

U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION

## CERTIFICATE OF WAIVER OR AUTHORIZATION

ISSUED TO

James David,  
Mt Washington Soaring Association

ADDRESS

PO Box 956 (Franconia Airport 1B5)  
Franconia, NH 03580

This certificate is issued for the operations specifically described hereinafter. No person shall conduct any operation pursuant to the authority of this certificate except in accordance with the standard and special provisions contained in this certificate, and such other requirements of the Federal Aviation Regulations not specifically waived by this certificate.

OPERATIONS AUTHORIZED

Area of Operations:

Mt Washington Soaring Association operations in the Mt Washington Glider Area Air Traffic Control Assigned Airspace as defined in Attachment B. Various glider activities will participate in the assigned airspace above FL180 (Class A Airspace) in coordination with Boston Air Route Traffic Control Center (ARTCC)

Effective Dates & Times:

This Certificate of Waiver and attached Special Provisions shall be in effect from September 15, 2021, 00:00:01 Eastern Standard Time through September 14, 2023, 23:59:59 Eastern Standard Time

LIST OF WAIVED REGULATIONS BY SECTION AND TITLE

14 CFR Section 91.135 waived

### STANDARD PROVISIONS

1. A copy of the application made for this certificate shall be attached to and become a part hereof.
2. This certificate shall be presented for inspection upon the request of any authorized representative of the Administrator of the Federal Aviation Administration, or of any State or municipal official charged with the duty of enforcing local laws or regulations.
3. The holder of this certificate shall be responsible for the strict observance of the terms and provisions contained herein.
4. This certificate is nontransferable.

NOTE---This certificate constitutes a waiver of those Federal rules or regulations specifically referred to above. It does not constitute a waiver of any State law or local ordinance.

### SPECIAL PROVISIONS

"See Attached" ☒

Special Provisions Nos. 1 to 17 inclusive, are set forth on the reverse side hereof.

This certificate is effective from September 15, 2021 00:00:01 EST to September 14, 2023 23:59:59 EST, inclusive, and is subject to cancellation at any time upon notice by the Administrator or his authorized representative.

BY DIRECTION OF THE ADMINISTRATOR

Eastern

(Region)

10/08/2021

(Date)

(Signature)

Manager, Portland ME FSDO

(Title)



U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION

CERTIFICATE OF WAIVER OR AUTHORIZATION

ISSUED TO

MOUNT WASHINGTON SOARING ASSOCIATION  
JAMES DAVID, RESPONSIBLE PERSON

ADDRESS

PO BOX 956  
FRANCONIA, NH 03580

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OPERATIONS AUTHORIZED

AREA OF OPERATIONS:

MT WASHINGTON SOARING ASSOCIATION OPERATIONS IN THE MY WASHINGTON GLIDER AREA AIR TRAFFIC CONTROL ASSIGNED AIRSPACE AS DEFINED IN ATTACHMENT B. VARIOUS GLIDER ACTIVITIES WILL PARTICIPATE IN THE ASSIGNED AIRSPACE ABOVE FL180 (CLASS A AIRSPACE) IN COORDINATION WITH BOSTON AIR ROUTE TRAFFIC CONTROL CENTER (ARTCC).

EFFECTIVE DATES & TIMES:

THIS CERTIFICATE OF WAIVER AND ATTACHED SPECIAL PROVISIONS SHALL BE IN EFFECT FROM FEBRUARY 14, 2023, 00:00:01 EASTERN STANDARD TIME, THROUGH FEBRUARY 13, 2025, 23:59:59 EASTERN STANDARD TIME.

LIST OF WAIVED REGULATIONS BY SECTION AND TITLE

14 CFR SECTION 91.135 WAIVED

STANDARD PROVISIONS

1. A copy of the application made for this certificate shall be attached to and become a part hereof.
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BY DIRECTION OF THE ADMINISTRATOR

EASTERN

(Region)

02/14/2023

(Date)

LIONEL I STEVENS

(Signature)

OFFICE MANAGER (acting), PORTLAND, ME

FSDO

(Title)

Digitally signed by LIONEL I STEVENS  
Date: 2023.02.24 13:10:07 -05'00'



**Attachment A**  
**SPECIAL PROVISIONS**

**Air Traffic Control Assigned Airspace (ATCAA) Special Provisions**

1. The FAA has the authority to cancel the Certificate of Waiver (CoW) or delay any activities if the safety of persons or property on the ground, or in the air, is in jeopardy, or if there is a violation of the terms of the CoW.
2. James David, or the current responsible person for the Mt Washington Soaring Association (MWSA), has been determined to be competent and knowledgeable concerning the terms and provisions of this Certificate of Waiver, and the aviation event governed by it. James David, or the current responsible person for MWSA, must be responsible to the Federal Aviation Administration (FAA) for the safe conduct of the operations within the ATCAA.
3. James David, or the current responsible person for the MWSA, must ensure that pilots are thoroughly briefed on MWSA Glider Operations Training, and the special provisions of the CoW, before beginning operations within the established ATCAA.
  - a. The MWSA training (Attachment E) is incorporated into this CoW and becomes a special provision, thereof. Actions contrary to the terms, controls, procedures, and conditions pertaining to safety set forth in the FAA approved procedures are grounds for cancellation of this CoW.
  - b. No person may conduct operations within the ATCAA, as described in the CoW, unless that person has signed a statement of understanding (Attachment D) stating that they have received training on the provisions of the CoW.
4. All pilots operating in the ATCAA must provide the requested data to establish qualifications and airworthiness to James David, or the current MWSA responsible person. Provide to the Portland, Maine Flight Standards District Office (PWM FSDO) on an annual basis a copy of the current Attachment C and D.

**NOTE:** *FAA Checklists, Status Forms, and Job Aids can be used to gather data in advance, to establish pilot qualifications and aircraft airworthiness.*

**NOTE:** *CoW special provisions never supersede aircraft airworthiness operating limitations. Pilots should review their aircraft operating limitations prior to operating in the ATCAA, to ensure they are familiar and can comply with the requirements as specified.*

5. Persons or aircraft not appearing on the CoW application and subsequently added to the CoW, may not participate without specific approval by James David, or the current responsible person. Operational occurrences outside of this provision must be reported to the PWM



FSDO. Proof of appropriate qualifications for crewmember(s) and an airworthy aircraft is required before the operations can be conducted in the ATCAA.

6. Before commencing flight operations, the current MWSA responsible person, or a MWSA representative delegated by him/her, is authorized to activate and deactivate the ATCAA, and must also assume responsibility for reviewing all published NOTAMs, TFRs, or Special Activity Airspace pertinent to the Mt Washington Glider Area Air Traffic Control Assigned Airspace (ATCAA.)
7. Glider flight requiring CoW must be confined to the area designated on the pictorial chart, and as depicted on a sectional chart, attached to the CoW and defined in Attachment B.
8. Notification must be made to the Boston ARTCC Mission Coordinator at (603) 879-6663, between 1 and 3 hours prior the beginning of activity in the ATCAA. Boston ARTCC must also be notified at the termination of soaring activities within the ATCAA.
9. The person(s) authorized to activate and deactivate the ATCAA described in Special Provision 8 is the current MWSA responsible person, or a MWSA representative delegated by him/her.
10. Be equipped with a two-way radio and maintain communication with Boston ARTCC on 123.3.
11. Ensure the glider has an operational 4096 transponder with altitude reporting, and operate the transponder on assigned codes, unless deviation is authorized by Boston ARTCC LOA in accordance with 14CFR Part 91.135 (c).
12. Utilize GPS to assist in remaining within the assigned ATCAA.
13. Comply with the provisions of 91.211(a) Supplemental Oxygen.
14. No person may operate in the ATCAA with less than 5 miles visibility and clear of clouds.
15. All pilots operating within the ATCAA must maintain VFR at all times, and must be responsible for seeing and avoiding all conflicting traffic.
16. Operations in the ATCAA must be conducted only during daylight hours.
17. James David, or the current responsible person for the MWSA or delegated representative, is responsible for halting or canceling activity in the ATCAA if, at any time, the safety of persons or property on the ground or in the air is in jeopardy, or if there is a failure to comply with the terms or conditions of this CoW.

***Note:** This Certificate of Waiver constitutes a waiver of only those regulations stated, to the degree and for the period of time specified in the Certificate of Waiver. The Certificate of Waiver does not constitute a waiver of any state law or local ordinance. Should the proposed operation conflict with any state law, local ordinance, or required permission of local authorities or property owners, it must be the applicant's responsibility to resolve the conflict. The provisions of the waiver must apply, regardless of the statements contained in the application for Certificate of Waiver. The waiver must be considered void upon completion of the authorized schedule of events, or at the latest time shown on the face of the Certificate of Waiver, whichever occurs first.*



## **Attachment A**

### **SPECIAL PROVISIONS**

#### **Air Traffic Control Assigned Airspace (ATCAA) Special Provisions**

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11. Ensure the glider has an operational 4096 transponder with altitude reporting, and operate the transponder on assigned codes, unless deviation is authorized by Boston ARTCC LOA in accordance with 14CFR Part 91.135 (c).
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**Note:** *This Certificate of Waiver constitutes a waiver of only those regulations stated, to the degree and for the period of time specified in the Certificate of Waiver. The Certificate of Waiver does not constitute a waiver of any state law or local ordinance. Should the proposed operation conflict with any state law, local ordinance, or required permission of local authorities or property owners, it must be the applicant's responsibility to resolve the conflict. The provisions of the waiver must apply, regardless of the statements contained in the application for Certificate of Waiver. The waiver must be considered void upon completion of the authorized schedule of events, or at the latest time shown on the face of the Certificate of Waiver, whichever occurs first.*



# Attachment B

**Boston Air Route Traffic Control Center (ARTCC) / Soaring Society Of America - Region 1**

## **LETTER OF AGREEMENT**

**EFFECTIVE: Sept. 15, 2021**

**SUBJECT: CLASS A GLIDER OPERATIONS MT. WASHINGTON, NH**

1. **PURPOSE.** To define responsibilities, coordination and communication requirements for Class A Airspace glider operations in the Mt. Washington Glider Area.
2. **CANCELLATIONS.** Boston Center/Soaring Society of America Region 1 Letter of Agreement dated October 5, 2018.
3. **SCOPE.** The procedures outlined herein apply to glider operations conducted in Class A Airspace.
4. **AUTHORIZATION.** In conjunction with all other procedures, this letter authorizes the Soaring Society of America – Region 1 to deviate from FAR §91.225(a) – ADS-B requirements for Class A airspace, and from FAR § 91.215 – ATC Transponder and Altitude Reporting Equipment and Use paragraphs (a) and (b). This authorized deviation is not applicable to aircraft that currently or in future meet these requirements. Deviation from the requirements of FAR § 91.135 with exception is authorized in accordance with the current Certificate of Waiver issued by the Flight Standards District Office.

***NOTE:** This Letter of Agreement (LOA) does not grant nor imply the waiver of, or an authorization to deviate from, any part or subpart of the Code of Federal Regulations (CFR). All applicant(s) and/or operator(s) will coordinate with the responsible Flight Standards District Office in advance of planned or recurring VFR flight in Class A airspace. Air Traffic Control (ATC) authorization to deviate from FAR§91.225(a) and FAR § 91.215 is expressly allowed by statute.*

5. **RESPONSIBILITIES.** Soaring Society of America - Region 1 must ensure:
  - a. All pilots operating in Class A Airspace within the Mt. Washington Glider Area:
    - (1) Are familiar, and comply with, all provisions of this agreement.
    - (2) Conduct all glider operations under Visual Flight Rules (VFR).
    - (3) Contain all flight activity within the lateral confines of the authorized area.
    - (4) Remain at and below the maximum approved flight level altitude (FL) for the authorized area.
    - (5) Maintain separation from all other gliders operating within the authorized area.
  - b. No student pilot acts as Pilot-in-Command while operating in Class A Airspace.
  - c. Telephone communications are available between Boston ARTCC and Soaring Society of America - Region 1 during the authorized time periods of the glider area.



- d. Notify Boston ARTCC if the glider area is not used as authorized or if all glider operations have terminated prior to the end of the airspace authorization.

## 6. PROCEDURES:

### a. Soaring Society of America - Region 1 must:

- (1) Contact the Boston ARTCC Mission Coordinator (MC) at (603) 879-6663 between one and three hours prior to the requested authorization for the Mt. Washington Glider Area. This notification must include the operational telephone communication number(s), requested maximum ceiling altitude (FL) for the operation, the activation and termination times and the number of gliders involved with the request.

**NOTE:** Once operating areas have been preapproved through the MC, requests for additional altitudes stratus may be made with Boston ARTCC via sector frequency from within the approved operating areas.

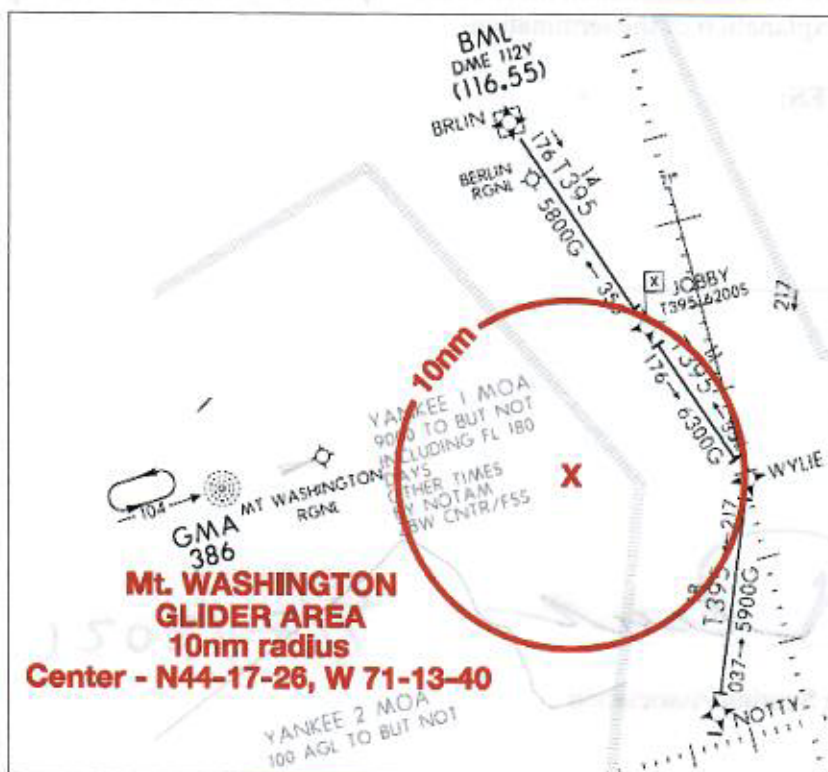
- (2) Ensure that all pilots operating in Class A Airspace are advised of the authorized glider area, the maximum altitude for the area and the time period of the authorization.
- (3) Ensure that air/ground communication exists with all flights utilizing the glider area.
- (4) Broadcast the status of the glider area every 30 minutes on frequency 123.3. If a pilot operating in the Mt. Washington Glider Area does not receive this transmission, they must immediately exit Class A Airspace.
- (5) In the event an operational recall of the glider area is needed by Boston ARTCC, all aircraft must exit Class A Airspace within 20 minutes of this notification.
- (6) Ensure all gliders are clear of Class A Airspace prior to the authorization's termination time.

### b. Boston ARTCC must:

- (1) Authorize Soaring Society of America - Region 1's request for use of the Mt. Washington Glider Area based on operational requirements and may issue restrictions as necessary to accommodate the request.
- (2) May authorize an alternate time or altitudes if the request for the glider area cannot be approved.
- (3) Apply 5 NM lateral and appropriate IFR vertical separation to non-participating aircraft from the authorized glider area.
- (4) Contact Soaring Society of America - Region 1 as soon as possible if an operational recall of the glider area authorization is required.



7. **MT. WASHINGTON GLIDER AREA** is defined as a 10NM radius of 44-17-26N / 071-13-40W:



- 8. ANNUAL REVALIDATION:** Annually, a revalidation of this Letter of Agreement must occur. An email or written request via certified mail must be submitted to Boston ARTCC no later than September 15 each year. The request must contain the following:
- a. Organization name, current address and telephone number, as well as a point of contact for this agreement.
  - b. A brief statement that Soaring Society of America - Region 1 intends to continue operations under this Letter of Agreement for another year and any comments regarding this agreement.
  - c. The request must be sent by email to: **AJT-ZBW-Airspace@faa.gov** or via certified mail to:  
  
**Boston ARTCC  
Attn: ZBW-530  
35 Northeastern BLVD  
Nashua, NH 03062**
- d. The Boston ARTCC Air Traffic Manager will issue approval/disapproval, via email or certified mail, of the validation request by December 31 of each year.
  - e. Failure to comply with revalidation procedures may result in a termination of this Agreement.

**Boston ARTCC**  
**Attn: ZBW-530**  
**35 Northeastern BLVD**  
**Nashua, NH 03062**



9. **TERMINATION:** Soaring Society of America - Region 1 or Boston ARTCC may terminate this agreement at any time. Termination must be accomplished by email or in writing via certified mail, with an explanation of the termination.

10. **SIGNATORIES:**

Tarah Park  
Air Traffic Manager  
Boston ARTCC



Jim David  
President – Franconia Soaring Association  
CFIG SSA Region 1

9/7/2021



