watsonville Pilots Association is soliciting contributions to its legal fund to help cover costs of the appeal.

Contributions can be sent to:

WPA

P.O. Box 2074

Freedom, CA 95019-2074.

Please specify "legal fund" in the memo section of the check.

Your contribution could help save a runway, avoid more restrictions at Watsonville and help other airports, possibly yours, battling encroachment.

Dan Chauvet

Assistant Secretary for Legal Affairs

Watsonville Pilots Association



Editor's Note: *As we have indicated in the past, two high ranking City officials are counting on the Watsonville Pilots*

Association to run out of money. Help send a message them that they cannot do whatever they want regardless of the legality. Please send contributions to WPA. This is not just Watsonville's problem, we need to win this fight!

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OPINIONS expressed in *California Pilot* are not necessarily always those of the California Pilots Association. **MEMBERS** and non-members are invited to submit articles of interest. *California Pilot* assumes no responsibility for contributed items or their return without a self-addressed, stamped envelope. Sources of the items must be provided for publication consideration. ALL material is subject to editing required to conform to space limitations. Submit materials to:

California Pilots Association
editor@calpilots.org

AIRPORTS ARE ASSETS - AERIAL BUG BUSTERS

“It’s a jungle out there.” Aerial-application aircraft wage a worldwide battle against bugs. Though they are generally known as “crop-dusters,” just like attack aircraft, they are purpose-built machines. If their jungle battle were lost, the results would be felt on every dinner table in the world.

Most agricultural aircraft today use GPS, which is far more accurate than human “flaggers” are. In California, pilots fly year-round, but in most parts of the country, seasons are considerably shorter. In some areas of the US Ag pilots can fly 1000 plus hours five months.

Crop-dusting could never be considered relaxing. The ever-present power-lines, towers and telephone poles make Ag flying very demanding, multitasking imperative. Reaction times must be “knee-jerk” in most cases. Mechanical failure is always a concern as everything is done so low to the ground.

Depending on speed, a typical Ag aircraft will pull between two and four “Gs” in a turn. Slower biplanes are more forgiving of a young pilot’s learning curve and are the airframe of choice when breaking in new fixed-wing pilots. Turbine powered monoplanes are becoming the industry standard. They are expensive, fast and efficient, but their high wing-loading is unforgiving of any pilot who isn’t taking care of business.

Typical application heights range from five to

ten feet AGL for agricultural liquid applications. Seeding or fertilizing release altitude is generally telephone pole height. This spreads dry material evenly; any skips show up as the crop matures. In the case of alfalfa, a skip could show for seven growing seasons. Payloads cost thousands of dollars, mosquito abatement material tens of thousands.

Night flying may be necessary for several reasons including local laws that protect bees (bees return to their hives at night), cooler and calmer weather conditions, and

certain target pests are nocturnal. Certain types of mosquito abatement flying are done at night.

Peter Precissi is a second-generation ag-pilot who, with his cousin and co-owner, Don Precissi, runs Precissi Flying Service in Lodi, California. Precissi states, “When working 7 days a week, month after month, it’s about as tough an occupation there is. My father used to say this business is 90% planning and 10% execution. In those days that wasn’t true, even though it probably felt like it, but it certainly is now. The regulations that we operate under are some of the most restrictive in U.S. Business. Regulations allow zero tolerance for any mistakes, period. The constant vigilance and planning to safely complete 1000’s of missions each year is incredibly challenging. I love the flying but as the decades have gone by, for me personally, the real reward is looking back on another season with no accidents, no one hurt and no violations.”

“Years ago, I was flying a piston powered biplane most of the day and a turbine powered



Typical Ag Plane

Air Tractor late in the afternoon. Flying dissimilar aircraft is not uncommon in the industry. In fact, some will fly fixed wing and helicopters the same day. The speed difference of these aircraft (about 50%) is partially to blame for one of my closest calls. I was getting behind and had to make an adjustment to my gallons per acre output. This function is computer controlled and requires the pilot to look down while entering the changes via a keypad. After exiting the field, I leveled off and started the process. Seconds later a shadow entered the cockpit. A shadow can only come from a few things: another aircraft, higher terrain, a cloud, or a man-made structure. I knew immediately what it was; I didn't even look up. I banked 90 degrees, pulled the stick to the stop and waited...I looked down my wing, and guy-wires were sliding under. I had missed a 300-foot microwave tower by inches. I have flown around that tower for 33 years. I knew the tower was there, but didn't appreciate how fast that 502 was closing the distance. It was the end of a long day, I was tired, and I was still in biplane speed-mode. Basically, I was no longer in control. That is a perfect example of "loss of situational awareness" and it is a classic example of how highly experienced pilots get bagged."

When something that profound happens, you will never see the profession in the same innocent way. From that day forward, when you climb into the cockpit you will be spring-loaded. You don't trust anything - you don't even trust yourself. That's probably a good thing.

Don Precissi pitches in, "This competitive business is volatile - a gamble - but it's our lifestyle...our heritage. Since our fathers started this business, we have carried it on and built it to what it is today. It is a difficult job - often 3AM wake up times - and it's not uncommon to go ninety days without a day off.

We are mostly unappreciated by the public. Some feel we are poisoning the planet. In reality, we are like doctors, applying a prescription to cure a disease. We don't sell any of the compounds we apply and we don't make recommendations for their use. State-licensed pest-control advisors who have college degrees in one of the life sciences do that. We are strictly applicators. What we do with a few gallons of fuel would take a farmer days, and in some situations, we must be there within hours, or an entire crop can be lost."

Fascinated onlookers gaze at the crop duster's seemingly death defying stunts. They aren't stunts but skills that are part of the job. Most agricultural pilots will have a tale to tell and reasons for choosing the vocation.

Reprinted in part with permission:

Carlson, Ted "Aerial Bug Busters" Flight Journal Apr 2002

Copyright Air Age Publishing Apr 2002

Edited by Peter Precissi Dec 2008

Editor's Note: *Precissi Flying Service has been a business partner of the California Pilots Association for some time. We appreciate their continued support.*

Aerial applicators, such as Precissi Flying Service also demonstrate why our general aviation airports are so important. The agriculture business plays a huge part of California's economy. Without our aerial applicators the yield of food would be much less, and cost much more for everyone.

Moving?

Please let us know. Help us save money. Send your new address to cpa@calpilots.org.

CALPILOTS ACTION

December 2, 2008

City of Tracy Planning Commission:

Mark Shishido, Edward Gable, Ameni

Alexander, Pete Mitracos, Carol Blevins

Tracy, CA 95304

Subject: Insufficient EIR for Ellis Project

Dear Chairman Shishido,

The California Pilots Association mission is to promote and preserve the State's airports. As a statewide volunteer organization, we work to maintain the State's airports in the best possible condition.

The California Pilots Association requests you do not accept the Ellis Project EIR. The EIR has not adequately addressed the impacts of placing this project near the Airport. CalPilots views the Ellis project as incompatible with airport planning guidelines as well as the Deeds and Restrictions that came with the Government allowance of the City of Tracy to operate and protect the airport from encroachment. It is not advisable to allow either housing or recreational uses at this location.

The Tracy Municipal Airport is a vital link in the National Transportation System. It is therefore eligible for Grants from the Federal Aviation Administration. When the City of Tracy last accepted a FAA Grant, the City signed Grant Assurances as part of the contract with the FAA.

The City thereby agreed to an obligation to keep Tracy Municipal Airport free of hazards, and also to maintain compatible land use zoning. These are Grant Assurances numbers 20 and 21. http://www.faa.gov/airports_airtraffic/airports/aip/grant_assurances/media/airport_sponsor_assurances.pdf

20. Hazard Removal and Mitigation. It (*the*

City, acting as the sponsor) will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards *and by preventing the establishment or creation of future airport hazards.*

21. Compatible Land Use. It (*the City, acting as the sponsor*) will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and take-off of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility with respect to the airport, of the noise compatibility program measures upon which federal funds have been expended.

Additionally, as we have seen above in the FAA Grant Assurances, it is incumbent upon the City of Tracy to prevent the development of a project which will affect Pilots flying in the vicinity of Tracy Municipal Airport.

It is also the duty of the City to provide for the health and safety of the residents as well as the pilots.

Please do not allow this impingement on the Tracy Municipal Airport to occur. Please require an EIR which addresses all concerns.

Respectfully submitted,
Carol Ford
Vice President -
Region 3 California
Pilots Association



2008 CALPILOTS AIRPORT ADVOCATES OF THE YEAR AWARDED

November 6, 2008

Airport Advocate(s) of the Year Award Presented to Andy Wilson, Pilot and Jewell Hargleroad, Attorney at Law.

Our Airport Defenders of 2008 Award went to Andy Wilson, our member pilot, and Jewell Hargleroad, the attorney who represented us before the Calif. Energy Commission (CEC), both from Hayward, CA, for their work to oppose the Eastshore power plant proposed to be constructed 1 mile from the Hayward Executive Airport in Hayward, CA.

Andy contacted CalPilots via Carol Ford. He attended every meeting pertaining to the power plants. He networked with others in Hayward and found Jewell Hargleroad. It is critical, we learned, to have an attorney involved as CEC proceedings are conducted as a court and testimony must be entered correctly to be considered. Both worked tirelessly with the California Pilots Association's Carol Ford, VP Region 3, and Jay White General Council on this project.

This work has resulted in the California Energy Commissioners **Denial** of the Eastshore power plant permit to construct based on the affect of the power plant's thermal plumes on aviation.

As a result, the Alameda County Airport Land Use Committee which oversees the Oakland International, Hayward Executive and Livermore Airports is now also looking to address site possibilities of thermal power plants in their Airport Land Use document.



Andy Wilson received Airport Advocate of the year Award from California Pilots Association Region 3 Vice President, Carol Ford. The picture of Jewell Hargleroad was not available at press time.

More Work to be Done

Unfortunately, there is a second power plant Russell City Energy Center, which is 5 times larger than Eastshore with a 1,000+ foot high plume, invisible 90% of the time that now needs our attention. It is located 1.5 miles from the Hayward Executive Airport. And at the same time we have yet another power plant proposed to be built in Carlsbad, CA 2.5 miles from the McClelland – Palomar Airport.

We need your written and financial support to address these issues because it is very costly to accomplish. And, for those of you in the Carlsbad area, we need to determine what help is out there for Intervention for the Carlsbad power plant to protect our airports.

We need your vigilance to inform us about power plants proposed near your airport.

Editor's Note: *Congratulations to Andy and Jewell for a job well done.*

Power Plants are the latest surfacing airport threat. Make sure you pay attention to Power Plant Proposals in your area. Check out the Blythe story the web site as well as Hayward.

CALIFORNIA PILOTS ASSOCIATION MEMBERSHIP APPLICATION

Name..... Home Airport.....

Address..... City..... State.....Zip.....

Home Phone..... Cell.....

E-Mail..... Aircraft..... N#.....

Membership Type: Please circle one New Renewal Individual \$35 Lifetime \$500
 Pilot Organization \$50 Aviation Business \$50 Business Partnership \$250
 VISA MasterCard or Check

Card #..... Exp. Date.....

Signature..... Date.....

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Donations: \$ _____ *Pilot PAC: \$ _____ (not tax deductible)

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For Political Action Committee (PAC) donations over \$100 - above information required by law:

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<http://www.leginfo.ca.gov/yourleg.html> for Cal Senate and Assembly contacts

CANADIAN 406 ELT RULE CONFIRMED

Canada will be closed to most U.S. light aircraft within about two years after Transport Canada affirmed its decision to make 406-MHz emergency locator transmitters mandatory on everything but gliders, balloons, ultralights and a handful of special-use aircraft. The requirement extends to all foreign-registered aircraft and includes those used for flights that begin and end in the U.S. but overfly Canadian territory, like the busy routes between the northern Midwest and eastern states, according to an e-mail sent to Canadian Owners and Pilots Association members by President Kevin Psutka last week. "We are at the end of a long battle to bring common sense to this issue," Psutka wrote. "Common sense has not prevailed." Psutka attended a meeting with stakeholders on the issue last week.

Transport Canada, and the Canadian military, which handles most search and rescue operations in Canada, see the switch as necessary because search and rescue satellites will stop monitoring 121.5 MHz, the frequency used by most existing ELTs, as of Feb. 1, 2009. Of course, Psutka's main focus has been on the expense and inconvenience (not to mention logistical challenge) of equipping thousands of Canadian GA aircraft with the \$1,000 (plus installation) devices. COPA believes better technology is available but being ignored in the rule. But he said the rule will also affect thousands of U.S.-based aircraft owners who plan to fly to Canada. The FAA is not planning to mandate 406-MHz ELTs and it's doubtful many American owners will voluntarily equip just so they can take a flying vacation in Canada.

Psutka said at least 63,000 foreign-registered light aircraft, 90 percent of them American-registered, touched down in Canada between May of 2007 and May of 2008. Figures for the number of overflights were not available. The new rule is set to take effect on Feb. 1, 2009, but a political crisis involving the current federal government makes implementation on that date unlikely. Transport Canada is planning on phasing in the requirement to allow manufacturers and maintenance facilities time to cope with the onslaught of installations. As the phase-in is now proposed, affected aircraft, including foreign-registered aircraft, will have to be equipped with an approved 406-MHz ELT on Feb. 1, 2011, or during the last annual inspection before that date or it will be illegal for them to fly in Canadian airspace.

CALPILOTS BUSINESS PARTNERS

The aviation businesses listed below are business sponsors of CALPILOTS, and have made generous contributions, which help to ensure that your flight freedoms continue. They deserve the patronage and support of all California Pilots and Aviation Enthusiasts.

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93539-2206
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FAX (661) 945-3792
<http://www.airpetro.com>

Air San Luis(SBP)

785 Airport Drive
San Luis Obispo, CA.
93401-8369
(805) 541-1038
FAX (805) 541-8260
<http://www.airsanluis.com/>

Bud Field Aviation(LVK)

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Livermore, CA.
94551-7616
(925) 455-2300
FAX (805) 541-8260
<http://www.budfielddaviation.com/>

Gemini Flight Support (MER)

3515 Hardstand Ave.
Atwater, CA, 95301-5148
(209) 725-1455
Gemini@Elite.Net
www.GeminiFlightSupport.com

Clay Lacy Aviation(VNY)

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Van Nuys, CA.
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(818) 989-2900/
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<http://www.claylacy.com/>

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email@naiaircraft.com
www.naiaircraft.com

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92570-9315
(909) 943-9673
<http://www.skydiveperris.com/>

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95242
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