

Aviation Quarterly[®]

Issue #67

www.ndac.org

NDAC

Spring 2005

Chairman's Corner

By Dan Kasowski



Finito, au-revoir, auf wiedersehen, it's outta here! "Taking to the Sky in 05" is now history... I hope you were able to attend and I hope everyone had a great time!

The Upper Midwest Aviation Symposium, once again, brought together some of the most fascinating and talented aviation enthusiasts in the country. When you sit back and take a look at all of the Hall of Fame members, the Charles Taylor award winners and most recently, the five new members receiving the Wright Brothers Master Pilot Award, the aviation heritage in the state of North Dakota is one for the books and something to brag about. These individuals make us all proud to be North Dakotans!

As I sit here writing this article for the Quarterly, I have a new view, it is that of "Past Chairman." Two years ago, when I was elected as Chairman of the NDAC, it took a couple weeks until it actually sank in. Then it was pure panic! What did I get myself in to! I dreaded my first council meeting, I dreaded my first article for the Quarterly (actually I still dread them), I was way overwhelmed. But today, as I reflect back, I can laugh about it and I can honestly say it was a great experience. Over the past two years I have met many new friends and learned many things along the way.

I would like to extend a special thanks to all NDAC members for making this year's Symposium another success. Your hard work, dedication and commitment are commendable. Special thanks must go to the Aeronautics Commission, Gary, Roger and Malinda;

Continued on page 4



One of the events at this year's Aviation Symposium was a Fuel Quality Assurance and Fire Safety Class. Issues covered in this class included (to name just a few) the review of the FAA regulation, fire technology, grounding and bonding. The class also incorporated hands-on fire extinguisher training led by the North Dakota Air National Guard Airport Rescue Fire Fighting team. (More Symposium photos inside)

Chairman Elect

By Fred Adams



What a great event this year's Upper Midwest Aviation Symposium was. Great exhibits, informative presentations, and time to visit with friends. The speakers had lots of information for us. The two morning briefings were very interesting.

Next year, the UMAS will be in Bismarck at the same location as in the past, the Ramkota. Remember to register early, and bring a friend for all or at least one day. Talk to your member organization if you are looking for some specific presentation, maybe they can work that into their schedule of presentations or even combine with another organization.

I was glad to see many NDAAA members who this year had a chance to attend other meetings instead of being required to attend the renewal program.

I would like to thank the NDAC for their support in voting for me as this year's Chairman. The NDAC is a team effort and there is a lot of support from all the member organizations. If you have an idea or concern, there are several places to go. First might be your representatives or officers of your member groups. There is always the dependable North Dakota Aeronautics Commission, or call me. If we don't have the answer, we will work on getting an answer for you.

The North Dakota Airspace issue is on my mind. Several of us had a chance to talk with the presenter after the informational update at the UMAS. We

Continued on page 4

GA aircraft targeted by terrorists?

By Meg Godlewski

A recently leaked government report indicates that Al Qaeda discussed plans to hijack or charter small airplanes and helicopters for use in terrorist attacks in the United States.

The report, based on November 2001 information, and allegedly written as an informational tool for security and intelligence personnel, was not supposed to be released to the press. However, reporters at the "New York Times" acquired the report. Other media outlets, including network television stations, then picked it up. The media reports played up the vulnerabilities of general aviation to terrorist actions, although the 24-page report had only two paragraphs that applied to general aviation.

According to the government report, terrorists are attracted to "the largely unregulated" area of general aviation because of a perceived lack of security at airports. The report indicated that it is possible that terrorists may try to rent or steal GA aircraft to use in suicide attacks. It specifically mentioned helicopters configured for agricultural operations, noting that they could be used in a biological attack.

The report stated that members of Al Qaeda appear determined to study and test new American security measures to "uncover weaknesses."

Several aviation advocacy groups were critical of the report, noting that there have been numerous changes in flight training and ramp procedures to increase security at airports since Sept. 11th, for example, the report makes no mention of the Aircraft Owners and Pilots Association's Airport Watch Program, which encourages airport users to be more vigilant for suspicious activity.

The program has had many successes. Last year, a pair of TV reporters posing as terrorists were apprehended by the staff of a helicopter charter business at St. Louis Downtown Airport in Cahokia, Ill. The staff of the helicopter business, using the guidelines of the airport watch program, realized the pair, armed with pocket knives and razor blades, was not on the level. While a mechanic disabled the helicopter so it could not be flown, office staff kept the men busy until law enforcement arrived. The reporters, who said they were "testing" airport security, were arrested, questioned and then released.



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FROM THE DIRECTOR'S CHAIR

By Gary Ness,
Director,
North Dakota
Aeronautics
Commission



Spring is here and the summer season is about to be upon us a rate of speed that seems to approach a faster Mach number every year.

The aviation community always looks with anticipation to the warmer days of our state's climate with plans of fly-ins, fishing trips or just the enjoyment of drilling holes in the air. We all look to the calendar of events with an eye for the best of the pancake feeds or the sausage of the local community's meat market. The airport is judged by the quality of the food on a clear bright morning more than they are judged on the roughness of the grass cross-wind runway. It is enjoyable to visit these communities and have the opportunity to observe the "Front Door" of each and also have the pleasure of the company of the general aviation community. The next best thing is to check for air shows. The Navy Aviation "Blue Angels" will be enjoyed at Fargo this summer for the AIRSHO. Check your calendars and make sure you have the time to enjoy as many of these activities and communities that you can.

The 82 General Aviation airports which comprise the bulk of the state's airport system is the backbone of the industry. The eight air carrier airports provide the silver cigar service to the world beyond our borders. The general aviation airports create that "Front Door," that I related to before, they provide the link to the business community that could create jobs for the smaller communities across the state. What services do the small airports provide for

the industry? How do they fit into the big picture of the states economic picture? First and foremost, the GA airport provides the connectivity to the outside business world. It provides a facility for the business person to arrive at your community to sell widgets and twigets to the hinder-land. That same facility provides a place of safe arrival for air medical activity. The facility as a focal point for some business activity gives today's executive the opportunity to arrive at the decision point and make the call of the day and move on to whatever is next. That is today's reality—right-time, right-placed, on-time inventory; and right-time, right-placed decision-

understanding the economics of "going to the customer," we in the airport development business had to understand the needs of the "Flying Doc's" and start planning the right things for the airport.

With the advent of Loran-C and the following on of GPS, this effort has gotten more important to fast forward the action, reason, access. With the new GPS approach capabilities and the equipment that is coming on the market for aircraft, the Lisbon, Linton and Killdeer airports of the world are now able to play in the bigger world of access for business aviation. The airports have to look at the approaches and departures at their facilities and do what is required for

As you fly across this state and are visiting our communities, pay attention to the new snow removal, multiuse equipment, support buildings, general aviation airport terminals, fueling systems and best of all, hangar facilities.

making.

The medical community over the last 15 years, with more reason recently, has found that the airplane is the economic connector to the smaller market communities of the state.

In Bismarck alone, on any given morning, four aircraft are departing the air field for the regions smaller communities with the specialist to serve those surrounding communities. Those specialists were not available 15 years ago in the smaller towns. Typically, you drove to the regional medical facility for treatment. With the medical community

the best possible utility of the airport. Not only for economic reasons of support for business development, but for the access of the medical community to the graying population of our great state.

As you fly across this state and are visiting our communities, pay attention to the new snow removal, multiuse equipment, support buildings, general aviation airport terminals, fueling systems and best of all, hangar facilities. These improvements come from a very aggressive FAA Airport Improvement Program (AIP). The FAA Airport District Office,

located in Bismarck, has done a great job coordinating with the local airports and the Commission in putting together the improvement program to take advantage of this, first time in history, funding package which covers the equipment, buildings and airfield improvements that will make our airport system one of the best in the Nation. There has been \$63 million dollars over the last two years invested into the airport system.

The lion's share is from the Airport Improvement Program; the funding developed by federal ticket tax, cargo bill of lading fees and federal fuel taxes. Local government provides a great amount of funding and resources to the industry.

Well, where am I going with this rambling? I want to point out the importance of each and every airport that we have in the state and the great amount of time and effort each community has invested into the facility. When we venture out this summer to enjoy the skies of the state, find those important people at each community and thank them.

The important part of this article:

BEST OF BEST 2004

Best Pancakes: Casselton

Best Sausages: Edgeley

Best Popcorn: Bismarck

Best Air Show: Dickinson (Pietsch Air Shows)

Best Over-all Performance: Turtle Lake

I hope to see many of you this summer.

Remember: "Keep the Dirty Side Down."

North Dakota Experimental Aircraft Association

By Darrel Pittman



Once again the "Upper Midwest Aviation Symposium" (UMAS) is history. As in the past it was a tremendous success. Thanks to all of you who attended. When I've asked people involved in aviation if they were planning on attending the UMAS, some said yes. See you there. Some said no, there is never anything there for me, or isn't it too expensive? For those folks who believe that there is nothing they can benefit from by attending, I'm sad they feel that way. For those that think it's too expensive, yes, it's going to cost some money to attend. Let's take a look at this year's Symposium and the schedule of events.

We had educational and information sessions for the pilots, mechanics, airport operators, agriculture sprayers and farmers. Plus, we had some great speakers. Dr. Bruce Smith gave us a look at the past, present and future of UND/JDO Pilot and ATC training, thanks Bruce. Dr. Warren Jensen of the UND/JDO was there, he always has a good talk. John

Boehle talked to us about the future of commercial aviation in North Dakota. Alan Klapmeier spoke of the happenings at Cirrus Design and Production and the competition they are giving the other aircraft producers with their "I can't believe they can do that!" technology. The FAA was well represented by the Great Lakes Regional Director Cecelia Hunziker. She gave us a look at the "Flight Plan" as it pertained to the future of the FAA. If you missed this, it was great. This was her last Symposium. She announced that she will retire in April. Farewell, Cecelia we will miss you! We had more FAA involvement from the Automated Flight Service Stations and the Air Traffic Control Towers. All the FAA sessions were well attended with many good questions and answers. Bob Simmers provided a good question and answer period on basic BFR stuff, I enjoyed that. We had a security briefing from Grand Forks TSA and representation from Canada briefing us on their rules

and how to fly across the border. We also had some good military briefings. The Happy Hooligans National Guard unit and the Helicopter unit out of Minot AFB gave us some great safety tips about the missions they fly. We had another briefing from the military about the proposed military Special Use Airspace (SUA). All of you should stay tuned to this; it is an extremely important issue to the private pilot in North Dakota. Fred Adams and I will try to stay on top of this and keep you informed. FOOD! WOW, did we have food.

So, you see, you get all this for the price of registration, plus the fee for your particular organization. If you are an EAA member, your national and chapter dues should already be paid. You can belong to the Pilots Association (NDPA) for \$12.00 a year.

The NDEAA and the NDPA groups pooled their efforts for the scheduled programs. We are pleased to say it worked well and we will probably continue with it in the future.

Ready for another scary

thought? At the NDEAA meeting we re-elected an attorney, Todd Schwarz, and an air traffic controller, Darrel Pittman, as your council representatives. We both vow to give our very best effort in support of North Dakota aviation.

ABOUT THE COUNCIL

The "North Dakota Aviation Council" (NDAC) is a consortium of eight different aviation groups in North Dakota. Each group has two (2) volunteer voting members assigned to make the decisions that hopefully help make aviation better in North Dakota. Many of those decisions are made during the planning and implementation of the UMAS. Again, let me stress they do this as VOLUNTEERS on their own time. They pay from personal funds to attend the monthly meetings and the cost of attending the Symposium. So, consider giving them your support in 2006 and set your flight plan for Bismarck next spring. See you there.

"Cleared for take-off"

Chairman Elect from page 1

suggested that the military (whoever ends up wanting a part of the plan) establish a working group of users, and that would be your North Dakota Aviation Council and ND Aeronautics Commission, for a start. We suggested maybe quarterly meetings to start to work through issues that we in general aviation see as challenges to what the final plan is. We would like to see some type of check and balance, so maybe the Governor of ND or the ND Aeronautics Commission could be the watchdog and keep things in order. Some of us are concerned about giving away

the sky 24/7 to the wishes of a training program that we have no control over and is not yet defined. I think we would like to be part of the solution and not the problem. The key to this is good communication and finding ways to work together.

Enjoyed seeing many of you at this year's UMAS. Promote aviation - it's the best thing going. See ya soon.

Fred Adams
Chairman Elect - NDAC
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Chairman from page 1

year after year you guys are awesome! Amy, what a great job with the Quarterly and all those terrific photos. To the site committee, Vice Chairman, Darren Hall and Mike DeVries, you guys carried the load; we owe you a great big THANKS!

Congratulations to Fred Adams, new Chairman of the NDAC. We are in great hands as Fred is not new at this by any means. He has served twice previously as Council Chairman and has served as a Council Member for...well for almost ever. Once again, congratulations, Fred!



TRIM TAB

By Bob Simmers



I just returned from the Symposium and am fired-up to write to you. I'm sure that there will be many accounts of the Symposium so I will try to keep my comments directed toward your continuing education. I had the privilege of addressing the ND Pilots Association. We talked about some basic aviation information. I hope that those that attended had as much fun participating as I did presenting. I had a lot more to talk about, but ran out of time.

There were some questions raised about determining the airworthiness of an aircraft. Let me review. I want to break this into four major items that you should be looking for in the log book when determining if the aircraft that you are about to fly meets all of the airworthiness requirements.

1. **Annual Inspection.** When reviewing the log books, the airframe log book tells most of what you need to know. An annual inspection must have been performed within the last 12 calendar months and must have been signed off by an AI or a repair station. The simplest thing to do is to start at the rear of the book and if you have paged back one year past today's date and there is no entry, chances are the aircraft is out of annual.

2. **Airworthiness Directives.** The owner/operator of the aircraft is responsible for maintaining a current list of Airworthiness Directives.

This document should be readily available to the flight crew so they can determine the AD status before each flight. Just because the aircraft has a fresh annual does not mean that the AD's have been inspected. When the maintenance person signs off the annual, he is only verifying that at that time all AD's were in compliance.

3. **ELT.** If your aircraft is required to have an ELT, then it must meet the

Just because the aircraft has a fresh annual inspection does not mean that the AD's have been inspected.

retesting requirements as outlined in FAR 91.207 (D). This requires the ELT to also have an annual inspection. This inspection does not have to coincide with the aircraft annual, but must have been inspected within the last 12 calendar months. The second part of the ELT requirement is the battery life. The date is posted on the ELT battery and may not be exceeded. If any of the above requirements are not met, then there is a provision for a maintenance

person to remove the appliance for repair, not to exceed 90 days.

4. **Transponder.** If a transponder is installed, then it must meet the retesting requirements outlined in the FAR's. The only exception is if the flight can be conducted solely in Class G airspace. The requirements for the need to have a transponder installed are outlined in FAR 91.214.

A regular review of these four items will insure that there are no surprises later on the ramp.

A thorough knowledge of the pilot operating handbook is also a requirement. One of the most common giveaways as to your knowledge is in watching the preflight inspection. I often see pilots doing there walk-around and when finished I ask them

why they lowered the flaps. Their answers vary from "My instructor taught me to do it this way," to "It was on my aftermarket checklist." More often than not, the POH only referred to the flaps and asked you to preflight them for condition, not function. I may elaborate more on systems in a future article.

I hope that you will continue to write or call with questions that you may have. Remember my address is; bobs@c-ram.net.

Spring is just around the corner and it's time to check for bird and mouse nests as part of your preflight.

Until next issue, happy flying, and I hope to see you with your trim tab set in the take-off position.

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NDPA

Paul Hanson, President,

Another year has come and gone for the Upper Midwest Aviation Symposium. Although I could make this into a recap of the Symposium, I think a look at what the Symposium brought to the table is more important.

Enthusiasm is one of the better words. The future of aviation as a whole is in our hands now, not tomorrow or yesterday, but today, this moment. Aviation always has been dynamic and will continue to be so.

What do I mean, simply this, when was the last time you checked your AIM/FAR's. In the past, it seems like they hardly ever changed, or so was the perception. For 2005 we had better get the current set of AIM/FAR's, because there are a lot of changes

What kind of changes you ask? The new Sport piloting rule for one, another is fractional ownership. Sport pilot has many nuances that could land a pilot in a bad light with the FAA. The rule covers both current pilots and new pilots for Sport pilot certification, the maintenance of



Victor Gelking (right) proudly accepts an award for 50 years of flying from Bob Jensen.

Sport aircraft and manufacture. Specific knowledge of the rule is critical being it is phased in a little at a time. Fractional ownership is not only for quote "jets", more and more fractional ownerships for light aircraft are popping up, and they may apply to you, the private pilot. These changes alone are changing the face of aviation.

As some of you already know, the duties of the Automated Flight Service Stations are changing from a government service to that of a non-governmental vendor. Lockheed Martin is the vendor of choice taking over the duties on October 1, 2005. Hopefully it will be a seamless transition. More details will be presented as the time draws near.

"Aviation is in an exciting time," said Cecil Hunziker, FAA Great Lakes Regions Administrator who viewed the next few years as a time of wonderment. Her comments were for us, the state of North Dakota, and the nation. We are at the threshold of doing some wonderful leading-edge things. One is the development of North Dakota aviation infrastructure to take advantage of the latest in ADS-B, traffic avoidance, and the development FAA AIR 21

program, bringing navigation technologies to our rural areas.

With the advent of new technologies, progressive development of new avionics, data streaming for these avionics we would definitely be on the leading edge. Are you ready?

As with all things, human participation is a key factor for any of the above to be successful. How can we as pilots and would-be pilots of North Dakota help? Talk to each other with an open mind to the future. Where can we do this, through fly-ins, meetings, breakfast get-togethers, at aviation-related functions, at our community gathering events, etc. Let people around you know general aviation is an asset to their communities.

Recruitment of people to aviation is always a challenge. Taking a friend or a youngster for a ride or to aviation event is a start. Bringing back the romanticism of flight to our younger generations will not be easy. We have an obligation to pass on knowledge to the younger generation. We are the history-makers right now. Above all, having fun flying and passing it on is what it is all about.



Bob Jensen awards Phillip "Flip" Miller (right) for 50 years of flying service.

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Leonard Johnson (center), from Turtle Lake, was also honored with an award for 50 years of flying service.

NDPA

By Larry Taborsky, Vice President,

My Gosh — you missed a lot at the Symposium this year!

FAA Sport Pilot Rules

You can become a Sport pilot if you're most recent medical was not revoked and you have a valid driver's license. The aircraft restrictions are 1320 pounds, 1-2 people, single engine, 45 knots max stall speed, fixed gear and fixed pitch prop.

SATS and You

The Small Aircraft Transport System uses existing technology to provide small airports with control tower-like degrees of safety and efficiency. Traffic flow would be produced by computer links using GPS positioning.

Flying in Canada

Manitoba's Fred Petrie gave us a great description of how similar our two country's systems are, and gave us the items we need to make a trip above the border a great experience. Did you know that you needed a survival kit to fly in Canada?

Tales of Examiners

Many of the things you can do to prepare for a successful flight review don't involve studying, but involve preparing your aircraft paperwork and ensuring that your medical is up to date.

The Pilot and Controller

This open forum gave us an opportunity to talk to the tower operators from FAR, GFK and MOT. The public is now more sensitive to aircraft activities, especially when you are circling or flying low. The best way to avoid any misunderstandings while you're flying is to have radio communication with ATC.

Special Use Airspace of ND

COL Rick Utecht gave the latest update of how the airspace over North Dakota is proposed to be used by the military as a training area. Also coming soon to ND: tethered

the sports pages as a part of pre-flight planning, but since these events aren't necessarily NOTAMED, that may be the only way to tell!

What's New in GPS

Newer GPS units have a



Fred Petrie (right) holds a proclamation after the Honorable Ron Lemieux, Minister for Transportation & Government Services, announced the week of February 28th through March 6th as Aviation Week in Manitoba.

blimps for observations and communications.

FSS

In October, the Flight Service Station functions will be assumed by Lockheed Martin. Stay tuned to see what stays and what goes away with the new contract services, but be aware that when you get your weather brief the briefer may not be located in ND.

Temporary Flight Restrictions could pop up at any time, and you are urged to check with FSS often. Though you can find information on the internet, the FSS is still the only official source for TFR's, and even the FAA site has been known to be a bit behind with getting the info and posting it. While flying, monitor 121.5. Also, did you know that there is a permanent NOTAM restricting you from flying over sporting events of 30,000 people or more? There was a joke about having to check

C-146A certification, which changes the position updates from once per second to 5 times per second. These systems can now use Wide Area Augmentation System inputs to fly ILS-like approaches using a GPS glide slope. Datalink weather will be coming to the Garmin

GNS430 by the time of this article. On the east and west coasts of the U.S., the same Garmin boxes with the appropriate modifications will be able to take advantage of free weather and traffic advisory services broadcasted by datalink.

FAA – the Future

Whomever hasn't had the opportunity to meet and get to know Cecelia Hunziker, our regional FAA representative, you have missed out on a class act who is now retiring.

NDPA Business Meeting

Paul Hanson has accepted the President position, Larry Taborsky as VP, Dan Vigesaa will be Treasurer, Fred Adams, the Secretary. We're looking at a proposal for helping people who want to become CFI's at the smaller fields in ND. The NDPA is helping to fund the Capital Aviation Museum at Buckstop Junction, Bismarck. The proposed fly-in dates will be posted elsewhere in this newsletter, and we will try to bring together several of the ND flying groups. Expect to have a monthly gathering this summer.



Bob Pearson, retired pilot, recalls July 23, 1983, when he and his flight crew found themselves at 41,000 ft. "with nothing on the clock but the maker's name". He spoke of how they glided a 300,000 lb B767 to a safe landing for 61 passengers and 8 crew members in Gimli, Manitoba.

CALENDAR OF EVENTS

APRIL

Flapjack Fly-In & Young Eagles

April 24, 2005
EAA Chapter 380
Grafton, ND Muni (GAF)
8:00 am - 'til...
Richard Bitz

MAY

Fly-a-Sixth Grader

May 1, 2005
Hillsboro Muni (3H4)
Hillsboro, ND
Mid-Morning - 'til...
Larry Mueller 701-636-4453
Pilots Needed

Airport Dedication & Airshow

May 14, 2005
Lunch (Free to Fly-ins)
Gettysburg Muni (0D8)
Gettysburg, SD
11:00 am - 1:00 pm
Dedication: 1:00 pm
Airshow: 2:30 pm
605-765-2733

JUNE

Fly-In

June 5, 2005
Washburn Muni (5C8)
Washburn, ND
Bill Beeks 701-462-3593

Fly-In

June 11, 2005
Free Breakfast
Free Airplane Rides for
School Age Children
Beulah Muni (95D)
Beulah, ND
8:00 am-10:30 am, MDT
Kevin Lee 701-873-2259
/2311/ 870-1392

Snowbirds

June 11-12, 2005
Winnipeg, MB (CYWG)

Fly-In Breakfast

June 19th, 2005
Lisbon Muni Airport
8:00 am - noon
Nancy Sitz 701-683-4760

JULY

Minnkota Flying Farmers Convention

July 1-3, 2005
Doublewood Inn
Res - 701-235-3333
Bismarck, ND
Don & Ardie Zimbleman
701-375-6661

Annual Fly-In

July 2, 2005
Garrison Muni (D05)
Garrison, ND
Red Ewing,
Brian Klabunde
701-337-2294

Fly-In Breakfast

July 3, 2005
Rolette Municipal Airport
Rolette, ND
8:00 am
Harlow Hagness
701-246-3700/246-3425
Mark Myhre 701-246-3395

Fargo Airshow 2005 Blue Angels

July 9-10, 2005
Hector IAP (FAR)
Fargo, ND

Snowbirds

July 9-10, 2005
Moose Jaw, SK (CYMJ)

SDSU Aerospace Career Education (ACE) Camp

July 10-14, 2005
SDSU Campus,
Brookings, SD
Kimberly Steineke
605-688-4184

Annual Fly-In & Cookout

July 14, 2005
Hillsboro Muni (3H4)
Hillsboro, ND
5:00 pm - 'til...
Larry Mueller
701-636 -4453

Killdeer Clean-Up/Fly-In

July 16, 2005
Weydahl Field (9Y1)
Killdeer, ND
Larry Taborsky
701-220-2569

Fly-In/Open House

July 23, 2005
Vince Field (4V4)
Northwood, ND
Northwood Flying Club,
7:00 am - 10:30 am
701-587-5171
/6014/5400/5370

Planes on the Plains

July 23, 2005
EAA Chapter 317
Casselton Rgnl (5N8)
Casselton, ND
Bob Miller 701-347-5519

ND State Fair Airshow

July 23, 2005
Minot, ND

AUGUST

New Runway/Facilities Dedication

August 7, 2005
Hamry Field Rgnl (K74)
Kindred, ND
FAR 215/8.7
701-428-3159/3457/3344

Annual Fly-in

August 14, 2005
Theodore Roosevelt
Rgnl (DIK)
Dickinson, ND

Northern Neighbors Day

August 14, 2005
Minot Airforce Base
701-723-6212

Fly-in Breakfast

August 21, 2005
Annual Aircraft
Sweepstakes Giveaway
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THE UPPER MIDWEST AVIATION SYMPOSIUM



Bill Beeks, Washburn Airport manager (right of plaque), and his brothers proudly display their father, Clifford Beeks, place in history.



Phillip "Flip" Miller, Valley City, is inducted into the Aviation Hall of Fame on March 8th, 2005



Steve "Teddy Roosevelt" Stark's 'Bully for Aviation' inspired the banquet crowd.

TAKING TO THE SKY IN 2005



Dr. Bruce Smith from UND and Alan Klapmeier from Cirrus Aircraft Design Company chat between classes.



North Dakota Pilots Association President Paul Hansen introduces Fred Petrie. Petrie spoke to the pilots association on the rules and regulations of flying in Canada.



Bob Miller listens intently to Col. Rick Utecht, NDANG as he speaks on the topic of Special Airspace and North Dakota.



Bob Miller and Cecelia Hunziker, who retired this year as FAA Regional Director.



Darrel Pittman takes a throw at darts during Exhibitors Night.



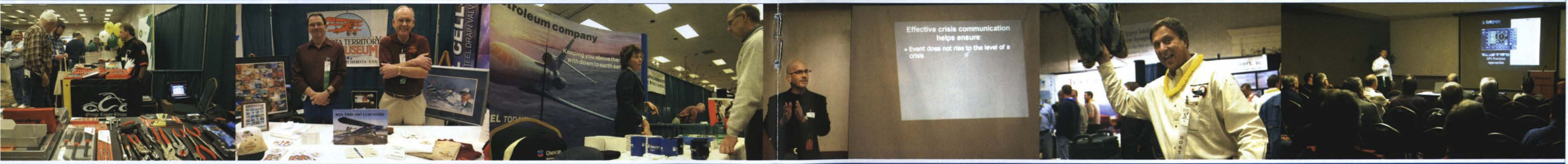
The Ice Breaker, which was held at the Fargo Air Museum, gave everyone a chance to get reacquainted



John Boehle, EASE, Inc. speaks to the Pilots Association.



Bob Simmers excites the crowd with "Tales and Exams" with the FAA.



Three days of fun, food, classes and laughter!

AWARDS

THE UPPER MIDWEST AVIATION SYMPOSIUM



Bill Beeks (right), of Washburn, accepts the North Dakota Aviation Hall of Fame Award for the induction of his father, Clifford Beeks, from Dan Kasowski.



Dan Kasowski (right) accepts the AMT Diamond Award on behalf of University of North Dakota from Bob Jensen.



Mark Holzer (right), Aviation Planner NDAC, receives a 25-year service award from Chairman Bob Miller.



Mike Budziszewski (right) accepts NDPAMA Mechanic of the Year from Morgan Stroh.



Randy Aarestad (right) accepts the 2004 General Aviation Airport of the Year award for Hillsboro Municipal Airport Authority by Erling Rolfson.



Shawn Dobberstein (right), Fargo Municipal Airport manager, accepts the 2004 Commercial Air Service Airport of the Year award from AAND President Erling Rolfson.



Jim Montgomery (right) also accepts an AMT Diamond Award on behalf of Executive Air Taxi from Bob Jensen.



Bob Jensen presents Wayne Metcalf (right) with the FAA 2005 General Aviation Maintenance Technician of the Year award.



Aeronautics Commission Chairman Bob Miller (left) presents Ken Koehn, Devils Lake Airport manager, an appreciation award for his service to aviation.



Fred Adams (left) receives an NBAA Aviation Management Award from outgoing Council Chairman Dan Kasowski.

THE FLIGHT

By Owen Blickensderfer

For most of his ninety years, he wanted to learn how to fly. He even took lessons back in the thirties, before money got scarce. Raising a family and farming made a mockery of spare time, so his dream was put on hold until later. Years passed. A frugality born of knowing what it means to wonder where the next dollar is coming from kept him from starting lessons again, though he had the money. That makes this flight even more precious. I am a flight instructor and I have a ninety-year-old student. This is not the first time my friend and I have shared the joy of severing earthly bonds. The first time was more than a year ago. I placed a stepping stool behind the wing of the Piper and helped him lift himself onto the wing. From there, a friend and I lowered him into the cockpit. Getting old creeps up, robbing a person of strength and mobility. Somehow we overcame all that and launched into the sky anyway. Today, things have gone much smoother. I figured out an easier, safer way to get in. Now I can help him in by myself.

After the plane leaves the ground, my ninety-year-old friend takes over. He is getting better at keeping the wings level. I rarely touch the yoke to make a correction. He asks me, "Now, which way is North?" We pick out the nearby towns and buttes to orient ourselves. Like an autopilot he takes a heading that puts us over his familiar farmstead.

We circle the one building



left standing, his first house that was later converted to a granary. As we circle, forgotten memories return to him like farm cats to a pail of milk. "That was a cold house! Some years the

I am a flight instructor and I have a ninety-year-old student.

snow got as high as the banks of the creek. The yard and buildings flooded after they put a road with culverts in. The house was a little higher, so the house stayed dry."

Light turbulence at five hundred feet is not enough to distract our examination of the land where the house,

barn, chicken coop and other buildings once stood. The reminiscing continues over the steady thrumming of the engine. "All those years of hard work, and this is all that is left." He smiles to himself and chuckles. "I think somebody could just push that old wood granary down with one shove."

One last time, we circle the basement hole of the home where he and his wife raised three active boys. Long prairie grass covers all other evidence that this was once a busy farmyard. Wordlessly, we pass over the church and the cemetery where his beloved wife of sixty years rests. For years they poured their lives into that little country church. He was baptized, confirmed and married in that little country church. So was his wife. No services are held there anymore.

We head back to the airport. "I would never have imagined that the rivers and streams wind around like they do. You can see how crooked they are when you are up here," he says.

The landing is gentle this time. Getting out of the plane is slow, but we are in no hurry. I have given rides to young people that never flew before. The pleasure that my old friend gets from flying is no less than the teenagers'. I drive slower than the speed limit on our way back to the nursing home. It gives us time to look around and enjoy the warm, snowless December afternoon. The flight has been the high point of our week.

You will not find many ninety-year-old men taking flying lessons. But then, you do not find many men who are ninety years old. When I am ninety, I want to fly.

Who to Believe When it's Pilots versus the FAA?

By Brett D. Venhuizen

When the FAA suspends or revokes an airman's certificate, the airman may choose to file an appeal and have a hearing before an Administrative Law Judge (ALJ) who works for the National Transportation Safety Board. Many ALJ decisions turn on issues of credibility. In other words, does the ALJ believe the FAA administrator's witnesses, who supposedly have no personal interest or stake in the outcome of a case, or does the ALJ believe the airman who will lose his certificate if the case is decided against him? The credibility determinations made by the ALJ are particularly important because if the airman appeals the case to the next level, the full NTSB, great deference will be given to the credibility that the ALJ has assigned to the various witnesses.

An opinion issued by the NTSB in December of 2000 serves to illustrate the importance that credibility plays in the Board's decisions. The respondent, a commercial pilot who was also certificated to perform agricultural operations, was charged with violating two provisions of the Federal Aviation Regulations. The first, FAR 91.13, which prohibits operating an aircraft in a careless or reckless manner so as to endanger the life or property of another, and, secondly, FAR 91.119(c), which prohibits operating an aircraft closer than 500 feet to any person, vessel, vehicle, or structure in sparsely populated areas.

The FAA alleged that while on an agricultural flight,

the pilot operated closer than 500 feet to people, residences, and structures on several occasions. They also alleged that the pilot flew below power lines and conducted repeated and deliberate diving maneuvers directly over people, at heights lower than power lines and at distances of less than 500 feet. The FAA issued an order suspending the airman's commercial pilot certificate for 180 days. The airman filed an appeal.

At the hearing, the FAA presented a number of eyewitnesses, one of whom was a Kentucky State Trooper. The witnesses all stated that the respondent was flying at an extremely low altitude, so low that the witnesses lost sight of his airplane behind some trees. The witnesses also stated that the pilot appeared to fly directly at persons, barns, and animals, pulling up at the last moment. Several witnesses described this as "jumping" over their homes. The pilot was also reported as flying underneath electrical wires. While these are all things that seem scary and reckless to lay people, to a crop-duster they could just be a normal part of the job and can be conducted in an

entirely safe manner.

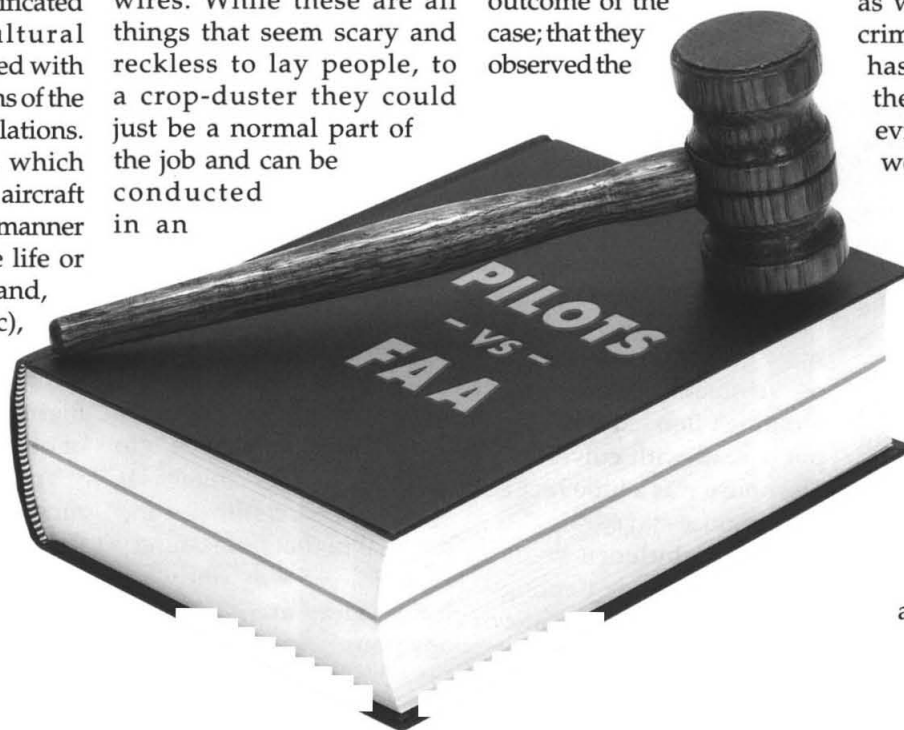
The pilot admitted to flying the airplane, but claimed that he was applying pesticide. He denied flying too close to any individuals or structures, and denied flying underneath electrical wires. Further, the pilot argued that FAR 137.49 allowed him to operate closer than 500 feet to persons, vessels, vehicles and structures, and to fly lower than 500 feet when necessary to conduct spraying operations so long as these operations are conducted without creating a hazard to persons or property on the surface. He argued that the FAA's witnesses were mistaken as to the distances they claimed he was flying in reference to people and structures.

The ALJ pointed out that this case turned almost entirely on credibility issues. The ALJ believed the FAA's witnesses. He stated that the FAA's witnesses didn't know the respondent, that they had no interest in the outcome of the case; that they observed the

flight in question, and that their stories were reasonable and corroborated each other. The ALJ refused to consider the pilot's argument that FAR 137.49 provided him with an exemption from the altitude and distance rules, finding instead that the FAA's witnesses were located on farms at least one-quarter of a mile from where the pilot was conducting aerial application making low flights in that area unnecessary. The ALJ also made a statement that after observing the respondent testifying, he found him to be evasive, and less forthcoming and candid than the FAA's witnesses. The ALJ found that the FAA had proven its case, and upheld the finding of the violations and a 180-day suspension.

We should keep in mind the low burden of proof that the FAA must meet in proving their case to the ALJ. When arguing cases before the NTSB, the FAA does not have to prove their case beyond a reasonable doubt as would a prosecutor in a criminal trial. The FAA only has to prove their case to the preponderance of the evidence standard. In other words, the FAA only has to convince the ALJ that it is more likely than not that the airman has committed the violations alleged by the FAA.

The pilot decided to appeal the ALJ's decision to the full NTSB. He argued that the ALJ's factual findings were "inconsistent, erratic, and illogical." He also



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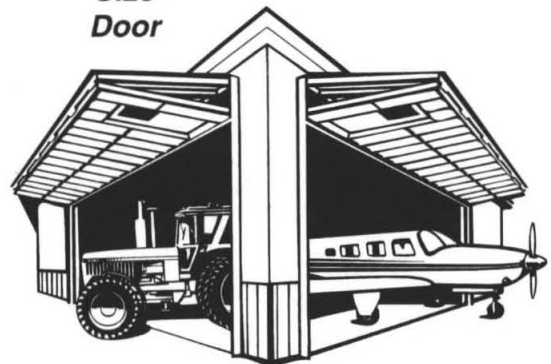
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Pilots vs FAA from page 10

argued that the testimony that the ALJ relied on was not reliable and lacked probative value. The NTSB refused to second-guess the ALJ on credibility issues. The Board states that the ALJ is the only one present to observe the witness's intonation and demeanor. The Board points to earlier cases where the Board defers to credibility determinations of an ALJ unless such determinations are shown to be arbitrary, capricious, or "inherently incredible."

The NTSB felt that there was no reason to overturn the ALJ's credibility determinations in this case. The Board decided that even though "the Administrator's witnesses may have exaggerated distances, and, at times, may have misperceived certain details, they consistently

testified to maneuvers, denied by the respondent, performed in extremely close proximity to persons, structures, and animals." The Board goes on to comment that even assuming exaggeration of distances by lay witnesses, that they had described low flight well outside the envelope allowed by Federal Aviation Regulations. The Board felt that the ALJ was aware of these limitations of the FAA's witnesses and had factored that into his assessment of their testimony. The NTSB found no error, denied the respondent's appeal, and affirmed the 180 day suspension of his airman certificate.

So has the system worked and a dangerous airman been punished, or did an innocent pilot lose his certificate because the ALJ believed the wrong witnesses? Only

the pilot in this case really knows for sure if his flying fell outside what is allowed by the regulations. We do know that eyewitnesses are often inaccurate, and it is difficult for even experienced pilots to accurately judge altitudes when watching planes from the ground. On the other hand, an accused airman certainly has an interest in the outcome of the proceeding. Still, one would hope that the airman testifies truthfully.

This case, and many others like it, clearly shows how important it is for the airman to establish his credibility with the ALJ. The hearing is really the only opportunity for the ALJ to observe the pilot's demeanor and believability. It will be difficult if not impossible to change a bad impression through written briefs on further appeal to the NTSB. An airman facing

the unpleasant prospect of a hearing should try to approach the matter as professionally as possible. In addition to testifying truthfully, the airman should dress and behave appropriately. Pilots should address their answers to questions directly to the ALJ. They should also treat the ALJ, opposing counsel, and all others involved in the proceeding respectfully. Of course, it is impossible to change bad facts, but the facts might as well be presented in the most favorable light possible, through a credible witness.

Brett D. Venhuizen is an active flight instructor since 1990, and an assistant professor, teaching aviation law at the University of North Dakota John D. Odegard School of Aerospace Sciences in Grand Forks, ND.

ND Aeronautics & Crisis Communications Planning for the Future

In late November 2004, your North Dakota Aeronautics Commission contracted the services of Marketing & Management Solutions, Inc. (M-Squared). M-Squared, a Bismarck marketing and management consulting firm, was one of three firms that responded to a Request for Proposal (RFP) issued by the Commission. The proposal requested the following services:

- Prepare a vulnerability assessment tool specific to the general aviation airport community.
- Conduct a vulnerability study of the 82 GA airports through the collection of data from both airports and local first responders.
- Analyze data.
 - Written format for review and inclusion in a final report.
 - Regional training sessions.
- Conduct a maximum of six regional workshops.
 - Include local emergency personnel.
 - Facilitate "hands on" training.
- Provide each of the participating 82 North Dakota GA airports with a communication plan in written and CD ROM format.

As of the date of this publication, the following components of this project have been completed or are nearing completion:

- Completed vulnerability assessments have been received from 59 of the 82 airports and 84 first responders from 58 GA airport communities.
- Preliminary analysis of the combined assessments indicates that nine specific areas of possible vulnerability merit discussion or attention. Those areas include tenant/employee IDs, fencing around secured areas, fence signage, lighting around storage or fueling areas, gates at access points, locks on enclosed hangars, lack of response plan, presence of specialty operations and proximity of sensitive sites.

The Bismarck workshop was videotaped and a copy will accompany the communications plan to be distributed to all 82 airports and the first responders that participated in the assessment process. Distribution of individual plans is tentatively scheduled for July, 2005. Distribution is predicated on receiving all assessments from the GA community. If you have not sent your form back, please do so as soon as possible. Additionally, if you have questions regarding this process or the findings, please feel free to contact Mike Seminary at M-Squared, 701-355-8777.

State Airport Security Planning

The five regional airport Communications and Emergency Planning workshops provided good ideas to impede domestic vandalism acts on airports. Some examples given by airport manager boards are:

- Installing video cameras for under \$2000 by airport terminal to record activity for five days and overnights.
- Installing notification system to local police with sensor/phone system under \$1200 including motion sensor on chemical storage or hangar doors.
- Construction access road fencing, gates and signs by terminal to restrict trespassing.
- Outside plaque of hazardous chemicals placed on hangars by airport emergency planning for fire control.
- Locking hangar doors and securing windows, aircraft cabin doors and pull keys.
- Secure chemical storage areas with fencing, lighting, signs and if unattended, place all chemicals inside.

Review the airport's security plan signed in late 2001 with your local police chief to communicate your responsibilities. If you have any comments or suggestions, contact Mark Holzer, Aeronautics Commission Aviation Planner, 701-328-9653.

Airport Grant Applications

The North Dakota Aeronautics Commission plans to schedule a mid-May airport grant meeting. Applications were mailed to airport chairmen or managers in early April and are due by May 5th. The applications are for airport construction, maintenance, safety or federal shares of projects to be undertaken in 2006. Airports may request up to 50% of the local share of a project. Requests are priorities for five-member commission review and the meeting notification mailed to airport sponsors and consultants. For more information on state airport grants, contact Mark Holzer, Aeronautics Commission Aviation Planner, 701-328-9653.

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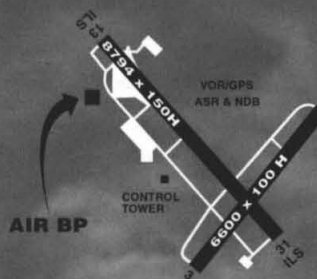
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Sally Pfeiffer (right) and Diane Herr, from Turtle Lake, discuss Diane's recent win...ball caps!

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