



North Dakota Aeronautics Commission

Thursday, August 26th, 2021 – 3:00 PM
Aeronautics Commission Virtual Conference Room
Bismarck, ND

Chairperson Warren Pietsch called the virtual meeting of the North Dakota Aeronautics Commission to order at 3:00 PM on Thursday, August 26th, 2021.

COMMISSIONERS PRESENT:

Warren Pietsch, Chairperson
Kim Kenville, Member
Cindy Schreiber-Beck, Member – Present at 3:15 PM
Jay B. Lindquist, Member
Kyle Humann, Member

STAFF PRESENT:

Kyle Wanner, Director
Mike McHugh, Aviation Education Coordinator
Adam Dillin, Airport Planner
Nels Lund, Airport Planner
Gaye Niemiller, Admin Officer

OTHERS PRESENT:

Shane Steiner, KLJ
Rod Stenn, KLJ
LaDelle George, Ashley Airport
Dean DePountis – AG's office
Tara Brandner – AG's office
Jakee Stoltz – State UAS Engagement Director
Geoff Simon – Western Dakota Energy Association
Kelly Braun – Dickinson Airport
Adam Gehlhar – Jamestown High School

Warren called the meeting to order at 3:00 pm and roll call was taken.

Meeting Minutes – 6/10/21 and 6/23/21 Kim moved to approve minutes as is. Kyle seconded the motion. Kim – y, Jay B. – y, Kyle – y, Warren - y. Motion carried.

Airport Grant Requests –

Nels reviewed the Dickinson Airport Request with the Commission and explained the project and costs associated with the project. Dickinson is requesting \$8.3m out of the SIF allocation to be approved for this project. Kim moved to approve allocating \$8.3m out of the one-time SIF appropriation for this project. Jay B. seconded the motion. Kim – y, Jay B. – y, Cindy – y, Kyle H. – y, Warren – y. Motion carried.

Ashley land acquisition – This is an out-of-cycle request from Ashley due to an opportunity arising for the airport to purchase land around the airport. Adam walked through the project, the reasons why this request is of a time-sensitive nature, and the recommendation for an emergency grant award of \$216,000. Shane Steiner and LaDelle George were in attendance to answer questions and thanked the commission for their consideration of the request. Jay B. made a motion to approve the emergency grant request of \$216,000. Kyle H. seconded the motion. Kim – y, Jay B. – y, Cindy – y, Kyle – y, Warren – y. Motion carried.

Aviation Education Grant – James Valley Career and Tech Center. Mike reviewed the Request regarding a high school aviation program that is now starting in Jamestown. The Request is for equipment needs and they are requesting \$15,990 from the Commission. Adam Gehler was on-hand to answer any questions. Jay B. made a motion to award 100% reimbursement of the two pieces of equipment that total \$15,990. Kyle H. seconded the motion. Tara suggested that the commission form a grant contractual agreement with the James Valley Career and Tech Center. Kim – y, Jay B. – y, Cindy – y, Kyle H. – y, Warren – y. Motion carried. The Commission would also like a stipulation for what happens to the equipment if the program ceases to exist and have requested an annual report on the results of the program. Mike will work to develop that agreement as a part of the grant award.

UAS Administrative Rule Discussion - Kyle reviewed the UAS Admin Rule language changes and explained them and the background of the proposed administrative rule updates to the Commission. Kyle also went through all of the public comments that were received with the Commission. Public comments were submitted by Prairie Sky UAV LLC, Rantizo, NPUAS Test Site, SkySkopes, and Brian Rau, and each response was reviewed one at a time.

Comment one: “Issue Relating to Maximum Weight”. Discussion occurred regarding the weight requirement for small unmanned aircraft and it was noted that the FAA allows waivers for any aircraft over 55lbs to be utilized for aerial application. The comments received requested the commission remove the weight limit from the proposal, however the commissioners understood the need to select a weight for a “small” UAS aerial application category. Jay B. made a motion to change maximum operating weight of small UAS aerial applicators to not exceed 500lbs. Kim seconded the motion. Discussion was held. Kim – y, Jay B. – y, Cindy – y, Kyle H. – n, Warren – y. Motion carried.

Comment two: “Issue Relating to Pilot Qualifications”. Kyle H. made a motion to leave the pilot qualifications as proposed in place as the commission wants to maintain a level of experience and professionalism within the aerial applicator community. Jay B. seconded the motion. Kim - y, Jay B. – y, Cindy – y, Kyle H. – y, Warren - y. Motion carried.

Comment three: “Editorial Changes”. The Commission agreed with the editorial recommendations of replacing “Part 107” with “remote pilot” and Kim moved to accept the language change. Jay B. seconded the motion. Kim – y, Jay B. – y, Cindy – y, Kyle – y, Warren, - y. Motion carried.

Comment four: "Inspection and Duration of Aerial Applicator License". Discussion took place on the decal requirement for aerial application and it was decided that the decal was no longer something that needed to be required and proof of licensure can be maintained by identifying the N-number or by requesting the license documentation. Cindy moved to change the language to remove the decal requirement and accept the same license inspection requirements for manned and unmanned aerial application. Kim seconded the motion. Kim -y, Jay B. - y, Cindy - y, Kyle H. - y, Warren - y. Motion carried.

Comment five: "Commercial Safety Standards for Unmanned Aircraft". Kyle H. made a motion to leave the proposed language as is. Cindy seconded the motion. Kim - y, Jay B. - y, Cindy - y, Kyle H.- y, Warren - y. Motion carried.

Comment six: "Pilot Qualifications". Kyle H. made motion to leave the proposed language as is. Kim seconded the motion. Kim -y, Jay B. - y, Cindy - y, Kyle H. - y, Warren - y. Motion carried.

Comment seven: "Private Pilots safety standards for aerial application on one's own property of land farmed under a bona fide lease". Kyle H. made a motion to leave the proposed language as is. Jay B. seconded the motion. Kim -y, Jay B. - y, Cindy - y, Kyle H. - y, Warren - y. Motion carried.

Comment eight: "Exemption for unmanned aerial application on one's own property or land farmed under a bona fide lease". Tara's recommendation is to strike that section from being proposed and remove the word "commercial" from previous sections. This is due to the fact that century code explicitly states that the NDAC will license "all" aerial applicator activity. Cindy made a motion to update proposed rules to remove the exemption and any references to commercial unmanned operators. Kim seconded the motion. Kim - y, Jay B. - y, Cindy - y, Kyle H. - y, Warren - y. Motion carried.

Director Monthly Recap - Kyle went through and summarized a list of activities of the agency since the meeting to the Commission.

Report on Aviation Education Program - Mike provided presented information to the Commission and provided an update to the aviation education grants during the previous biennium.

Review May & June Financial Statements – Due to time constraints the financial statements were not discussed with the Commission. The June statement will be placed on the next meeting agenda.

Biennial Report on Agency Finances – Due to time constraints the reports were not reviewed and the Commission requested this review be presented to them at the next Commission meeting.

Portfolio reports – none.

Next meeting is tentatively set for October 28th at 3:00 p.m.

Meeting Adjourned at 5:10.