April 12, 1993

Tamie Byrne
[redacted]

Dear Ms. Byrne:

This is in response to your letter of April 8, 1993.

You state that you intend to perform aerial survey work beginning on May 1,1993. Your intent is to locate radio collared deer, elk, fish, and birds using a receiver in the airplane. A visual sighting would confirm the location. You would also be counting herd sizes, with a biologist on board.

You ask if these activities are included within the exception to Part 135 of the Federal Aviation Regulations, as stated in Section 135.1 Applicability:

(b) Except as provided in paragraph (c) of this section, this part does not apply to--
(4) Aerial work operations, including--
(iii) Aerial...survey.

My research indicates that, historically, no special definition has been assigned to the word "survey" as used in (iii). Consequently, it must be given its ordinarily accepted meaning. As applied by the FAA in the past, this has included the counting of animal (waterfowl) populations from an aircraft.

Your proposal seems to fall within the general scope of "survey" as that term has been construed by the FAA. Therefore, I conclude that your operation of an aircraft under the circumstances described above would not require a Part 135 Operations certificate.

Sincerely,

George L. Thompson
Assistant Chief Counsel