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October 16, 2012

Ms. April Alvarado
EMNRD, State Parks Division
1220 S. St. Francis Drive
Santa Fe, NM 87505

Re: Notice of Public Hearing and Rulemaking specifically Section 19.5.2 NMAC

Dear Ms. Alvarado:

The Aircraft Owners and Pilots Association (AOPA) represents the general aviation interests of almost 400,000 members, more than two-thirds of the nation's pilots – including 2,918 of our members in the state of New Mexico. On behalf of our membership, AOPA is committed to ensuring the future viability and development of general aviation airports and landing facilities as part of a national transportation system.

We are writing today specifically in opposition to Section 19.5.2.26, which states, **“SEAPLANES AND FLOATPLANES: The taxiing, landing or takeoff of seaplanes or floatplanes is prohibited in the state parks system.”** AOPA is strongly opposed to this rule as it prohibits access by seaplanes to public waters, and is, in our view, overly broad and extremely restrictive. Additionally, this rule would prohibit an amphibious seaplane/floatplane from operating on a landing facility adjacent to a body of water within state park boundaries. That could prove costly should fire-fighting aircraft need to use that water to subdue a forest fire within the state parks system. AOPA respectfully requests that the State Parks Division delete this proposed rule and renumber the subsequent rules accordingly.

Enjoyment of public waters is a right all Americans, especially those in the western parts of our nation, appreciate and treasure. Using a seaplane to access the water is similar to using a boat, except that seaplanes do not require extensive land-based infrastructure such as road or docks; they leave very little in the way of a permanent footprint as opposed to land based access options such as cars, trucks, campers, off-road or other vehicles. Further, seaplane operations are very safe and seaplane pilots understand that they need to follow aviation rules and regulations as well as boating regulations because once on the water the seaplane is a vessel. We note that in a national study conducted over 13 year period from 1983 to 1995 there were only 3 accidents involving seaplanes and boats, resulting in 6 fatalities of occupants in the boats. Compared to the 2011 boating accident statistics from the United States Coast Guard, of 4,588 accidents with 758 deaths and 3,081 injuries, and more than \$3 million in damages, seaplane operations are very safe.

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It is our understanding that the State Parks Division is concerned with aquatic invasive species and that is a part of the reasoning behind the proposal of 19.5.2.26. As you may be aware, the Seaplane Pilots Association (SPA) created a very thorough procedure and training course for all seaplane pilots that address these very concerns. We would encourage the Division to reach out to the general aviation community and collaborate with us to ensure protection of New Mexico's waters from these pests. By actively involving the seaplane and recreational pilot community, you will find that aviators understand the dangers and are more than willing to develop solutions that will benefit all parties. In addition to the SPA, we suggest collaborating with the New Mexico Pilots Association, the Recreational Aviation Foundation, as well as AOPA. Together, the collective knowledge of seaplane operations, backcountry airstrip access and preservation as well as federal aviation and public lands management policy experience will be a valuable resource to the Division.

We look forward to working with you on this important issue and appreciate you considering our comments. If we can be of further assistance, please contact us at 301-695-2200.

Sincerely,



Gregory Pecoraro
Vice President
Airports and State Advocacy

cc:

Mr. Stephen McCaughey, Executive Director, Seaplane Pilots Association
Ms. Cathy Myers, President, New Mexico Pilots Association
Mr. John McKenna, President, Recreational Aviation Foundation
Mr. Steve Summers, Director, New Mexico DOT Aviation Division
Ms. Yasmina Platt, AOPA Central Southwest Regional Manager