

# Oregon State Aviation Board

## Meeting Minutes

**May 17, 2012**

**Portland, Oregon**

Pursuant to notice made by press release to newspapers of general and local circulation throughout the state and mailed to persons on the mailing list of the Committee, a meeting of the Oregon State Aviation Board was held on May 17, 2012, at Portland International Airport's (PDX) Conference Center in the Multnomah conference room.

Board Members Present: Chair, Mark Gardiner; Vice Chair, Chris Corich; Board Members Nan Garnick, Jack Loacker, Larry Dalrymple and Joe Smith.

ODA Members Present: Director, Mitch Swecker; Fiscal Manager, Cindy Pease; Planning Manager, Heather Peck; Administrative Assistant, Roger Sponseller.

The meeting started at 10:05 am

***ACTION ITEM – Approval of minutes from April, 2012 meeting.***

**Motion** to approve by: Joe Smith

**Motion 2<sup>nd</sup>** by: Chris Corich

**Motion** passed unanimously

### **Public Comments**

**Mary Rosenblum:** Mary Rosenblum, President Elect of Oregon Pilots Association (OPA), spoke to the board concerning high velocity thermal plume stacks (Troutdale). Ms. Rosenblum stated that it is OPA's suggestion that the Oregon State Aviation Board direct the Department of Aviation to officially come out in opposition of any further new development that produces plumes of this nature until the Federal Aviation Administration (FAA) completes its regulatory determination of any affected (Part 77) airspace. They (FAA) are in the process of this study but have not yet completed it.

ODA's Director, Mitch Swecker, replied that ODA was aware of this matter, specifically in Troutdale, and that one of ODA's issues is that the agency has statutory requirements to review tall structures. In this particular case, once the FAA makes their determination on the form 7460, ODA can't be more stringent than the FAA. Also, if the Department of Energy Siting Council makes a determination ODA can't be more stringent than the Siting Council. ODA has talked to the FAA on two levels. One, at the regional FAA conference in Seattle, ODA talked in the larger context that the FAA does not coordinate with the states very well on encroachment of tall structures around airports. Subsequent to that, ODA got invited to a meeting sponsored by the

governor's office concerning Boardman range and the encroachment of wind turbines there. The FAA promised to convene a working group on that subject and the relevant groups are working on the mechanics of the meeting. On the national level, the FAA has indeed commissioned a study (as well as Port of Portland) on the effects of the plumes. Director Swecker stated that he didn't think that ODA had the statutory authority to simply issue a letter opposing the plumes. But, from a statutory standpoint, ODA has done everything it can do other than a letter of recommendation one way or another.

The board discussed. Board member Joe Smith felt it would be appropriate for ODA and the Aviation Board to urge the Energy Council not to make any decision approving any further projects until the FAA has concluded its study. Vice-Chair Chris Corich asked if staff could compose a letter on the board's behalf getting "on record" the board's opinion concerning the matter. Director Swecker stated that he would draft the letter and submit it to the board for approval.

**Ted Millar:** Ted Millar, of Aurora Airport, thanked the board and ODA for their proactive support of aviation in Oregon. A recent study and reclassification of airports by the FAA has placed two of the state's airports, Aurora and Hillsboro, into the recently established "National" category. Mr. Millar felt this was in no small part due to the hard work of ODA and the Aviation Board to improve airports like Aurora and get them into the national spotlight.

**Jeff Lewis:** Jeff Lewis, a concerned citizen, spoke regarding the recognition of the environmental problem with Waldo Lake and not to allow floatplanes to have access to the lake. Mr. Lewis felt that the pristine nature of Waldo Lake should be protected for the future. Mr. Lewis also stated that he was saddened by the decision to classify Aurora airport as a "National" airport considering the potential loss of prime farmland in the area.

#### **Staff Update (handouts):**

**Mitch Swecker:** ODA's Director, Mitch Swecker, briefed the board on the agency's future calendar of events

Calendar of Events:

May -

- Legislative interim session
- PAAM meeting on the 2n 4<sup>th</sup>
- Independence Memorial Day event

June -

- UAV meeting in Bend

- ConnectOregon IV Final Review Committee
- Program Funding Team Round 1 on June 13-14
- Aviation Board meeting in McMinnville on the 21<sup>st</sup> at Evergreen Museum
- PAAM meeting on the 28<sup>th</sup>

July -

- July 31<sup>st</sup>, Contract Tower Workshop in Washington DC

August -

- Notice of Intent, to BAM
- *ConnectOregon* IV OTC selection meeting
- August ODA meeting will possibly be on the

### **2012 PMP Program Update (handout):**

**Heather Peck:** ODA's Planning/Projects Manager, Heather Peck, briefed the board on the 2012 PMP program in progress. Topics covered included:

- Engineer's estimate of 2012 PMP Program Cost. Airports covered in the PMP program included:
  - Baker City Municipal
  - Bend Municipal
  - Boardman
  - Cascade Locks State
  - Columbia Gorge Regional
  - Condon State
  - Enterprise Municipal
  - Grant County Regional
  - Hermiston Municipal
  - Ken Jernstedt (Hood River)
  - La Grande/Union County
  - Madras City-County
  - Prineville
  - Sunriver
  - Wasco State

- Projects will be split into 3 bids to try to get some more small businesses involved in the process. Instead of getting just one large contractor to do the jobs, it is hoped that smaller, local, contractors will be able to get some of the work.

***ACTION ITEM – Approval of engineer’s estimates concerning construction for 2013.***

**Motion** to approve by: Larry Dalrymple

**Motion** 2<sup>nd</sup> by: Jack Loacker

**Motion** passed unanimously

### **Fiscal Statement (handout):**

**Cindy Pease:** ODA Fiscal Manager, Cindy Pease, briefed the board on the current fiscal status of the agency. Topics covered included:

- Revenue of AV/Jet Fuel Tax
- Revenue to date
- Cost Drivers
- Actual Operating Expenditures
- Search & Rescue
- Aircraft Registration
- Pavement Maintenance Program
- Cash and Limitation Balances (as of April 3, 2012)
- All Other State Owned Airport Profit and Loss Statement

### **Airport Operations (handout):**

**Mitch Swecker:** ODA’s Director, Mitch Swecker, briefed the board on the Crescent Lake closure; the pavement has been undermined and the airport has been closed as a result. ODA does not have the funds to repair the pavement. OPA is offering to help and do some renovations at the airport but the pavement must either be replaced entirely or changed to some other type of surface.

The board discussed.

### **Executive Session:**

At 10:45am the Aviation Board went into Executive Session. The board meeting resumed at 11:10.

### **Waldo Lake Temp Rule (handouts):**

**Mitch Swecker:** ODA's Director, Mitch Swecker, gave the board an overview of the current Waldo Lake situation. At a public hearing, the Oregon State Marine Board voted 3-2 to disallow motorboats on Waldo Lake; also in the same vote deferred the decision on seaplanes to the Aviation Board. ODA's Director, following the Aviation Board's directions, has coordinated with the different stakeholders and staff to draft a temp rule to comply with the requirements set forth by the Aviation Board regarding Waldo Lake. The temp rule would attempt to quantify the number of landings of seaplanes on the lake. Right now we only have anecdotal, not empirical data to base long term decisions on. One of the requirements is that seaplane operators would be required to report to ODA so ODA can quantify, if there is in fact, there is a problem at Waldo Lake. Other ideas included limited hours and locations of operations on the lake.

#### Public Comments –

- **Bill Wainwright:** Mr. Wainwright, Vice-President of the Columbia Seaplane Pilots Association, thanked the board for addressing this issue. Mr. Wainwright felt that the process had been fair to both the seaplane pilots and the other stakeholders involved. Mr. Wainwright said that he appreciated the board's efforts.
- **Jeff Lewis:** Mr. Lewis, a concerned citizen, stated that he felt the Aviation Board was accommodating the pilots and not listening to the public who want the lake closed to motors. Mr. Lewis said that he understood that pilots have a right to go out and fly but they do not need to land on Waldo Lake.
- **Ted Millar:** Mr. Millar, a seaplane pilot, stated that seaplane owners already take great care when flying in to Waldo Lake. Seaplane pilots are always good neighbors; they pick up trash from other camping sites in the area and help keep the camp ground clean.

Director Swecker remarked that ODA had received several letters supporting the motor ban on Waldo Lake and the agency received over 700 robo-emails from the Sierra Club.

The board discussed.

The new temporary rule, as amended by the board and ODA staff, read:

1. Seaplane pilots shall not use Waldo Lake for pilot training. Waldo Lake may only be used as a destination lake for the purpose of recreation. Seaplanes may only be used as the mode of transportation to and from the lake.

2. Seaplanes shall be limited in their hours of operation to access Waldo Lake between the hours of 8:00am or 30 minutes after sunrise whichever is earlier and 8:00pm or 30 minutes prior to sunset whichever is later for arrivals and departures.
3. Seaplane operations on Waldo Lake shall be limited to the eastern half of the lake at a location where seaplanes can operate safely. Pilots will be responsible for operating in a safe manner so as to not endanger any persons or watercraft using the lake.
4. Seaplane pilots shall screen their aircraft for invasive species prior to operating at Waldo Lake. Any invasive species discovered shall be removed prior to arrival at Waldo Lake.
5. Pilots shall use best noise abatement procedures consistent with safe operating procedures.
6. Pilots are required to notify the Department of Aviation, using an FAA flight plan form within 48 hours of departure from Waldo Lake to empirically document usage. The Department shall keep track of seaplane operations to quantify the scope of usage. The Flight Plan report shall include
  - Point of contact including phone number
  - Time of Arrival
  - Time of Departure

***ACTION ITEM – Approval of Waldo Lake Temp Rule.***

**Motion** to approve by: Larry Dalrymple

**Motion** 2<sup>nd</sup> by: Jack Loacker

**Motion** passed unanimously

**Legislative Concept Placeholders (handouts):**

**Mitch Swecker:** ODA’s Director, Mitch Swecker, briefed the board on the Legislative Concept Placeholders. Placeholders include:

1. Civil citation authority.
2. Increase Jet Fuel Tax to improve service to the aviation community.
3. Clarification of Meaning of Cooperation between Oregon Department of Aviation and State Marine Board regarding seaplane operations.

In the future, added as placeholders, the rules that (1) realtors disclose location near airports and (2) rural commercial air service is maintained.

The board discussed.

***ACTION ITEM – Approval of Legislative Placeholders.***

**Motion** to approve by: Larry Dalrymple

**Motion** 2<sup>nd</sup> by: Joe Smith

**Motion** passed unanimously

**Aviation Board Bylaws (handout):**

**Cindy Pease:** ODA’s Fiscal Manager, Cindy Pease, briefed the board on the new bylaws being developed for the State Aviation Board. The draft of the bylaws included:

- **Article I Name**

State Aviation Board

- **Article II Purpose**

The State Aviation Board was created by the 1999 Oregon Legislative Assembly through the Senate Bill 108. The State Aviation Board provides guidance and oversight to the Department of Aviation. The Board works through the Oregon Department of Aviation to develop airports, state airways, aviation industry, and general aviation issues, matters, and interests in Oregon.

- **Article III Membership**

Section I Composition of the board

The State Aviation Board consists of seven members. Members shall reside in different geographic regions of the state, with one member being a resident of the area east of the Cascade Range. No more than four members shall belong to the same political party. Party affiliation shall be determined by the appropriate entry on official election registration cards. The board membership shall represent diverse aviation interests from both the private and public sectors.

Section II Appointment

The board members are appointed by the Governor, subject to confirmation by the Senate pursuant to ORS 171.562 and 171.565. The term of office of each member is four years. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment.

Section III Vacancies

In case of a vacancy for any cause, the Governor shall appoint a person to fill the office for the unexpired term.

Section IV Compensation

Members of the Board receive no compensation for their services, but shall be reimbursed for per diem and travel expenses for their attendance at Board meetings and

Committee meetings as provided in ORS 292.495.

#### Section V Voting Privileges

Each of the seven voting members of the committee shall be entitled to one vote on all issues presented at meetings at which the member is present.

- **Article IV Officers**

The Governor shall appoint one member of the State Aviation Board as chairperson and another member as vice chairperson. The chairperson and vice chairperson shall have such terms, duties and powers as the board determines are necessary for the performance of such offices.

- **Article V Board Meetings**

#### Section I Regular Meeting

The board shall meet at least once a quarter, at a time and place determined by the members of the board. The board shall also meet at such other times and places as are specified by the call of the chairperson or of a majority of the board.

#### Section II Quorum

A majority of the members of the board constitutes a quorum for the transaction of business. The continued presence of a quorum is required for any official vote or action of the Board throughout an official meeting. No vacancy shall impair the right of the remaining board members to exercise all the powers of the board, except that four members of the board shall constitute a quorum for the conduct of business of the board, and, in case the board members are unable to agree, the Governor shall have the right to vote as a member of the board.

#### Section III Conduct of Meetings

- A. The Board will conduct its business through discussion, consensus building and informal meeting procedures.
  - B. The Chairperson may, from time to time, establish specific procedural rules of order to assure the orderly, timely and fair conduct of business. The Chairperson may refer to the most recent edition of Robert's Rules of Order for guidance.
  - C. Meetings of the Board are subject to the Oregon Public Meetings Law.
  - D. The Board shall maintain all records in accordance with the Oregon Public Records Law.
- **Article VI Definitions**

Definitions as used in ORS chapters 836 and 837, unless the context requires otherwise:

1. "Board" means the State Aviation Board.

2. “Department” means the Oregon Department of Aviation.

The board discussed.

Despite the agenda listing the Aviation Board Bylaws as an “Action Item” (requiring a vote by the board), the Aviation Board Chair is going to investigate whether the bylaws need to be voted on or can simply be established.

***ACTION ITEM – N/A***

**Motion** to approve by: N/A

**Motion** 2<sup>nd</sup> by: N/A

**Motion**

**Aviation Industry Cluster (handout):**

Mitch Swecker and Joe Smith briefed the board on the ongoing preparations for the 2012 Aviation Industry Cluster.

At the pre-planning meeting for the cluster, held at Aurora airport, it was determined that the first step should be compiling a list of invitees. That list has been compiled. The next step is to get the invites out to the interested individuals and groups. The time, place and agenda are to follow.

Evergreen Air & Space Museum has been chosen for the meeting. It will take place on June 21<sup>st</sup>, from 1:30pm to 4:00pm, after the Oregon Aviation Board meeting which will be held earlier in the day. Agenda is currently to be determined.

The board discussed.

Meeting ended at 1:25pm