



Seaplane Pilots Association

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February 1, 2005

Senator Zeb Little
Chair, Agriculture, Conservation & Forestry Committee
Room 736
11 S. Union Street
Montgomery, AL 36130

Dear Senator Little:

I am writing to you on behalf of the 7,900 individuals of the Seaplane Pilots Association to alert you to the nature and background of a bill, SB39, before your committee.

Senate Bill 39, prohibiting the use of seaplanes on four rivers, is Senator Byrne's second attempt to resolve a local controversy over a proposal to base a seaplane on the Fish River. Local citizens have expressed concern about the safety of the proposal considering the number of bass boats that operate at high speed on the river, particularly during weekends and holidays.

Were this truly a debate about safety, the controversy would include concern over the number of bass boats operating over great distances and around blind corners at high speeds. Instead, citizens are focused on preventing the occasional landing of a seaplane, which occurs at speeds similar to those traveled by the bass boats, and occurs only on relatively straight stretches of the river.

Make no mistake, this is not a question of safety.

Similarly, this is not a question of noise or environmental impact. All those bass boats are regularly and continuously making noise, making wakes, increasing the river's turbidity, and polluting the river with exhaust and oil. By contrast, seaplanes operate infrequently, impact any given area with noise only for short durations (typically under 2 minutes), port clean four-stroke exhaust well above the water where it is rapidly dispersed by the propeller wash, generate only a small wake over a short distance, and do not increase turbidity as boats do with their submerged propulsion.

Looking beyond the dubious justification for this legislation, there is a much greater flaw in play. All four rivers named in SB39 are clearly classified as Federal Navigable Rivers (33 CFR 328; 33 CFR 329), and as such, authority over the "use, administration, and navigation" of these rivers is vested in the Secretary of the Army (33 U.S.C. 1; 33 CFR 207.160).

Furthermore, unlike Senator Byrne's last attempt to close these rivers to seaplanes, SB39 attempts to grant the Department of Conservation and Natural Resources authority over the "operation" and "movement" of seaplanes. This is in direct conflict with the Federal Aviation Administration's jurisdiction over the operation of aircraft.

All attempts last year at reaching a more constructive and legally sound resolution of the concerns of Senator Byrne's constituents were rebuffed by Senator Byrne, who insisted that these four rivers were subject to the jurisdiction of the State of Alabama, even after we provided him with specific federal code citations to the contrary.

Seaplane operations on the bodies of water addressed in SB39 are infrequent, the individual seeking to base a seaplane on the Fish River has yet to actually purchase a seaplane, and SB39 attempts to exercise authority not legally vested in the State of Alabama. In other words, this is not a matter that requires the urgent attention of the legislature, and SB39 is not an appropriate solution to the concerns of Senator Byrne's constituents.

Thank you for your time and consideration.

Sincerely,



Michael Volk
President

Cc: Members of the Senate Agriculture, Conservation, and Forestry Committee
Lieutenant Governor Lucy Baxley
Senator Byrne
John Burgin, SPA Field Director, Alabama
Members of the Seaplane Pilots Association