May 13, 1996

Mr. Jim Ellis

[redacted]

[redacted]

Dear Mr. Ellis:

This refers to your May 1, 1996, letter in which you request our advice as to whether a proposed business activity would require certification under the provisions of Part 135 of the Federal Aviation Regulations (FAR), or otherwise be subject to any extra requirements by the FAA.

You describe the business activity as one where a pilot, who also happens to be a certified flight instructor (CFI), would act as a tour leader to conduct tours involving groups of light aircraft in the mountainous areas of the west, including Alaska and Western Canada. This may include a mountain flying seminar conducted prior to any actual tours.

It is our understanding that as contemplated, a group of about 10 other aircraft would follow a flight plan that had been prearranged by the CFI tour leader. The tour would consist of the CFI tour leader flying his own aircraft, and other licensed pilots following and flying their own aircraft. No passengers (and we assume) no property would be transported for compensation or hire in connection with the tour.

Based on the information presented by you, since the business activity which you propose would not involve the carriage of persons or property for compensation or hire, it would not appear to require certification under the provisions of FAR Part 135.

However, since the individual tour leader would be receiving compensation in connection with his operation of an aircraft while leading a tour, he must hold at least a commercial pilot certificate, with appropriate medical certification. We recognize that your request states the proposed tour leader is a CFI, who would hold a commercial pilot certificate, but make this clarification to avoid any potential misunderstandings.

Please note that the opinion provided herein relates only to those portions of the proposed activity which will be conducted within the United States, and not to any flying

activities to be conducted in Canada. Canadian aviation authorities should be contacted directly for advice regarding operations while in that country.

I hope that the foregoing will be of assistance to you. Very truly yours,

Leland S. Edwards,

Attorney

