

Attachment 4

Declaration Statement of FAA Inspector Ty Bartausky

(New evidence)

FAA Petition for Reconsideration to NTSB
for
NTSB case no. ANC15FA049

Declaration of Mr. Ty Bartauský

in support of the
Petition for Reconsideration
of Findings and Probable Cause
Dated April 17, 2017

by the
National Transportation Safety Board
for

NTSB case no. ANC15FA049

SeaPort Airlines *dba* Wings of Alaska Flight 202
Cessna 207; N62AK
Juneau, Alaska; July 17, 2015



Federal Aviation Administration
Flight Standards Service

Declaration of Mr. Ty Bartauskyy

I, Ty Bartauskyy, make the following declaration under penalty of perjury (28 U.S.C. § 1746):

1. I am currently employed as a supervisory aviation safety inspector at the Federal Aviation Administration (FAA) Denali Certificate Management Office in Anchorage, Alaska. My prior FAA positions include Front Line Manager (Ops) at the Flight Standards District Office (FSDO) near Portland, Oregon, a Principal Operations Inspector, and an Aviation Safety Inspector. I started with the FAA in 2007 as an Aviation Safety Inspector. At the time of the fatal accident involving SeaPort Airlines flight 202 that occurred on July 17, 2015, I was a Front Line Manager and supervisor of Ms. Dee Rice, who was assigned as the FAA's Principle Operations Inspector (POI) for the SeaPort Airlines certificate.
2. My aviation experience prior to my FAA employment includes flight instructor, Part 135 pilot, and Part 121 (Supplemental Operations) pilot, and a check pilot for my 121 employer.
3. I was interviewed by the National Transportation Safety Board (NTSB) about three months after the flight 202 accident. Two of the investigators identified themselves as NTSB employees.
4. Prior to the accident involving flight 202, to the best of my memory, FAA surveillance did not discover any failure by SeaPort Airlines to follow their operational control procedures contained in the General Operating Manual. Also, I had no information or evidence that pilots of SeaPort Airlines were conducting flights at lower altitudes in reduced ceilings and visibility contrary to the Federal Aviation Regulations (FARs). I do not recall ever having any suspicions of such non-compliant conduct by SeaPort Airlines prior to the accident.
5. During my NTSB interview, a general discussion included methods for SeaPort to raise the safety bar. The views I expressed to the NTSB investigators during the interview were based on what I had learned about the accident flight. Many safety improvements are voluntary and cannot be mandated without a change to the FARs.
6. Prior to the public release of the final NTSB accident report, I was not asked to review any summary or characterization of my interview. Upon reading the final report and the paraphrased responses attributed to me, I can say the NTSB did not publish a fair or accurate summary of what I told them during the interview. Nor does the context reflect what is required by regulation and what is a voluntary safety improvement. Prior to the accident, I do not believe there was information or evidence that any pilot of SeaPort was violating the FARs or failing to follow the General Operations Manual, as described in the NTSB Report and related documents. During the course of the investigation I did learn the accident pilot may have violated one or more FARs, but I am not aware of sufficient evidence to indicate regulatory violations by SeaPort itself leading up to the accident.

7. The findings reported by POI Dee Rice referenced on page 15 in the NTSB Final Report, were not ignored. In my judgment, there was insufficient evidence to demonstrate a non-compliance with the regulations, and the FSDO continued to monitor SeaPort's risk mitigation. Shortly thereafter, on October 12, 2015, SeaPort Airlines notified FAA of its intention to cease operations in Alaska effective October 16, 2015.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on
February 8, 2018



Ty Bartausky

Attachment 5

Declaration Statement of FAA Inspector: Dee Rice

(New evidence)

FAA Petition for Reconsideration to NTSB
for
NTSB case no. ANC15FA049

Declaration of Ms. Dee Rice

in support of the
Petition for Reconsideration
of Findings and Probable Cause
Dated April 17, 2017
by the
National Transportation Safety Board
for
NTSB case no. ANC15FA049

SeaPort Airlines *dba* Wings of Alaska Flight 202
Cessna 207; N62AK
Juneau, Alaska; July 17, 2015



Federal Aviation Administration
Flight Standards Service

Declaration of Ms. Dee Rice

I, Dee Rice, make the following declaration under penalty of perjury (28 U.S.C. § 1746):

1. I am currently employed as an Aviation Safety Inspector at the Federal Aviation Administration (FAA) Flight Standards District Office (FSDO) near Portland, Oregon. I have been an FAA Aviation Safety Inspector (operations) since 2008. I have been a Principal Operations Inspector (POI) since 2009. At the time of the fatal accident involving SeaPort Airlines flight 202 that occurred near Juneau, Alaska, on July 17, 2015, I was assigned as the FAA's POI for the SeaPort Airlines certificate.
2. My aviation experience prior to my FAA employment includes 28 years of professional flying in Alaska. I have worked as a flight school instructor, chief pilot, check pilot, director of operations, and in other positions for numerous commercial flight operations in Alaska. I have accumulated over 23,000 hours of flight experience. I am a certificated Airline Transport Pilot in multiengine airplanes, and I am recognized as a Gold Seal flight instructor.
3. I was interviewed by the National Transportation Safety Board (NTSB) about three months after the flight 202 accident. Two of the investigators identified themselves as NTSB employees from the NTSB Alaska Regional Office.
4. In January 2015, I assumed the duties of POI for the SeaPort Airlines certificate. Prior to January 2015, and during the time of January 2015 through the time of the accident, I had no personal knowledge of any violation of the Federal Aviation Regulations (FARs) by SeaPort Airlines or its pilots involving 14 C.F.R. § 135.183 (operation at an altitude that allows an airplane to reach land in the case of an engine failure). Also, I had not received any reports of FAR violations by SeaPort Airlines or its pilots involving 14 C.F.R. § 135.183. Information gathered following the accident of SeaPort Airlines flight 202 was the first indication of a possible violation by the accident pilot; there was no evidence of a FAR violation by SeaPort Airlines itself. If I believed SeaPort had violated § 135.183 or any of the FARs, I would have performed the required steps to investigate the violation and take appropriate action at the conclusion of the FAA investigation.
5. During the period of January 2015 until SeaPort Airlines surrendered its certificate, I was fully engaged in my responsibilities as POI of SeaPort. Any concerns about their operation were discussed with SeaPort Airlines management to correct any possible regulatory deviation and to encourage the airline to employ practices above and beyond the regulatory minimums. FAA rules specify the certificate holder (not FAA) is responsible to assure flights are conducted within regulatory requirements and company policies. I routinely met with SeaPort Airlines management on a variety of issues that are part of the ongoing operation of an airline.
6. After my interview, I was not asked to review or verify the contents of my interview summary for accuracy. After the NTSB final report was published, I did read the final report and other documents in the NTSB public docket, including my interview summary and the Operations Group Report. To be clear, the NTSB final report and related documents do not contain a fair or accurate summary of what I told the NTSB

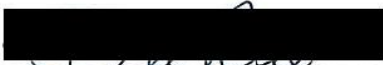
investigators during the interview. Also, the report unfairly speculates about the accident pilot, SeaPort Airlines, and my work as POI ("*If the FAA had conducted an investigation ..., it is plausible the flight would not have departed*" – that is pure speculation). This is especially glaring since the aircraft crashed into a tree on land and not into the water. I have decades of aviation experience, and safety has always been my guiding principle; however, I must follow the law and I cannot enforce anything beyond the regulations. The NTSB assumptions and inferences are both inaccurate and unfair.

7. For example, during my NTSB interview, I did explain that SeaPort Airlines used the FAR minimums, including a minimum altitude of 500 feet and 2 miles visibility, but I did not state that SeaPort pilots were operating with cloud ceilings at 500 feet agl and 2 miles visibility over the 3-mile wide channel. If I had observed that kind of event or had a report of that type of flight, I would have initiated the appropriate investigation with appropriate action at the conclusion of my investigation. Also, the NTSB final report omitted the fact that SeaPort's aircraft were equipped with ADS-B and had the ability to accurately measure their distance to shore. The pilot is in the best position to know the glide distance based upon position and altitude.
8. Another example of either misunderstanding my statement or misrepresenting my statement is this quote: "The POI at the time of the accident stated that she was also aware that the company was operating contrary to federal regulatory standards for gliding distance to shore." This quote is simply wrong and not what I said in the interview or intended to convey to the investigators. These are some examples of NTSB documents that are inaccurate and misleading.
9. When I did observe a deviation from the FARs, I initiated the appropriate action. I observed operations at SeaPort Airlines on September 16, 2015, and believed an event occurred that was a loss of operational control. I brought this to the attention of my supervisor and a letter was later sent to SeaPort. Sometime after the letter was sent, SeaPort Airlines closed its operation in Alaska and eventually surrendered its Operating Certificate.
10. The treatment of my interview by NTSB in the SeaPort investigation is similar to my involvement in a previous NTSB investigation of an accident that occurred on March 8, 2013, near Aleknagick, Alaska (NTSB case no. ANC13FA030). On April 12, 2013, I was interviewed in my office cubicle, with no prior notice or coordination, by another NTSB field investigator trainee from the Alaska Regional Office regarding my role as the POI of the cargo operator involved in the accident. After my interview, I was not asked to review or verify the contents of my interview summary for accuracy. The information in the published NTSB Operations Group Report for the Aleknagick investigation did not contain a fair or accurate summary of what I told the NTSB investigator during the interview with regard to the production of a correspondence file and my knowledge of the cargo operator's operational control program.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on:

February 7, 2018


Dec Rice

Attachment 6

FAA Surveillance Records of SeaPort Airlines for 2015

(New evidence)

FAA Petition for Reconsideration to NTSB
for
NTSB case no. ANC15FA049

**Consolidated FAA Northwest Mountain and Alaska Region Timeline associated
with SeaPort (dba Wings of Alaska) Accident on July 17, 2015**

January 2015 – POI Ty Bartauskys is promoted to Ops FLM, Dee Rice is assigned as POI of AJAA

Jan 21, 2015 – Management and Principle Inspectors Meeting

Feb 6, 2015 – Letter of Correction for part 119.5 Op Specs violation - operations into a non-approved airport

Feb 12, 2015 – Surveillance of AJAA transferred from NPG system to SAS system

Mar 9, 2015 – Letter of Correction sent for flight and duty time violation for AJAA pilot

Mar 23, 2015 – Enforcement Investigation Record (EIR) for pilot (above) closed - no action ¹

Apr 7, 2015 -- 1 EIR closed with a civil penalty; 1 EIR closed with proposed civil penalty ²

Apr 17, 2015 – Change to the Director of Maintenance position

Apr 22, 2015 - AJAA moved their flight following/dispatch for Alaska to PDX. Concerns expressed by pilots and managers (and FAA inspector) regarding added risk. ³

May 8, 2015 – Letter of surveillance findings, maintenance concerns sent to company

May 15, 2015 - Complaint filed, company using ASAP program for discipline ⁴

Jun 10, 2015 – Management and Principle Inspectors Meeting

Jun 24, 2015 – Review reveals 30 individual R item inspections conducted on AJAA from Nov, 14, 2014 to Jun 24, 2015. Two identified findings, both concerning move of flight following and dispatch to Portland, as referenced in the Apr. 22, 2015 PTRS entry above. ⁵

Jul 17, 2015 -- AJAA flight #202 accident

Jul 20, 2015 --- NTSB interview David Williams (Juneau CP SeaPort Airlines)

Jul 24, 2015 – FAA accident follow up letter, asking AJAA for Risk Mitigation actions.

Jul 24 2015 - FAA Certified letter sent to Certificate Holder requesting meeting with President and 14 CFR part 119 management personnel. ⁶

July 29, 2015 – Management and Principal Inspectors meeting held for risk mitigation strategies Documented by PTRS ⁷ and certified letter. ⁸

July 29, 2015 -- NTSB interview Mr. Rob McKinney (President/CEO SeaPort Airlines)

July 30, 2015 – FAA Letter regarding risk assessment and flight locating procedures sent

¹ PTRS NM09201502669

² PTRS NM09201502948

³ PTRS AL05201500578

⁴ PTRS NM09201505411

⁵ PTRSs AL0520150578, AL05201500610

⁶ POI Rice certified letter, Accident Follow-up, 07/24/2015

⁷ PTRS NM09201506387

⁸ POI Rice Certified letter, no subject, 07/30/2017

Aug. 6, 2015 -- NTSB interview Tim Cutler (Dispatcher SeaPort Airlines)

Aug. 10, 2015 -- NTSB interview Shane Mitchell (Pilot / Roommate SeaPort Airlines)

Aug. 10, 2015 -- Alaska Deputy Division Manager Enroute inspection - No findings.⁹

Aug. 11, 2015 -- NTSB interview James Caldwell (Pilot / Roommate SeaPort Airlines)

Aug 11, 2015 -- Letter of surveillance, regarding TAWS issues and cargo security

Aug 12, 2015 -- NTSB interview Ms. Michelle Ramsey (Pilot's sister) and Chris Nilsen (Dispatcher)

Aug 17, 2015 -- Meeting with FAA Regional leadership and AJAA DO and DM on improving training program and operational control.¹⁰

Aug 18, 2015 -- Email from Alaska Deputy Division Manager to POI discussing safety enhancements and feedback from Juneau visit¹¹

Aug 21, 2015 -- Juneau FSDO Manager meeting with Certificate Holder's DO/DM communicated to Certificate Management Team (CMT)¹²

Aug 24, 2015 -- Discussion with Certificate Holder for meeting to develop plan to enhance safety¹³

Aug 27, 2015 -- Change to the Director of Maintenance position

Aug. 11, 2015 -- Certified letter in response to surveillance conducted during the first week of August 2015 on Certificate Holder^{14 15}

Aug 18, 2015 -- Pilot deviation at Juneau Airport.¹⁶

Sep 16, 2015 -- POI and PAI conducts surveillance on SOC in Portland OR. Numerous issues found including loss of operational control of aircraft conducting overwater operations at low altitude.¹⁷

Sep 28, 2015 -- Formal Risk Mitigation plan is received from AJAA, in response to July accident

Oct 7, 2015 -- NTSB interview with POI Dee Rice and FLM Ty Bartauskys

Oct 9, 2015 -- FAA letter of surveillance findings sent to AJAA regarding Op control issues, Flight Risk Assessment completion, and minimum safe operating altitudes

Aug 10, 2015 -- Review indicates 6 individual R item inspections conducted on AJAA in Alaska between July 20, 2015 and Aug 10, 2015. All closed satisfactory.

Oct. 12, 2015 -- FAA CMT notified via email of intent to cease Alaska operations of AJAA at the end of the business day on Oct. 16, 2015. Email indicated 'certain assets' were sold to Fjord Flying Service.¹⁸

⁹ PTRS AL00201500269

¹⁰ Terry Gordon email, no subject, 08/18/2015 4:18pm

¹¹ Deke Abbott email, no subject, 08/18/2015 2:30pm

¹² Terry Gordon email, no subject, 08/22/2015 1:03pm

¹³ Terry Gordon email, no subject, 08/24/2015 5:10pm

¹⁴ POI Rice Certified letter, no subject, 08/11/2015

¹⁵ POI Rice email, no subject, 08/20/2015 9:17am

¹⁶ PTRS NM09201506089

¹⁷ PTRS NM09201403923

¹⁸ Max Griffin email, Alaska Operations, 10/12/2015 11:07am

airport. The dispatcher agreed and attempted to contact the pilot several times without success. There were no other aircraft flying to relay a message to the pilot due to a weather hold that was in effect for the morning flights. During the same observation a Flight Risk Assessment was filled out and available to SOC with the note, WX appears blow forecast WX, Enfl will evaluate ENR. The following four responsibilities are in question: 1. The Responsibility for Operational Control (14 CFR Part 135.77) is in question due to the excess maneuvering by the flight observed and the loss of communication by dispatch. 2. Performance requirements: Land aircraft operated over water (14 CFR Part 135.183(a)) is in question due to the flight path crossing the middle of the channel at 800 feet. 3. Assuring Minimum Safe Altitudes (CFR Part 91.119) is in question to avoid contact with terrain. 4. The effectiveness of the Flight risk Assessment is in question due to the comment that the weather is below forecast but the pilot is going to evaluate the weather in flight. I recommend risk mitigation by developing VFR minimum reroute altitudes throughout the route structure presently used by SeaPort (DBA Wings of Alaska) to ensure Minimum Safe Altitudes (CFR Part 91.119) and Assure Power-off gliding distance from shore (CFR Part 91.205). I also recommend that the present safety culture of SeaPort (DBA Wings of Alaska) be evaluated to ensure that the pilots have proper operational control and do not take it upon themselves to depart when the weather is deteriorating to evaluate the weather in flight. In accordance with 8900.1 Volume 14 Compliance and Enforcement, Chapter 1 Flight Standards Service Compliance Policy Section 1 and 2 a Compliance Action letter has been sent to the stakeholder to achieve rapid compliance, mitigate the safety risk and to effect positive and permanent changes.

4	NM09201506820	AJAA		NM09BLS		C	C	3740	135	08/24/2015	PDX
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Comments: F919P (F-Air Carrier Airworthiness 919-Management P-Potential Problem)

Complainant has provided general opions of an unsafe culture with lack of good operational control. Very few specifces given. Issues related to MEL extension may be indication of problems. Several emails provided and a letter sent to complainant stating the further investigations by the FAA is warranted. No further finding found during follow-up investigation

5	AL00201500269	AJAA	CE-208	AL00DCA		S	C	1624	135	08/10/2015	N331AK JNU
6	AL05201502446	AJAA	CE-208-B	AL05GVS		I	C	3627	135	08/07/2015	N1029Y JNU

Comments: A711I (A-Air Carrier Operations 711-Operations I-Information)

Performed follow-up ramp inspection for the Portland FSDO. Confirmed the Garmin 430 and 530 NAV data base has been updated, AK Region charts have been installed in the Garmin 430. Garmin 530 not updated with the AK Region charts at the time of ramp inspection. TAWS is operational and functions as required. Aircraft is in the 9 seat configuration, no seat configuration log as seats in this aircraft do not get removed, factory Cessna seats installed. This matter is considered closed.

7	CE21201501171	AJAA		CE21JIW		C	C	3720	135	08/05/2015	MEM
8	NM09201506387	AJAA		NM09DWR		C	C	1931	135	07/29/2015	

Comments: A603P (A-Air Carrier Operations 603-Conformance P-Potential Problem)

A meeting was held with the operator to discuss risk mitigation following the accident of Flt. # 202 that departed JNU 07/17/2015. The focus of the meeting was to develop a mitigation plan to assure that the risk to the public is mitigated to the lowest acceptable level. The following subjects and recommendations were addressed. Having a Safety Stand Down to gather all crews together for a briefing of company policies to emphasize professional procedures amongst flight crews and that the safety bar needs to be raised high. Compliance with in the regulations and company procedures for VFR flight. Completion of Risk Assessment and verification of the Risk Assessment by the flight followers and/or management. Fostering a safety culture to ensure that no pilot is penalized or feels pressure from the company as a result of no go decisions. Tighter procedures for releasing of flights, such as an increase in visibility and minimum cloud clearance. How to make up the gap in experience level with pilots that are new to flying in Juneau, Alaska through higher safety standards. An increase in oversight of pilots that are new to flying in Juneau, Alaska. During the meeting the CMT requested that the company developed a plan to mitigate risk. The company was notified that increased FAA surveillance activities will be accomplished on pilot training/qualification, flight following/operational control and training for flight followers.

9	AL05201500834	AJAA	CE-208	AL05DDE		S	C	3629	135	07/21/2015	N1029Y JNU
10	AL05201502371	AJAA	CE-208	AL05DDE		S	C	3629	135	07/21/2015	N1029Y HNH
11	AL05201500772	AJAA	CE-208-B	AL05DAW		I	C	1622	135	07/20/2015	N803TH JNU

Comments: A030I (A-Air Carrier Operations 030-CSET I-Information)

Performed Ramp Check Surveillance of SeaPort Airlines dba Wings of Alaska flight 405 piloted by John H. Phlet, Certificate # 3454074 on the Juneau AOA Ramp during baggage, freight, and passenger loading.

12	AL05201502359	AJAA	CE-208-B	AL05DAW	MCKINNEY, GRIFFIN P.	S	C	1622	135	07/20/2015	N1029Y JNU
13	45-CE21201500627	AJAA	CE-208	CE21GSF		T	C	1622	135	07/16/2015	MKL

Comments: B971I (B-General Aviation Operations 971-MANAGEMENT I-Information)

Operator is not providing service to MKL. This termination was coordinated with the Regional RAMPS coordinator, reference #2014870.

14	CE21201500628	AJAA	CE-208	CE21JCV		T	C	3627	135	07/16/2015	MKL
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Comments: G971I (G-General Aviation Airworthiness 971-MANAGEMENT I-Information)

Operator suspended service to MKL. This termination was coordinated with the Regional RAMPS coordinator, reference control #2014872.

15	CE21201500629	AJAA		CE21GSF		T	C	1635	135	07/16/2015	MKL
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Comments: B971I (B-General Aviation Operations 971-MANAGEMENT I-Information)

Operator suspended service to MKL. This termination was coordinated with the Regional RAMPS coordinator, reference control #2014871.

16	CE21201500630	AJAA		CE21JCV		T	C	3638	135	07/16/2015	MKL
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Comments: G971I (G-General Aviation Airworthiness 971-MANAGEMENT I-Information)

Operator suspended service to MKL. This termination was coordinated with the Regional RAMPS coordinator, reference control #2014873.

17	AL05201500541	AJAA	CE-208	AL05DDE		S	C	3629	135	06/24/2015	N331AK SGY
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18	AL05201500550	AJAA	CE-207	AL05DDE		S	C	3629	135	06/24/2015	N39AK JNU
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19	SW11201500727	AJAA		SW11NJC		S	C	1635	135	06/24/2015	ELD
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20	NM09201204099	AJAA		NM09BLS		C	C	3395	135	06/17/2015	
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21	AL05201500755	AJAA	CE-207	AL05DAW		S	C	1624	135	06/16/2015	N39AK HNS
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22	NM09201404031	AJAA		NM09DMR		C	C	5395	135	06/16/2015	
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Comments: F803I (F-Air Carrier Airworthiness 803-Maintenance I-Information)

The ASAP for Seaport Mechanics was approved by FAA Regional Office and a signed copy has been given to the Director of Safety. Seaport plans to begin the implementation immediately.

23	NM09201404030	AJAA		NM09BLS		C	C	3395	135	06/15/2015	
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Comments: A609I (A-Air Carrier Operations 609-Conformance I-Information)

SeaPorts MOU is signed as of 4/27/2015 and has begun the demonstration phase. Monthly meeting are being scheduled for ERC committee. First on is the end of July. Mechanic training for the Maintenance ASAP program is currently being planned.

24	NM09201505445	AJAA		NM09BJM		C	C	3740	135	06/15/2015	
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Comments: B199I (B-General Aviation Operations 199-Personnel I-Information)

PDX FSDO office Manager received a phone complaint from Mr. [REDACTED] of Sea Port Airlines regarding his assigned POI. [REDACTED] complained about the lack of responsiveness, specifically from his POI. He gave a few examples; Waiting two weeks for an email response to an inquiry. Getting a check ride with the POI, and not having the check airman block signed on the document which caused a delay for them. Waiting for over two weeks for approval of a simple MEL revision (with two simple items). Reviewed issues brought up by operator and made the following recommendations to help manage and facilitate communications between FSDO personnel (PI's) and operator. Communication of timelines and project completion dates could have been better. Recommendations following complaint investigation (CNM0920150042) Impress on the principal inspectors the need to communicate project timelines to the operator and to management. Establish a tracking method developed and maintained by the operator to list and track progress of projects. Establish a method of identifying operator priorities when multiple requests are being worked. This complaint is closed.

25	CE21201500190	AJAA		CE21DDH		S	C	3619	135	06/09/2015	MEM
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26	NM09201505411	AJAA		NM09DWR		C	C	1737	135	06/05/2015	
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Comments: A305I (A-Air Carrier Operations 305-Records/Reports I-Information)

05/15/2015 Received an anonymous complaint from a company pilot. The pilot is concerned that discipline letters are being given to pilots to sign and then the letters are placed in the pilots PRIA reportable file for 1 year and permanently if the pilot quits or is fired in that year. These letters are given to the pilots before a pending ASAP has been closed. The company MOU signed 6/2/2014 by the NM09 (Office Manager) states under Benefits: The program will foster a voluntary, cooperative, nonpunitive environment for the open reporting of safety of

flight concerns. Through such reporting, all parties will have access to valuable safety information that may not otherwise be obtainable. 06/01/2015 After a meeting with the Office Managers about the discipline letters I was given a phone number for the Voluntary Safety Programs Branch, AFS-230 for further guidance. 06/03/2015 I called an AFS-230 ASI and discussed the concern and complaint looking for further guidance from the Voluntary Safety Programs Branch. After the discussion with the ASI it was determined that the signatories on the company MOU need to discuss the situation and come to an understanding. I presented this to the Office Manager who is a signatory and he called the company signatory to discuss the matter of the discipline letters. The Office Manager left a voicemail with AFS-230 reference the concern with the company's view of their ASAP program, and disciplinary action they have taken against their employees in relation to ASAP reports and discipline letters. He spoke with the company signatory about the matter, and was told they have never taken disciplinary action on any employee following the submission of an ASAP report. They have disciplined employees regarding issues discovered by the company that was then subsequently reported to ASAP (non-sole source). The Office Manager will follow up the discussion with the company signatory. Comment: Per the company MOU a sole source ASAP report cannot be used to initiate or support any company disciplinary action, or as evidence for any purpose in an FAA enforcement action with some exceptions involving criminal activity, substance abuse or falsification. That comes from paragraph 9h, of the ASAP MOU. If the violation is non-sole sourced, and is discovered by the company first, then technically the company has the option of disciplinary action with their employee, however, if the pilot's receive these discipline letters even while an ASAP is pending ERC acceptance the program is in jeopardy of not being used by the pilot's for fear of retribution or even loss of employment. Such action could have a negative effect on ASAP participation. I intend to expand on this issue during the next ASAP meeting, which will hopefully clarify this issue. On 06-05-15 the Portland FSDO Office Manager sent an email to the ASAP signatory for SeaPort Airlines which reiterated the expectation that a sole source ASAP report cannot be used to initiate or support any company disciplinary action, or as evidence for any purpose in an FAA enforcement action with some exceptions involving criminal activity, substance abuse, or falsification. Focus on ASAP confidentiality planned for upcoming surveillance. No further action recommended at the present time. TXB for DWR

27	NM09201503393	AJAA	CE-208	NM09DWR		C	C	1712	135	06/02/2015	VIS
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Comments: A711I (A-Air Carrier Operations 711-Operations I-Information)

Followed current guidance from Order 8900.1 volume7 investigations, Chapter 1 Accident and Incident Investigation and Reporting, Section 2 incident investigations and Occurrences, paragraph 7-36 B 3, PD's AFS investigation. I reviewed the ATC and weather information through the CEDAR program for the Manual Occurrence Reported Pilot Deviation and KSN. Completed the ATQA program automated tool to complete FAA Form 8020-18. I completed all relevant blocks with special emphasis on block 18 Description of Deviation and Comments with Recommendations. Description of deviation: SQH125 departed Visalia Municipal Airport (KVIS) en route to Sacramento (SAC). The visibility was hazy but clear and VFR when the aircraft landed Visalia. During the quick turn the visibility deteriorated to 1 and miles due to haze. The sky condition was reported as clear. SQH125 departed KVIS without a clearance and contacted Fresno Approach (FAT) for an IFR clearance to SAC. Causal or Contributing Factors: The pilot did not check the AWAS information for a weather update and did not notice that the field visibility had deteriorated to below VFR of 3 miles and was reported as IFR with 1 and mile visibility due to haze and sky clear. The controller was working Class E airspace specials at the time SQH125 departed. There was no loss of separation and no conflicting aircraft operating in or near KVIS. Recommendations for Systemic Corrective Action to Reduce Risk of Future Occurrence: The pilot filed a timely Aviation Safety Action Program report (ASAP) and was counseled by the Event Review Committee (ERC). It was found that the pilot needed to slow down and always listen to weather updates when available to obtain all information applicable for the safe completion of the flight. The pilot concurred. Comments: The ASAP report and (ERC) counseling is sufficient corrective action due to the pilot's compliant attitude and the proactive approach through the ERC. Attached FAA Form 8020-17. I found that the FAA Form 8020-17 was incomplete due to miss spelling the pilot's name and the pilot certificate number was incorrect. Coburn PD File placed in N:\FSDO Electronic Work Space\Investigations\PD\PWPTFAT15005 - Coburn 02-19-2015

28	NM09201503682	AJAA	CE-208	NM09DWR		C	C	1712	135	06/02/2015	SAN
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Comments: A711I (A-Air Carrier Operations 711-Operations I-Information)

Followed current guidance from Order 8900.1 volume7 investigations, Chapter 1 Accident and Incident Investigation and Reporting, Section 2 incident investigations and Occurrences, paragraph 7-36 B 3, PD's AFS investigation. I reviewed the KSN Preliminary Pilot Deviation Report. The only report found in KSN was the FAA Form 8020-17. There was no CEDAR report. Completed the ATQA program automated tool to complete FAA Form 8020-18. I completed all relevant blocks with special emphasis on block 18 Description of Deviation and Comments with Recommendations. Description of deviation: SQH208 was cleared for an IFR approach to Visalia (KVIS). Fresno Tracon instructed SQH208 to report cancelling IFR on frequency 118.5 and change to KVIS advisory frequency. SQH208 responded that they would cancel IFR on the ground. Causal or Contributing Factors: SQH208 attempted to call on frequency 118.5 to close the IFR flight plan. There was no response on the ground on 118.5. The pilot then attempted to use his cell phone to close the flight plan. The pilot did not receive enough cell tower coverage to make the call. The pilot did not use the hotel phone to close the flight plan or think to use his cell phone again in another location. A SeaPort Airlines point of contact was called and they were able to confirm SQH208 landed safely at KVIS time 0537Z. A Brasher Statement was not issued. Recommendations for Systemic Corrective Action to Reduce Risk of Future Occurrence: The pilot filed a timely Aviation Safety Action Program Report (ASAP). The Event Review Committee (ERC) concluded that a pilot deviation did not occur because the pilot flew the intended route of flight. The ERC recommended putting a large sign with red letters on the aircraft binders to read Have You Closed Your Flight Plan? Comments: The signs, Have You Closed Your Flight Plan? have been on the aircraft binders and the reminder has reduced the risk of pilots not closing flight plans. The pilot has also included his cell phone number in his flight plans so that he can be contacted directly if ATC has an open flight plan with the call sign SQH208. The pilot stated that the ERC determined

37	AL05201501744	AJAA	CE-208-B	AL05DAW		S	C	1622	135	05/04/2015	N331AK	JNU
38	NM09201507427	AJAA	CE-208	NM09DWR		S	C	1641	135	04/30/2015	N1154F	PDX
39	NM09201507433	AJAA	CE-208	NM09DWR		S	C	1643	135	04/30/2015	N1154F	PDT
40	NM09201507434	AJAA	CE-208	NM09DWR		S	C	1644	135	04/30/2015	N1154F	PDT
41	NM09201507502	AJAA	CE-208	NM09DWR		S	C	1662	135	04/30/2015	N1154F	PDX
42	AL05201500528	AJAA	CE-208-B	AL05DAW		S	C	1624	135	04/22/2015	N331AK	JNU
43	AL05201500578	AJAA		AL05DAW		I	C	1636	135	04/22/2015		JNU
Comments: A080I (A-Air Carrier Operations 080-CSET I-Information) SeaPort Airlines (AJAA), dba Wings of Alaska has moved their Flight Following/Dispatch, previously located @ their flight operations at the Juneau Airport, to PDX. I have observed AJAA Flight Followers when they were sent up for OJT on the JNU flight operations which is dramatically different than the IFR flight operation in PDX, SAN, and MEM. JNU pilots and managers have voiced concern, which I share, about the lack of JNU Base to aircraft communication and also remotely sighted Operational Control of VFR flights in marginal VFR weather. This will add to the additional risk associated with the hiring of seasonal pilots with low time and little or no Alaska VFR (or IFR) flying experience beginning the end of April. This risk is also elevated with a high turnover of experienced AJAA JNU based pilots and limited # of Check Airmen/Instructors (two).												
44	AL05201500610	AJAA		AL05DAW		I	C	1627	135	04/22/2015		JNU
Comments: A030I (A-Air Carrier Operations 030-CSET I-Information) See 1636 PTRS #201500578 WINGS FLT FOLLOW/LOCATE Comments.												
45	AL05201500701	AJAA	CE-207-A	AL05DAW		S	C	1622	135	04/22/2015	N61AK	GST
46	CE21201500037	AJAA	CE-208	CE21DDH		T	C	3629	135	04/22/2015		DYR
Comments: G971I (G-General Aviation Airworthiness 971-MANAGEMENT I-Information) Confirmed with the CHDO Operations FLM that AJAA does not operate out of the DYR airport. This termination coordinated with regional RAMPS coordinator reference control number 2014844.												
47	CE21201500136	AJAA		CE21GSF		T	C	1636	135	04/22/2015		DYR
Comments: B971I (B-General Aviation Operations 971-MANAGEMENT I-Information) Confirmed with the CHDO Operations FLM that AJAA does not operate out of the DYR airport. This termination coordinated with regional RAMPS coordinator reference control number 2014845.												
48	CE21201500182	AJAA	CE-208	CE21DDH		T	C	3627	135	04/22/2015		DYR
Comments: G971I (G-General Aviation Airworthiness 971-MANAGEMENT I-Information) Confirmed with the CHDO Operations FLM that AJAA does not operate out of the DYR airport. This termination coordinated with regional RAMPS coordinator reference control number 2014846.												
49	CE21201500188	AJAA	CE-208	CE21GSF		T	C	1624	135	04/22/2015		DYR
Comments: B971I (B-General Aviation Operations 971-MANAGEMENT I-Information) Confirmed with the CHDO Operations FLM that AJAA does not operate out of the DYR airport. This termination coordinated with regional RAMPS coordinator reference control number 2014847.												
50	CE21201500201	AJAA		CE21DDH		T	C	3634	135	04/22/2015		DYR
Comments: G971I (G-General Aviation Airworthiness 971-MANAGEMENT I-Information) Confirmed with the CHDO Operations FLM that AJAA does not operate out of the DYR airport. This termination coordinated with regional RAMPS coordinator reference control number 2014848.												

62	NM09201502948	AJAA	CE-208-B	NM09BLS	C	C	3731	135	04/07/2015	N9481F	BUR
Comments: F309U (F-Air Carrier Airworthiness 309-Records/Reports U-Unacceptable)											
Air Carrier failed to keep a current list of applicable AD includind recurring status of AD's. Failure lead to overflight of AD. LOI and EIR case closed with Civil Penalty as a significant case.											
F611U (F-Air Carrier Airworthiness 611-Conformance U-Unacceptable)											
AJAA operated 3 208/208B aircraft with PT6A-114/114A engines overdue compliance with AD2014-17-08. LOi Sent ot operator on 1/26/2015. EIR completed with proposed civil penalty as a significant case.											
63	WP09201500689	AJAA		WP09RXW	T	C	5634	135	04/02/2015		SAN
Comments: F971I (F-Air Carrier Airworthiness 971-MANAGEMENT I-Information)											
Surveillance of this certificate transferred to SAS on 01 April 2015											
64	WP09201500694	AJAA	CE-208	WP09RXW	T	C	5627	135	04/02/2015		SAN
Comments: F971I (F-Air Carrier Airworthiness 971-MANAGEMENT I-Information)											
Surveillance of this certificate transferred to SAS on 01 April 2015											
65	WP09201500764	AJAA	CE-208	WP09RXW	T	C	5629	135	04/02/2015		SAN
Comments: F971I (F-Air Carrier Airworthiness 971-MANAGEMENT I-Information)											
Surveillance of this certificate transferred to SAS on 01 April 2015											
66	WP09201500778	AJAA	CE-208	WP09RXW	T	C	5627	135	04/02/2015		SAN
Comments: F971I (F-Air Carrier Airworthiness 971-MANAGEMENT I-Information)											
Surveillance of this certificate transferred to SAS on 01 April 2015											
67	CE21201500064	AJAA		CE21DPM	F	C	5619	135	04/01/2015		MEM
Comments: G804P (G-General Aviation Airworthiness 804-Maintenance P-Potential Problem)											
03-26-2015: Inspected aircraft records for aircraft N932SP... During the inspection it was discovered that AMS performed work in Nashville.. Seaports task card was signed by a Seaport employee. There was no record of AMS work order, and being signed off by AMS...											
68	CE21201500072	AJAA	CE-208	CE21DPM	S	C	5628	135	04/01/2015	N809JA	MEM
69	CE21201500238	AJAA		CE21DPM	S	C	5634	135	04/01/2015		MEM
70	NM09201502669	AJAA		NM09TXB	IDENTITY, EXPUNGED	C	C	1735	135	03/23/2015	
71	SW11201500474	AJAA		SW11BRA		I	C	3638	135	03/23/2015	HRO
Comments: A779I (A-Air Carrier Operations 779-Operations I-Information)											
Verified records for fuel sampling. Witnessed white bucket test. Verified fire extinguishers. Witnessed procedure used for checking fuel truck and storage tanks.											
72	NM09201502160	AJAA	CE-206	NM09TXB	T	C	1624	135	03/20/2015		
Comments: A971I (A-Air Carrier Operations 971-MANAGEMENT I-Information)											
Surveillance of this certificate transferred to SAS on 2/25/2015. DFC											
73	SW11201500691	AJAA	CE-208	SW11BRA	S	C	3634	135	03/18/2015	N809JA	ELD
74	NM09201501835	AJAA		NM09BLS	T	C	3634	135	03/13/2015		OTH
Comments: A971I (A-Air Carrier Operations 971-MANAGEMENT I-Information)											
Surveillane of this certificate transfred to SAS on 2-19-2015. DFC											
75	NM09201502131	AJAA		NM09TXB	T	C	1626	135	03/12/2015		
Comments: A971I (A-Air Carrier Operations 971-MANAGEMENT I-Information)											



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Record ID NM09201502669	Inspector Office NM09
Inspector Code/Name NM09TXB - BARTAUSKY, TY (FAA)	Inspector Unit GAO
Inspector Phone [REDACTED]	Inspector Type ASI
Activity Number 1735 - INVSTG/ENFRMNT/NO ACTION	14 CFR PART (FAR) 135
Call-Up Date	Planned N
Start Date 12/19/2014	NPG
Closed Date 03/23/2015	Status Closed
ATA Chapter	Result Completed

Section I - Transmittal (2)

Designator AJAA SEAPORT AIRLINES INC	Affiliated Designator/Name
A/C Registration #	OTNA Office
Location/Point of Departure -	Point of Arrival -
Flight #	Complaint #
Make/Model/Series	Occurrence #
Simulator Device ID	Incident #

**Non-Cert Activity
Name/Company****EIR #**
[2015NM090019](#)
Accident #**Section I - Transmittal (3)**

Airman Certificate Number 999999999	Airman Name IDENTITY, EXPUNGED
Examiner Certificate Number	Examiner Name
Applicant Certificate Number	Applicant Name
Recommending Instructor Certificate Number	Recommending Instructor Name
Pass/Fail	Exam Kind
Foreign Certificate N	8430 13#

Section I - Transmittal (4)

Tracking	Miscellaneous
Local Use	Numerical Miscellaneous
Regional Use	Activity Time
National Use	Assessment
Last District Office Update 05/06/2015	Travel Cost 00000.00
Download Office(s)	Trigger(s)
Related Record ID	Geographic N
Originating Inspector	Foreign N
	Process Date 05/06/2015

Section II - Personnel**No Data****Section III - Equipment****No Data****Section IV - Comments****No Data**

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Rec No	Record ID	Dsgn Code	Make/Model Series	Inspector Code	Result	Status	Act No.	CFR Part	Status Date	A/C Reg#	Loc. Depart
							#14				

1 [NM09201502948](#) AJAA CE-208-B NM09BLS C C 3731 135 04/07/2015 N9481F BUR

Comments: F309U (F-Air Carrier Airworthiness 309-Records/Reports U-Unacceptable)

Air Carrier failed to keep a current list of applicable AD including recurring status of AD's. Failure lead to overflight of AD. LOI and EIR case closed with Civil Penalty as a significant case.

F611U (F-Air Carrier Airworthiness 611-Conformance U-Unacceptable)

AJAA operated 3 208/208B aircraft with PT6A-114/114A engines overdue compliance with AD2014-17-08. LOI sent to operator on 1/26/2015. EIR completed with proposed civil penalty as a significant case.

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Rec No	Record ID	Dsgn Code	Make/Model Series	Inspector Code	Result	Status	Act No.	CFR Part	Status Date	A/C Reg#	Loc. Depart
1	AL05201500578	AJAA		AL05DAW	I	C	1636	135	04/22/2015	JNU	

Comments: A080I (A-Air Carrier Operations 080-CSET I-Information)

SeaPort Airlines (AJAA), dba Wings of Alaska has moved their Flight Following/Dispatch, previously located @ their flight operations at the Juneau Airport, to PDX. I have observed AJAA Flight Followers when they were sent up for OJT on the JNU flight operations which is dramatically different than the IFR flight operation in PDX, SAN, and MEM. JNU pilots and managers have voiced concern, which I share, about the lack of JNU Base to aircraft communication and also remotely sighted Operational Control of VFR flights in marginal VFR weather. This will add to the additional risk associated with the hiring of seasonal pilots with low time and little or no Alaska VFR (or IFR) flying experience beginning the end of April. This risk is also elevated with a high turnover of experienced AJAA JNU based pilots and limited # of Check Airmen/Instructors (two).

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Rec No	Record ID	Dsgn Code	Make/Model Series	Inspector Code	Result	Status	Act No.	CFR Part	Status Date	A/C Reg#	Loc. Depart	#14	
1	NM09201505411	AJAA		NM09DWR	C	C	1737	135	06/05/2015				

Comments: A305I (A-Air Carrier Operations 305-Records/Reports I-Information)

05/15/2015 Received an anonymous complaint from a company pilot. The pilot is concerned that discipline letters are being given to pilots to sign and then the letters are placed in the pilots PRIA reportable file for 1 year and permanently if the pilot quits or is fired in that year. These letters are given to the pilots before a pending ASAP has been closed. The company MOU signed 6/2/2014 by the NM09 (Office Manager) states under Benefits: The program will foster a voluntary, cooperative, nonpunitive environment for the open reporting of safety of flight concerns. Through such reporting, all parties will have access to valuable safety information that may not otherwise be obtainable. 06/01/2015 After a meeting with the Office Managers about the discipline letters I was given a phone number for the Voluntary Safety Programs Branch, AFS-230 for further guidance. 06/03/2015 I called an AFS-230 ASI and discussed the concern and complaint looking for further guidance from the Voluntary Safety Programs Branch. After the discussion with the ASI it was determined that the signatories on the company MOU need to discuss the situation and come to an understanding. I presented this to the Office Manager who is a signatory and he called the company signatory to discuss the matter of the discipline letters. The Office Manager left a voicemail with AFS-230 reference the concern with the company's view of their ASAP program, and disciplinary action they have taken against their employees in relation to ASAP reports and discipline letters. He spoke with the company signatory about the matter, and was told they have never taken disciplinary action on any employee following the submission of an ASAP report. They have disciplined employees regarding issues discovered by the company that was then subsequently reported to ASAP (non-sole source). The Office Manager will follow up the discussion with the company signatory. Comment: Per the company MOU a sole source ASAP report cannot be used to initiate or support any company disciplinary action, or as evidence for any purpose in an FAA enforcement action with some exceptions involving criminal activity, substance abuse or falsification. That comes from paragraph 9h, of the ASAP MOU. If the violation is non-sole sourced, and is discovered by the company first, then technically the company has the option of

disciplinary action with their employee, however, if the pilot s receive these discipline letters even while an ASAP is pending ERC acceptance the program is in jeopardy of not being used by the pilot s for fear of retribution or even loss of employment. Such action could have a negative effect on ASAP participation. I intend to expand on this issue during the next ASAP meeting, which will hopefully clarify this issue. On 06-05-15 the Portland FSDO Office Manager sent an email to the ASAP signatory for SeaPort Airlines which reiterated the expectation that a sole source ASAP report cannot be used to initiate or support any company disciplinary action, or as evidence for any purpose in an FAA enforcement action with some exceptions involving criminal activity, substance abuse, or falsification. Focus on ASAP confidentiality planned for upcoming surveillance. No further action recommended at the present time. TXB for DWR

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1	AL05201500578	AJAA		AL05DAW	I	C	1636	135	04/22/2015		JNU

Comments: A080I (A-Air Carrier Operations 080-CSET I-Information)

SeaPort Airlines (AJAA), dba Wings of Alaska has moved their Flight Following/Dispatch, previously located @ their flight operations at the Juneau Airport, to PDX. I have observed AJAA Flight Followers when they were sent up for OJT on the JNU flight operations which is dramatically different than the IFR flight operation in PDX, SAN, and MEM. JNU pilots and managers have voiced concern, which I share, about the lack of JNU Base to aircraft communication and also remotely sighted Operational Control of VFR flights in marginal VFR weather. This will add to the additional risk associated with the hiring of seasonal pilots with low time and little or no Alaska VFR (or IFR) flying experience beginning the end of April. This risk is also elevated with a high turnover of experienced AJAA JNU based pilots and limited # of Check Airmen/Instructors (two).

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1	AL05201500610	AJAA		AL05DAW	I	C	1627	135	04/22/2015		JNU

Comments: A030I (A-Air Carrier Operations 030-CSET I-Information)

See 1636 PTRS #201500578 WINGS FLT FOLLOW/LOCATE Comments.

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