

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

CERTIFICATE OF WAIVER ~~FOR AUTHORIZATION~~

ISSUED TO

**Jennifer Garcia, Event Director
2023 Albuquerque International Balloon Fiesta (AIBF)**

ADDRESS

**4401 Alameda Boulevard, N.E.
Albuquerque, New Mexico 87113
(505) 821-1000**

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:

2023 Albuquerque International Balloon Fiesta (AIBF)

Competitive balloon events and flight operations to be conducted within twenty-five (25) nautical miles (NM) of the Albuquerque, New Mexico (ABQ) VORTAC, bounded by the 320° radial clockwise to the 190° radial from the surface to 9,400 feet MSL, launching from Balloon Fiesta Park (ABQ 037R @ 14.2 NM DME), in accordance with the provisions of the FAA Accepted 2023 AIBF Operations Manual and Pilot Rules and Regulations.

LIST OF WAIVED REGULATIONS BY SECTION AND TITLE

**14 CFR Sections 91.119(b) & (c), 91.130 and 91.209(a) waived by AFS
14 CFR Sections 91.215(b) & (c) and 91.225(b) & (d) waived by ATO**

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

Special Provisions Numbers **1** thru **29** (See Attachment B), inclusive, and the FAA Accepted 2023 Albuquerque International Balloon Fiesta® Balloon Operations Manual & Rules and Regulations.

See Attachment C for the effective dates and times of this Certificate of Waiver. This Certificate of Waiver is subject to cancellation at any time, upon notice by the Administrator or his authorized representative.

Aircraft authorized by the AIBF to fly within the TFR are listed in Attachment D.

September 1, 2023

**JOHN M
WENSEL**

Digitally signed by
JOHN M WENSEL
Date: 2023.09.06
11:41:42 -06'00'

**John M. Wensel, Office Manager
AFG-800-SW-01**

BY DIRECTION OF THE ADMINISTRATOR

**JEREMY P
BRUMLEY**

Digitally signed by
JEREMY P BRUMLEY
Date: 2023.09.06 10:49:26
-06'00'

**Jeremy Brumley, Manager
ABQ ATCT**

2023 ALBUQUERQUE INTERNATIONAL BALLOON FIESTA

ATTACHMENT A

LIST OF REGULATIONS WAIVED BY SECTION AND TITLE

Title 14 of the Code of Federal Regulations (14 CFR), section 91.119(b): Minimum Safe Altitudes over a Congested Area

14 CFR, section 91.119(b), is waived to allow balloon flight over any congested area of a city, town, or settlement, or over an open air assembly of persons at an altitude of 500 feet above the highest obstacle within a horizontal radius of 500 feet from the balloon.

NOTE: Launching a balloon anywhere in, into, or over a congested area, or an open air assembly of persons, shall require the pilot to be in a continuous normal rate of climb, until an altitude of 500 feet AGL is attained.

14 CFR, section 91.119 (b), is also waived to allow flight over, but no lower than 200 feet AGL, within the green-striped boundary area on the Official AIBF Map.

In addition, 14 CFR, section 91.119(b), is waived to allow flight over, but no closer than 75 feet to, persons in designated spectator areas that are under the direct control of the Holder of the Certificate of Waiver.

NOTE: The designated spectator area shall be a minimum of 200 feet in radius from any designated/declared goal or target.

14 CFR, section 91.119(c): Minimum Safe Altitudes over Other Than Congested Areas

14 CFR, section 91.119(c), is waived to allow flight over open water or sparsely populated areas no closer than 200 feet from any non-participating person, vessel, or structure.

14 CFR, section 91.130(c)(1): Operations In Class C Airspace - Communications

Notwithstanding 14 CFR, section 91.130(c)(1), flight operations are authorized within the Class C Airspace designated for Albuquerque International Airport, ABQ (Sunport), without establishing communications prior to entering that airspace and maintaining communications while in that airspace. **(2023 AIBF Balloon Operations Manual Rules and Regulations: Section 2 – Rules & Regulations; Section IV – Flight Restrictions**

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VALID: October 6, 2023, 5:30 a.m. MDT, through October 15, 2023, 12:00 p.m. MDT, and October 7, 8, 12, 13, 14, 2023, from 4:00 p.m. MDT to 8:00 p.m. MDT.
ISSUED BY: Albuquerque, New Mexico FSDO, AFG-800-SW-01

14 CFR, section 91.130(d): Operations In Class C Airspace - Equipment Requirements

Notwithstanding 14 CFR, section 91.130(d), flight operations are authorized within the Class C Airspace designated for ABQ Sunport without complying with the applicable equipment requirements specified in 14 CFR, section 91.215.

14 CFR, section 91.209(a): Aircraft Lights

14 CFR, section 91.209(a), is waived to allow flight operations, without aircraft lights, within the temporary flight restriction (TFR) area of the AIBF, at or below 8,000 feet MSL, for a period not to exceed 30 minutes prior to official sunrise. 14 CFR, section 91.209(a), is waived to allow ground (balloon glow) operations, without aircraft lights, within the temporary flight restriction (TFR) area of the AIBF and while the TFR is in effect. **NOTE: Dawn Patrol is not exempt from this regulation.**

DEVIATION FROM THE FOLLOWING CFRs ARE AUTHORIZED BY A MEMORANDUM OF UNDERSTANDING WITH THE ALBUQUERQUE INTERNATIONAL SUNPORT (ABQ) AIR TRAFFIC CONTROL TOWER (ATCT).

14 CFR, section 91.215(b) & (c): ATC Transponder and Altitude Reporting Equipment and Use

In accordance with the signed Memorandum of Understanding with the ABQ ATCT, participants in AIBF events are authorized to operate within Class C Airspace without being equipped with an ATC transponder or without operating its ATC transponder.

14 CFR, section 91.225(b) & (d) Automatic Dependent Surveillance-Broadcast (ADS-B) Out Equipment and Use

In accordance with the signed Memorandum of Understanding with the ABQ ATCT, participants in AIBF events are authorized to operate within Class C Airspace without being equipped with an Automatic Dependent Surveillance-Broadcast (ADS-B) Out Equipment or without operating its ADS-B.

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2023 ALBUQUERQUE INTERNATIONAL BALLOON FIESTA

ATTACHMENT B

SPECIAL PROVISIONS

NOTE: Failure to comply with any standard or special provision is a violation of the Terms of this Certificate of Waiver (CoW) and justification for cancellation of this Certificate and constitutes a violation of Title 49 of the United States Code (49 USC) sections 44711(a)(2)(B) and /or 44711(a)(5).

1. The FAA has the authority to cancel or delay any or all acts or events if the safety of persons or property on the ground or in the air, are in jeopardy or there is a violation of the terms of the CoW. (Ref. Vol. 6, Ch. 11, Sec. 10, 6-2374 B)
2. Mrs. Jennifer Garcia, Event Director, of the ALBUQUERQUE INTERNATIONAL BALLOON FIESTA, INC. (AIBF), 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. Mrs. Jennifer Garcia shall be responsible to the Federal Aviation Administration (FAA) for the safe conduct of the event.
3. Mrs. Jennifer Garcia, Event Director, of the AIBF must ensure that participants are thoroughly briefed on special field rules, the established demonstration area, flying display area, and aerobatic box (other defined areas within the waived/authorized airspace), manner and order of events, and special provisions of the CoW, before beginning the activities each day.
 - a) No person may participate in any event listed on the CoW unless that person has signed a statement stating that they have received a briefing on the provisions of the CoW.
4. All civil aircraft and pilots participating in the aviation event shall provide the requested data to establish qualifications and airworthiness to the Event Organizer and if required, be available for FAA inspection at the time and place agreed upon by Mrs. Jennifer Garcia and the FAA Inspector-In-Charge (IIC). (Ref. 3-145)

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

5. The following facilities shall be provided and readily available in accordance with the submitted emergency response plan at the demonstration site. A physician, fire truck, ambulance, and crash wagon will be on site in accordance with the emergency response plan.

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6. Persons or aircraft not appearing on the CoW application and subsequently added to the CoW, may not participate without specific approval by Mrs. Jennifer Garcia and the IIC. Proof of appropriate qualifications for crewmember(s), and an airworthy aircraft is required before the performance can be conducted at that event site. If applicable, the appropriate category show line must be established for that aircraft before the performance can be conducted at that event site. (Ref. 3-144 C 14)
7. Mrs. Jennifer Garcia can delegate authority, but shall retain sole responsibility for safeguarding persons and property on the surface of the AIBF launch sites and designated off field targets. Mrs. Jennifer Garcia is the person named to ensure the safety of the event.
8. Mrs. Jennifer Garcia shall ensure that each participating pilot has read and understands the FAA accepted procedures in the 2023 Albuquerque International Balloon Fiesta® Balloon Operations Manual Rules and Regulations (2023 AIBF Ops Manual R & R), and the Special Provisions of this Certificate of Waiver.
9. The 2023 AIBF Ops Manual R & R 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.
10. Mrs. Jennifer Garcia shall distribute flight crewmember acknowledgments to all registered pilots with instructions for all flight crewmembers to sign the acknowledgment. Before having each flight crewmember sign the acknowledgment, each pilot shall provide a briefing on the provisions of the event waiver to his or her flight crewmembers and on the day that a flight crewmember flies, confirm that flight crewmember has been trained in his or her duties and responsibilities during that flight.
11. All civil aircraft and pilots participating in the event shall be available for FAA inspection during **AIBF registration in the Sid Cutter Pilot's Pavilion on October 5th or 6th between 10:00 a.m. MT, and 7:00 p.m. MT, or at other times by appointment.**
12. The AIBF shall ensure, prior to registration of special shape or foreign balloons, the Albuquerque FAA Flight Standards District Office (FSDO) validate the certification and airworthiness of all such balloons. The AIBF shall also ensure the foreign certificated pilots have been notified of the requirement to have their certificates validated by Albuquerque FSDO Inspectors.
13. Notwithstanding an airworthiness Operating Limitation prohibiting flight over densely populated areas, balloons certificated in the Experimental Category are authorized to operate under the terms of this Certificate of Waiver.
14. Persons or aircraft not officially registered with the AIBF for this event, in accordance with the 2023 AIBF Ops Manual R & R, shall not participate without specific approval by the FAA.

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15. Title 14 of the Code of Federal Regulations (14 CFR), section 91.119(b) and (c), are waived to the extent necessary to allow participating balloons to operate in the event, under the terms and conditions set forth in the 2023 AIBF Ops Manual R & R, as accepted by the FAA.
16. 14 CFR, section 91.155: Basic VFR Weather Minimums **are not waived**.
17. 14 CFR, section 91.209(a), is waived to allow flight operations, without aircraft lights, within the temporary flight restriction (TFR) area of the AIBF, at or below 8,000 feet MSL, for a period not to exceed 30 minutes prior to official sunrise. 14 CFR, section 91.209(a), is waived to allow ground (balloon glow) operations, without aircraft lights, within the Temporary Flight Restriction (TFR) area of the AIBF, while the TFR is in effect. **14 CFR, section 91.209(a), is NOT WAIVED for Dawn Patrol balloons.**
18. A control point, designated as the “**Officials Tower**,” shall be established where Mrs. Jennifer Garcia or representative shall direct the demonstration. Mrs. Jennifer Garcia shall be continuously available to the FAA IIC or designated representative, and is the person designated as responsible for the overall safety of the event. (Ref. 3-143 A 14)
19. Adequate communication capability (electronic or visual) must be provided to maintain safe operation, to control spectators, and to advise participants the competition/event has been halted or cancelled. (Ref. 3-143 A 14)
20. A target area boundary, constructed of plastic flagging and clearly visible to the pilots, shall be provided to assist them in maintaining compliance with the approved distances from the spectator areas.
21. A crowd line consisting of a physical barrier and/or adequate policing shall be provided to confine the spectators to a designated area. The spectator areas shall have well defined lateral boundaries. (Ref. 3-143 A 17)
22. Only the pilot and event flight crewmembers, as described in the 2023 AIBF Ops Manual R & R (Section 2, Sub-Section VI, paragraph C.), may be carried onboard any balloon participating in competition events operating under this Certificate of Waiver.
23. Pilots launching from rows A, B, and C must hold a Commercial Pilot Certificate or its equivalent. The equivalency requirement will be satisfied if the Pilot-in-Command has at least thirty-five (35) hours of flight time in a balloon and has launched from Balloon Fiesta Park, within the previous five years.
24. Before being cleared for take-off, pilots will receive current wind speed and direction at Balloon Fiesta Park from AIBF Officials and/or on the AIBF weather radio frequency. Launches may be suspended by the FAA, if sustained wind velocities exceed 10 knots.
25. Before beginning cold inflation, each pilot shall attach an inflation harness (tie-off) to a vehicle. **Tying-off to a trailer is prohibited.**

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26. Pilots of all participating balloons will have on-board the aircraft an operable VHF radio capable of receiving and transmitting on common aviation VHF communication frequencies.
27. Unmanned Aerial Systems (UAS) Demonstrations are not authorized under this CoW.
28. Rocket Demonstrations are not authorized under this CoW.
29. Parachute Demonstrations are not authorized under 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 shall be the applicant's responsibility to resolve the difficulty. The provisions of the waiver shall apply, regardless of the statements contained in the application for Certificate of Waiver. The waiver shall 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 earlier. The air show will consist of only those maneuvers or events specified in Item 14 of the application or in an attachment to the Application for Certificate of Waiver.

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2023 ALBUQUERQUE INTERNATIONAL BALLOON FIESTA

ATTACHMENT C

EFFECTIVE DATES AND TIMES

The waiver area is defined as the area within twenty-five (25) nautical miles (NM) of the Albuquerque, New Mexico, (ABQ) VORTAC, bounded by the 320° radial clockwise to the 190° radial under the general flight altitude requirements and restrictions for flights within the ABQ Class "C" Airspace (as depicted on the current edition of the Albuquerque Sectional Aeronautical Chart) from the surface to 9,400 feet MSL. The Temporary Flight Restriction (TFR) is the area within four (4) NM of the Balloon Fiesta Park (ABQ 037R @ 14.2 NM DME) from the surface to 8,000 feet MSL. By prior agreement with the Albuquerque Flight Standards District Office (ABQ FSDO), the Albuquerque Aerostat Ascension Association (AAAA) and Top Gun, Incorporated (TOP GUN), waivers are suspended for the time period from October 6, 2023, thru October 15, 2023.

The Certificate of Waiver and the attached Special Provisions shall be in effect during the dates and times (All Times are Mountain Daylight Time) listed below:

October 6, 2023	5:30 a.m. – 12:00 p.m.
October 7, 2023	5:30 a.m. – 12:00 p.m. & 4:00 p.m. – 8:00 p.m.
October 8, 2023	5:30 a.m. – 12:00 p.m. & 4:00 p.m. – 8:00 p.m.
October 9, 2023	5:30 a.m. – 12:00 p.m.
October 10, 2023	5:30 a.m. – 12:00 p.m.
October 11, 2023	5:30 a.m. – 12:00 p.m.
October 12, 2023	5:30 a.m. – 12:00 p.m. & 4:00 p.m. – 8:00 p.m.
October 13, 2023	5:30 a.m. – 12:00 p.m. & 4:00 p.m. – 8:00 p.m.
October 14, 2023	5:30 a.m. – 12:00 p.m. & 4:00 p.m. – 8:00 p.m.
October 15, 2023	5:30 a.m. – 12:00 p.m.

During those times when the airspace is not being utilized by the AIBF, the AIBF Event Director shall contact the FTW AFSS and ABQ ATCT and release the airspace.

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2023 ALBUQUERQUE INTERNATIONAL BALLOON FIESTA

ATTACHMENT D

NON-PARTICIPATING AUTHORIZED AIRCRAFT

The following aircraft and persons, although not participating in the AIBF, are authorized by the AIBF to operate in the Temporary Flight Restrictions (TFR) area during the dates and times of the AIBF event.

<u>AIRCRAFT:</u>	<u>N#</u>	<u>OPERATOR</u>	<u>PILOT</u>
AW119	N306LG	Lifeguard	Various
RHC-R422	N74500	News 4	Doug Christian
BHT-206	N7QN	Helicopters, Inc. KOAT	N. Lawson
AS350B2	N134TV	News 13	Alessandro Pitterella
AS-350-B3	N911ZZ	BCSO/Metro 1	L. Koren/Tuberville
UH-1H	N911SZ	BCSO/Metro 1	L. Koren/Tuberville
T-41	N911ZS	BCSO/Metro 3	L. Koren/Tuberville
EC-120B	N120PD	APD/PD 1	Various
Airbus H125	N125PD	APD/PD 2	Various
Cessna C182R	N9958H	APD/PD 5	Various
Airbus H145	N607SP	NMSP	Various
CE-182	N3023Y	Eagle Eye Photo	L. Morgan
RV-3	N333RV	Chili Flight	Guy Jones
RV-3B	N3NU	Chili Flight	John Nystrom
RV-8	N518RT	Chili Flight	Jon Farley
RV-8A	N72JH	Chili Flight	Stephen Booher
RV-7	N505RV	Chili Flight	David Otero
RV-4	N2ZK	Chili Flight	Chris Olsen
RV-4	N221TM	Chili Flight	Michael Rehberg
RV-8	N5678C	Chili Flight	Craig Taylor

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DJI Mavic	FA3HEK3XFX	Jesse Sansom Creative	David Rettinger
DJI Matrice M600	FA3NAE4LCL	Jesse Sansom Creative	Jesse Sansom
Xhover 5in	FA39K3H3XC	Jesse Sansom Creative	David Rettinger
DJI Inspire2	FA399LHPLH	Jesse Sansom Creative	Jesse Sansom

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