U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel
800 Independence Ave., SW.
Washington, DC 20591

JUL - 8 2015

Lloyd Cook
Aviation Compliance LLC
10116 Maypole Ct.
Oklahoma City, OK 73159

Subject: Applicability of exception from part 119 certification in 14 C.F.R. §119.1(e)(7) to certain aerial hog hunting operations

Dear Mr. Cook:

This letter responds to your February 2, 2015 request for a legal interpretation of 14 C.F.R. §119.1(e)(7). Specifically, you asked whether §119.1(e)(7) allows persons to conduct certain helicopter operations, for purposes of aerial hog hunting, without obtaining a commercial operating certificate in accordance with part 119 of the Federal Aviation Regulations. We conclude that the proposed operation described would not qualify for an exception from part 119 certification under §119.1(e) and therefore, the proposed operation would be subject to part 119 certification and part 135 operating rules.

Under the facts presented, the helicopter operation conducted for purposes of aerial hog hunting would involve a non-stop flight of 25 miles or less departing from (and returning to) a fixed location, but not necessarily an airport. As described, the flight would be conducted under day visual flight rules (VFR) and no more than two passengers would be carried. No cargo would be carried.[1] In addition, you provided some additional details regarding the proposed operation via e-mail on May 7, 2015, in which you clarified that the hunting would be from the aircraft while aloft, with no intermediary landings or dropping off of passengers during the operation. In addition, you indicated that "the number of aerial hog hunting operations per calendar year would be unlimited."[2]

The exception to part 119 certification found in §119.1(e)(7), provides, in pertinent part, that a part 119 certificate is not required for "[h]elicopter flights conducted *within a 25 statute mile radius of the airport of take off* if—

> (i) Not more than two passengers are carried in the helicopter in addition to the required flightcrew;
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> (ii) Each flight is made under day VFR conditions;

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[1] The incoming request did not specify how much ammunition would be carried; for purposes of this interpretation, we assume that the ammunition carried would be limited to the amount needed for the hunting event.

[2] We assume for purposes of this interpretation that the proposed operation would be conducted for compensation or hire.

(iii) The helicopter used is certificated in the standard category and complies with the 100-hour inspection requirements of part 91 of this chapter;

(iv) The operator notifies the FAA Flight Standards District Office responsible for the geographic area concerned at least 72 hours before each flight and furnishes any essential information that the office requests;

(v) The number of flights does not exceed a total of six in any calendar year;

(vi) Each flight has been approved by the Administrator; and

(vii) Cargo is not carried in or on the helicopter. (emphasis added).

The introductory text of §119.1(e)(7) establishes a threshold requirement that the helicopter operations covered by the exception must be conducted within a 25-mile radius "of the airport of take off." This threshold requirement presumes that the operation departs from an airport. Another explicit condition under §119.1(e)(7) limits the number of flights in a calendar year to no more than six. Your letter indicates that the proposed operation would not necessarily depart from an airport. In addition, the number of flights would exceed six in a calendar year. Therefore, the exception in §119.1(e)(7) would not apply to the proposed operation since the explicit conditions would not be met.

As we have previously indicated, the exceptions to certification for operations listed in 119.1(e) are mutually exclusive. *See* legal interpretation to Victor Anderson (June 26, 1997). However, we note that the proposed aerial hog hunting operations do not appear to fit within any other exception under 119.1(e).[3] Thus, a part 119 operating certificate and compliance with part 135 operating rules would be required. *See* 14 C.F.R. §135.1. While FAA regulations do not govern the use of firearms aboard a civil aircraft for purposes of aerial hunting, we note the proposed aerial hog hunting operation would be subject to the provisions of 14 C.F.R. §91.13, which prohibits the operation of an aircraft in a careless or reckless manner. In closing, we also note that these operations may be subject to other federal, state and local laws governing aerial hunting.

This response was prepared by Bonnie C. Dragotto, an Attorney in the Regulations Division of the Office of the Chief Counsel and coordinated with the Air Transportation Division of the Flight Standards Service. If you need further assistance, please contact our office at (202) 267-3073.

Sincerely,

Lorelei Peter
Acting Assistant Chief Counsel for Regulations, AGC-200

[3] Additional exceptions allow for the following operations to be conducted without a part 119 certificate: student instruction; certain nonstop commercial air tours; ferry or training flights; aerial work operations; sightseeing flights in hot air balloons; operations conducted under 14 C.F.R. parts 133 or 375; emergency mail service operations; and operations conducted under 14 C.F.R. §91.321. *See* §119.1(e).