



March 12, 2026

The Honorable Sean P. Duffy, Secretary  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

The Honorable Doug Burgum, Secretary  
U.S. Department of the Interior  
1849 C Street NWS  
Washington, DC 20240

Dear Secretary Duffy and Secretary Burgum,

I am writing to respectfully request an update regarding the December 17, 2025, letter sent by the Aircraft Owners and Pilots Association (AOPA) urging the Department of Transportation and the Department of Interior to assist in facilitating an amicable resolution concerning the confiscation of a Stinson 108 aircraft following an emergency landing on the Red Lake Nation Indian Reservation on October 15, 2025.

It has now been approximately five months since the aircraft was impounded by the Red Lake Nation as a result of an emergency landing. This emergency landing caused no bodily injury or damage to the airplane or tribal land. Consequently, the aircraft owner, an AOPA member, has reportedly been presented with a proposed assessment exceeding \$7,000 arising from alleged violations of tribal airspace and trespassing.

As you know, federal aviation law has long recognized that pilots must retain the ability to take whatever action is necessary in the interest of safety when faced with an in-flight emergency. Title 14 of the Code of Federal Regulations §91.3(b) provides that the pilot in command of an aircraft “may deviate from any rule of this part to the extent required to meet that emergency.”

Federal Aviation Regulations also make clear that the pilot in command bears the ultimate responsibility for the safe operation of the aircraft under 14 C.F.R. §91.3(a) and is the final authority as to the operation of that aircraft. This essentially mandates the pilot in command to take whatever action is necessary to protect life and property.

Congress has likewise established exclusive federal sovereignty over the nation's airspace. Under 49 U.S.C. §40103(a)(1), "The United States Government has exclusive sovereignty of airspace of the United States," and §40103(b) directs the Federal Aviation Administration to regulate the use of that airspace in order to ensure safety and efficiency. Courts have consistently affirmed this statute.

Longstanding legal principles recognize the doctrine of necessity in emergency situations. Under this doctrine, actions that would otherwise be considered trespass may be justified when undertaken to prevent greater harm or danger. Emergency landings by aircraft have historically been understood to be a necessity, recognizing that pilots confronted with mechanical failure, weather, or other safety hazards must be able to land wherever conditions permit in order to protect human life.

The current situation involving Red Lake Nation raises significant concern within the general aviation community. If an emergency landing made in the interest of safety can be treated as trespassing and result in confiscation of an aircraft and substantial penalties, it creates uncertainty for pilots who may be forced by circumstances beyond their control to land wherever safety requires.

We fully recognize and respect the Red Lake Nation's commitment to preserve and protect its lands and waters. However, the continued impoundment of an aircraft following a legitimate emergency landing raises serious questions about how federal aviation law and safety protections are being applied in this situation.

For that reason, we respectfully request an update on any actions taken or planned by the Department of Transportation and the Department of the Interior to help resolve this matter. The general aviation community would welcome federal engagement to ensure that safety-driven emergency decisions by pilots are not subject to punitive treatment.

Absent a constructive resolution, we are concerned that there may be no alternative but to pursue a legislative remedy to clarify and reaffirm the protections afforded to pilots who are compelled to make emergency landings in the interest of safety.

Thank you for your attention to this matter. We would appreciate any information your Departments can provide regarding the status of this issue and any efforts underway to facilitate a legal, fair, and timely resolution to this situation.

Regards,

A handwritten signature in black ink, appearing to read 'Jim Coon', is written over the typed name and title.

Jim Coon  
Senior Vice President  
Government Affairs and Advocacy