



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245

Master

IN REPLY REFER TO:

Forestry
Code 231

59 BIAM Release 1
September 9, 1988

Memorandum

To: Holders of 59 BIAM
From: Deputy to the Assistant Secretary - Indian Affairs (Operations)
Subject: Aviation Management

This release is the basic portion of the Aviation Manual and establishes direction for the operation and management of aircraft utilized by the Bureau in the performance of its various activities.

Deputy to the Assistant Secretary -
Indian Affairs (Operations)

Filing Instructions:

(a) Remove superseded material:
None

(b) Insert new material transmitted:

59 BIAM Release 1, Dated 09/09/88:	Total	22 Sheets
59 BIAM 0, Table of Contents & Transmittal		(3 sheets)
59 BIAM Sections 1.1 - 6.2C		(10 sheets)
APPENDIX A, Glossary of Terms		(2 sheets)
APPENDIX B, Abbreviations		(1 sheet)
APPENDIX C, FAR List		(1 sheet)
Illustrations 1-3		(5 sheets)

(c) Pen-and-ink changes:
None.

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Note: OPM's are revised annually; first two numbers indicate year released.

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General

1. GENERAL

1.1 Policy and Scope. Bureau of Indian Affairs Aviation Policy and Scope will follow the guidelines as set forth in the Departmental Manual (DM) Part 110, Chapter 19, and DM Parts 350 through 354 regarding the deployment and use of aviation resources. Programs will be monitored through the National Aviation Program Specialist located at the Boise Interagency Fire Center (BIFC), Boise, Idaho. All BIA Areas that utilize in-house, contract, or rental aircraft, will designate or provide an Area Aviation Officer (AAO). Each BIA Area and Agency office with an Aviation Program shall maintain a complete and up-to-date set of DM's, Office of Aircraft Service Operational Procedures Memoranda (OPM's), and Handbooks.

1.2 Authority.

A. The Departmental Manual, Parts 350-354 entitled Aviation Management, together with Operational Procedures Memoranda (OPM) (titles shown below, published by the Office of Aircraft Services (OAS), and other documents provide relevant authority.

B. Office of Management and Budget Circular A-126: Use of aircraft for administrative support purposes; criteria for justification.

C. Office of Management and Budget Circular A-76: Use of private sector; cost-comparison.

D. General Service Administration (GSA) Federal Property Management Regulations A-27: Annual aircraft and aviation cost data - to GSA, through OAS.

E. Occupational Safety and Health Act of 1970, as amended; 29 U.S.C. 651, et. seq., 29 CFR 1960; and Executive Order 12196. This law requires the head of each agency to develop and support activities to reduce injuries among employees and damage to property of the agency, encourage safe practices, and eliminate hazards and risks in the work place. (See 5 U.S.C. 7902; Sections 6 and 19 of Public Law 91-596. Programs to prevent accidents and incidents involving people and property with respect to the operation of Federal Government.) The authority for the establishment of this program by the Director, Office of Aircraft Services (OAS), is stated in Part 110 DM Chapter 19 and further defined in 350 DM 1, Appendix 1; and 485 DM Chapter 1.

1.3 Responsibility.

A. **Assistant Secretary - Indian Affairs.** The Assistant Secretary is responsible for the overall BIA Aviation Management and Safety program. This responsibility is redelegated through the appropriate organizational channels to the National Aviation Program Specialist.

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(1) National Aviation Program Specialist. The Bureau of Indian Affairs National Aviation Program Specialist is responsible for:

(a) Providing leadership and guidance for the administration and coordination of the Bureau's total aviation program.

(b) Providing primary point of contact between the Bureau and the Office of Aircraft Services (OAS).

(c) Reviewing and evaluating Area Office air operations plans for cost effectiveness, efficiency, and safety.

(d) Reviewing aircraft needs and contract specifications.

(e) Assisting OAS in the investigation of Bureau aircraft accidents and incidents.

(f) Reviewing overall aviation programs for compliance with Bureau, Federal Aviation Administration (FAA) and Department of the Interior regulations governing air operations and safety.

(g) Developing and occasionally supervising specific Bureau air operation programs.

(h) Preparing consolidated Bureauwide aircraft use reports as requested by the Congress or Department.

(i) Preparing recommendations for policy and legislative changes required to support Bureau Aviation Management programs.

(j) Representing the Bureau at interagency meetings. The Aviation Program Specialist participates in technical studies with interagency partners in a broad range of areas and activities including aviation mission analyses, aviation effectiveness, helitack operation, helicopter use, rappelling, air tanker and helitanker standards and use, aerial reconnaissance, personnel transportation, application of new aviation equipment and techniques, etc.

B. Area Directors. Area Directors are responsible for all aviation program/activities within their areas of jurisdiction. They shall recruit and/or assign a qualified Aviation Officer to assist them in every phase of aviation program operations.

C. Area Aviation Officer. The Area Aviation Officers are responsible for the coordination of all Area aviation activities within the Area's jurisdiction. This function includes but is not limited to the following:

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- (1) Acting as primary contact for Area aviation activities.
- (2) Developing Area aviation procedures and plans.
- (3) Conducting Agency Aviation Program reviews.
- (4) Participating in aviation accident investigation.
- (5) Developing aviation related training.
- (6) Serving as Contracting Officers Authorized Representative (COAR) on Area aviation related contracts.
- (7) Serving as principal staff and technical expert for the Area Aviation Program.

D. Agency Superintendent. Agency Superintendents are responsible for planning and conducting all aviation activities within their jurisdictional area. They will appoint a Project Inspector who will serve as the onsite Aircraft Manager for specific aviation projects.

E. Agency Aviation Officer. Agency Aviation Officers are responsible for the coordination of all Agency aviation activities within the Agency's jurisdiction. This function includes the following:

- (1) Acting as primary contact for Area aviation activities.
- (2) Developing Agency aviation procedures and plans.
- (3) Participating in aviation accident investigation.
- (4) Developing aviation related training.
- (5) Serving as COAR on Agency aviation related contracts.
- (6) Serving as principal staff and technical expert for the Agency aviation Program.

F. Contracting Officer's Authorized Representative. (COAR) Reference Contract Administration Guide (OAS) (353 DM-1). COAR has joint responsibility with OAS within specific limits in the administration of a contract.

G. Project Inspector. Project Inspector (PI) is the onsite aircraft supervisor. The PI can fulfill this role or he/she may reassign the duty.

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H. Chief of Party. The Chief of Party is the person assigned the responsibility for conducting a specific aviation related action in compliance with applicable regulations, policies and procedures; particularly applicable safety requirements.

I. Aircraft Dispatcher. Each office authorized to obtain aircraft services will work as appropriate through an official aircraft dispatcher. Duties will include but not be limited to scheduling, flight following, reviewing and processing of payment invoices, reconciling billings and economic analyses.

J. Pilots.

(1) Professional Pilots (GS-2181). Professional Pilots will be hired to work in accordance with standards as stated under 350 DM 3.

(a) Chief Pilots. (350 DM 5)

(b) Pilot-in-command (350 DM 5)

(c) Pilot Record Keeping Requirements - all professional pilots will complete OAS Pilot Master Record and Pilot Flying Record for the OAS Pilot Flight Time Report. These will be submitted per OAS instructions.

(2) Commercial Pilots. (351 DM 6.)

(3) Dual Function/Incidental Pilots. (350 DM 4.) Area Directors are responsible for determining the need for pilot positions within their Areas.

(a) The minimum flight time to maintain proficiency and currency will be 24 hours per calendar year. In addition, the employee shall meet all applicable requirements of Federal Aviation Regulations (FAR's) Part 61.57 (Recent Flight experience: Pilot in Command).

(b) Professional Pilots, Dual Function/Incidental Pilots will comply with these reporting requirements. (See Record Keeping Requirements 350 DM 4.8.

(4) Co-Pilots.

(a) Professional. (350 DM 5.)

(b) Commercial. (351 DM 6.)

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1.4 References.

A. Departmental Manual, Parts 110, 210, 350 to 353 and OPM's. (See DM 350-354 and OPM's).

B. Office of Management and Budget Circular A-76, A-123, A-126. (Obtain from local administration office or OAS.)

C. General Services Administration Regulation A-27. (Obtain from local administration office or OAS.)

D. Reserved.

**AVIATION MANAGEMENT
Regulations**

2. REGULATIONS

2.1 Federal Aviation Regulations (FAR's). Regulations that govern the operation and maintenance of all civil aircraft. Exemptions to FAR's: Illustration 2, Partial Grant of Exemption No. 3017B (FAR 91.79(b)(c); Illustration 3, Pages 1 & 2, DOT-E 9198 Exemption Form 49 CFR 175.5(a)(2) Hazardous Materials.

A. **Cooperator Aircraft.** (351 DM 4)

B. **Military Aircraft.** (351 DM 4)

C. **Exemptions/Waivers.** Exemptions/waivers to applicable FAR's and Department of the Interior (DOI) rules must be requested through Bureau's National Aviation Program Specialist. (350 DM 1.4A)

(1) **Hazardous Materials Regulations (HMR's)**

(a) **Exemptions.** (351 DM 1, Aviation Transport of Hazardous Materials Handbook.)

(b) **Waivers.** Waivers to the DOI Aviation Transport of Hazardous Materials Handbook are issued by the Director, OAS, and are requested through the Bureau's National Aviation Program Specialist.

(2) **National Transportation Safety Board (NTSB).** Governmental agency that is charged with the investigation of all civil aircraft accidents. (352 DM 6.5, 6.6, 6.7)

2.2 Department of the Interior Regulations. Requests for a change or modification to any Departmental Aviation Regulation or procedure will be routed through the Area Director to the Assistant Secretary - Indian Affairs. He then routes to appropriate staff member.

A. **Departmental Manual (DM 350 through 354).** The following parts of the Departmental Manual apply to the BIA Aviation Program:

- (1) Part 110, Chapter 19, Office of Aircraft Services
- (2) Part 210, Chapter 19, Director, Office of Aircraft Services
- (3) Part 350, General Program Requirements
- (4) Part 351, Aviation Operations
- (5) Part 352, Aviation Safety
- (6) Part 353, Aviation Services provided by OAS

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Regulations**

B. Operational Procedures Memoranda (OPM'S). (350 DM 2.5) Operational Procedures Memoranda are temporary or interim directives issued on a Departmentwide basis that are sent to the field for review before becoming DMs.

C. Handbooks. (See 350 DM 2.4) Detailed procedures on management and operations of aircraft are issued as handbooks and are regulatory.

D. Information Bulletins (IB's). (350 DM 2.6) Information Bulletins are announcements and information of general interest and are not regulatory.

2.3 Bureau of Indian Affairs Regulations.

A. BIAM. Part 59 of the manual identifies national level aviation policy and guidelines.

B. BIAM Area Addendum. Area aviation manual addendum are required of each Area Office that utilizes aircraft under contract rental or Bureau owned/operated.

(1) Format. The Aviation Manual Addendum will retain the same outline as this manual.

(2) Content. Manual Addendum will contain the detailed procedures and guidance necessary to provide for safe and efficient aviation operations.

(3) Review. Each Manual Addendum will be reviewed annually and updated as necessary. A copy of each Area addendum will be forwarded to the National Aviation Program Specialist and to the Branch of Directives and Regulatory Management, Central Office.

C. Handbooks. Handbooks will be developed to provide detailed instructions and procedures for specialized Air Operations. (DOI, OAS Aviation Policy (350 through 354) Manual Handbook Section.)

**AVIATION MANAGEMENT
Administration**

3. ADMINISTRATION**3.1 Administration****3.2 Budgeting.****3.3 Obtaining Aircraft.**

A. **Procurement.** Aircraft will be requested in accordance with 353 DM 1.

B. **Authorization.** Each Area manual addendum will identify the offices and/or positions authorized to request aircraft, including any limitations placed on this authority.

(1) BIA Flight Request Form (Illustration No. 1) will be utilized to request aircraft for all proposed flights. Only aircraft and pilots meeting criteria specified in Departmental Manual (351 DM 6.3G) will be used. All aircraft and pilots currently carded by OAS meet the above requirements.

(2) Aircraft ordering, review of services received, processing of flight invoices, and reconciliation of Simplified Intergovernmental Billing and Collection (SIBAC) will be accomplished by a single position within each Area Office.

(3) The manual addendum will identify the position responsible for aircraft scheduling and the procedure to be followed. This will include the following:

(a) Procedures for ordering aircraft services.

(b) Timeframes for processing the flight invoices.

(c) Distribution of copies of the flight invoices and supporting documents.

(d) Reconciliation process for the SIBAC billings.

C. **Time Rental Contracts.**

(1) These are contracts in which payment is based on flight hours used.

(a) Contract. (353 DM 1, 351 DM 6.)

(b) Rental Agreement. (353 DM 1, 351 DM 6.)

(c) Aircraft Charter. (353 DM 1, 351 DM 6.)

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D. Project Work Contracts. (353 DM 1)

(1) These are contracts in which payment is based on completed project work, such as number of acres treated. No BIA employee shall ride in project work contract aircraft.

(2) Project work aircraft do not have to be inspected or carded by OAS, but will meet all applicable FAR requirements as follows:

(a) Federal Aviation Regulations Part 91, General Operating and Flight Rules.

(b) Federal Aviation Regulations Part 133, Rotocraft External Load Operations.

(c) Federal Aviation Regulations Part 137, Agricultural Operations.

E. Aircraft Acquisition and Disposition. Proposed aircraft acquisition and disposal of same shall be in accordance with 353 DM 6.1. Requests will be through the National Aviation Program Specialist to OAS.

F. Location of Aviation Related COAR. The COAR for an aviation related activity will administer this responsibility onsite to the extent necessary to accomplish the safe and efficient completion of the action.

3.4 Annual Reports.

A. Annual Aircraft Utilization Report. (OAS Federal Property Management Regulation (FPMR) A-27, 2-8-85.)

(1) All users of aircraft will complete Form OAS-23 with all required data to ensure accurate fiscal reporting.

B. Annual Accident/Incident Summary.

(1) Each Area will submit an annual report to the National Aviation Program Specialist, BIFC, who after review will forward reports to the Assistant Secretary - Indian Affairs summarizing all accidents and incidents that occurred involving Area aviation resources and personnel during the fiscal year. The report will include the following on Form OAS-34B. (Instructions in accordance with Part 352 Aviation Safety, Chapters 1, 2, and 6.

(a) Total number of accidents and incidents by activity.

(b) Inquiries

(c) Brief summary of actions taken by the Area as a result of the accident/incident.

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Operations

4. OPERATIONS

4.1 Aviation Operations. (351 DM.) Each area manual addendum will identify the procedure to be used on the topics listed in this section. (Illustration 2).

A. Pework for Flight. BIA Flight Request Form (Illustration 1) shall be used for all flights except fire or emergency flights.

B. Mission Plan.

(1) Request.

(a) General Use. (Review 351 DM 6.3) All BIA personnel utilizing Air Carriers/Commercial Operators (ACCO) and cooperator aircraft, will ensure compliance with the requirements of this section.

(b) Special Use. (Review 351 DM 6.4) A Special-use Plan will be completed and approved by the Area Aviation Officer prior to flight. Fire suppression (wildfire) and other emergency operations are excluded. As a minimum, the Plan will include:

(i) Authorization as per 31 USC 638a(c)[2]. (350 DM) No officer or employee is permitted to use or authorize the use of any Government owned, operated, or exclusively used aircraft for other than official purposes.)

(ii) Project description.

(iii) Communication and flight following.

(iv) Aerial hazard map.

(v) BIA support (personnel and equipment).

(c) All requests will be approved by the responsible official as identified in the Area manual addendum. All participants in the operation, including aircrew, will be briefed on all aspects of the Plan to include safety and an overview of routes, fuel stops, and other pertinent data to the flight.

(2) Check carding of aircraft and pilots.

(3) Dispatching.

C. Fueling. (351 DM 1.17A, Aviation Fuel Handling Handbook.)

D. Aviation Facilities. (351 DM 2)

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E. Passengers.

- (1) Passenger Status-official or unofficial. (350 DM 1.9)
- (2) Briefing. (350 DM 50.10B)
- (3) Manifesting. (350 DM 5.10A)
- (4) Fixed Wing. (351 DM 1.0)
- (5) Helicopters. (351 DM 1.1)
- (6) Water Operations. (351 DM 1.9D and FAR Part 135.183)

F. Helicopter Load Calculations.

(1) Form OAS-67 or USFS 5700 will be completed prior to any helicopter flight or any time a change occurs in one or more of the following:

- (a) Gross Weight.
- (b) Temperature.
- (c) Pressure Altitude.

G. Cargo.

- (1) Cargo and carry-on baggage in accordance with FAR 135.87.
- (2) Hazardous materials. (351 DM 1.9A, Aviation Transport of Hazardous Material Handbook.)

H. Airspace Restrictions. For procedures to request airspace restriction/closures see FAR 91.91. Area Aviation Management Plans will include procedures for when and how airspace closures are accomplished.

4.2 Flight.

- A. Pilot-in-Command. (350 DM 5.7)
- B. Passenger at the Controls. (351 DM 1.15)
- C. Official/Unofficial Passengers. (350 DM 1.9)

D. Flight Following. The requirements for a flight plan to be filed for each flight within DOI is specified in 350 DM 5 and 351 DM 1.

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E. Public Demonstrations. All public demonstrations will be approved by the Area Director.

F. Restricted Category Aircraft. (350 DM 1.7)

G. Project Work Contract Aircraft. (353 DM 10)

H. General Use Operations.

(1) Single Engine Airplane Flight Limitations. (351 DM 1.6)

(2) Multi-engine Airplane Flight Limitations. (351 DM 1.7)

(3) Helicopter Flight Limitations. (351 DM 1.8)

(4) Water Operations. (351 DM 1.11)

I. Special Use. (351 DM 6, Standards for Utilization of Aircarrier/Commercial Operations.)

(1) Personal Protective Equipment (PPE). (351 DM 6.4E)

(2) Passengers essential to mission. (351 DM 6.1A, Crew Member)

(3) High and low reconnaissance of the planned special-use area will be made prior to initial approach to a planned landing zone (LZ).

4.3 Emergency Rescue Operations. (See Area Aviation Manual Addendum and OAS Information Bulletin No. 88-2 under Tab N in BIA Pilot/Aircraft Orientation Folder Checklist.)

4.4 Post Flight.

A. Accident/Incident Reporting. (352 DM 6.1)

(1) An Aviation Accident/Incident Action Plan will be maintained at each office that uses aircraft services. (See Bureau Pilot/Aircraft Orientation Operations Check List, and 352 DM 3, Aircraft Accident Prevention Program Handbook.) Action plan will be reviewed and updated by March 1st of each year.

B. Accident/Incident Investigation. (352 DM 6)

AVIATION MANAGEMENT
Cooperative Programs

5. COOPERATIVE PROGRAMS

5.1 Other Government Agencies. (OPM's 88-8 thru 88-10 or DM as assigned)

NOTE: OPM's are revised annually, first two numbers indicate year released.

5.2 Department of the Interior. (DOI use of Military Aircraft and Aircraft of other Government Agencies.) (OPM 88-9 or DM as assigned)

5.3 State. (OPM 88-9 or DM as assigned, DOI Use of Military Aircraft and Aircraft of other Government Agencies.)

5.4 Military. (OPM 88-9 or DM as assigned, DOI Use of Military Aircraft and Aircraft of other Government Agencies.)

5.5 Corporate. (OPM 88-8 or DM as assigned, DOI Use of Cooperator Aircraft.)

AVIATION MANAGEMENT
Program Monitoring

6. PROGRAM MONITORING**6.1 Responsibility.**

A. National Aviation Program Specialist. The National Aviation Program Specialist, BIFC, develops recommendations for establishing, modifying and monitoring the Bureau Aviation programs.

B. Area Aviation Officer. Area Aviation Officers are responsible for initiating and monitoring the aviation program within the Area to assure a cost effective, safe operation in every aspect of aircraft activities. These responsibilities include:

(1) Providing technical direction, guidance, assistance, and leadership in the operational phases of Area and National aviation programs as needed or requested.

(2) Acting as the liaison for aviation management between the Area Directors and National Aviation Program Specialist.

(3) Serving as focal point between Area Directors and Superintendents on aviation matters.

(4) Conceiving, developing, recommending, and implementing Area Aviation programs.

(5) Assisting National Aviation Program Specialist/OAS in accident/incident investigations.

(6) Serving as Contracting Officer's Authorized Representative (COAR) on all Area aviation contracts.

(a) Qualifications. Must have a background in aviation or aviation related activities which shall include;

(i) Knowledge of DOI and OAS policy as related to aircraft management, contract procedures and the development of contract specifications.

(ii) Ability to recognize unsafe aviation activities.

(iii) Knowledge of various aircraft operations, especially those for special use purposes; firefighting, survey, animal damage control, etc.

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(iv) Skilled in presenting air operations training.

(v) Ability to recognize and document, on paper, evidence which may be crucial in determining cause of aircraft accidents and the presentation of such evidence to authorized officials.

(vi) Ability to get along with other agencies' representatives, develop interagency ties and adjust to rapidly changing situations.

(vii) Ability to be diplomatic in contacts with general public, aircraft manufacturers, and aircraft owners.

(b) Training. Depending on the individual's skills, knowledge, abilities and background, training will include but not be limited to:

(i) Aviation accident prevention and investigation.

(ii) Contract administration

(iii) General aviation management principles and practices.

C. Agency Aviation Officer. Agency Aviation Officers will be responsible within their respective agency and will be the focal point for guidance and technical expertise in all facets of the Aviation Program to include safety. The guidance will be in concert with and under the wide spectrum management of the National Aviation Program.

(1) Serves as Agency Aviation Officer responsible for developing and managing a proficient operations program.

(2) Develops and implements an Agency Aviation Operations Program.

(3) Provides leadership and expert assistance to the Incident Commander for aviation use on major projects; inspects air operations for compliance with Bureau and National interagency standards.

(4) Interacts between aviation personnel and professional land managers to see that operational needs are adjusted for safety and technical requirements, including the selection of appropriate equipment, location, and construction of heliports and helispots, safety requirements, and training needed.

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(5) Inspect and evaluates Agency aircraft operations and training programs.

(6) Provides technical assistance for aviation projects.

(7) If so designated, will assist in the investigation of aircraft accidents or incidents as a member of an Agency team.

(8) Prepares cost-benefit analysis on aircraft use and equipment alternatives for management review.

(9) Serves as a member of the Agency Aviation Management Team for contract acceptance inspections and follow-up base safety service visits.

(10) Participates in fire suppression as Helibase Manager, Air Support Supervisor, or as a member of a Safety Team.

6.2 Evaluation and Reviews

A. Administrative and Technical Procedures and Reviews. Reviews of Area aviation programs will be scheduled and conducted by the National Aviation Program Specialist, BIFC, as needed but not less than once every three years.

(1) The Area Aviation Officer may request a special evaluation if aviation problems arise that cannot be dealt with at the Area level.

B. Special Evaluations.

(1) The National Aviation Program Specialist may initiate a No Notice Safety Evaluation of any Area aviation program or site.

(2) Area Aviation Officers should initiate a No Notice Safety Evaluation at Agency level at least once a year.

C. Aviation Transportation Studies. The Area Director may request through the National Aviation Program Specialist, an Aviation Transportation study by the OAS, (National staff may participate.) The completed study will be reviewed by the National Aviation Program Specialist before submission to Area Director.

GLOSSARY OF TERMS

-A-

Accident: an unplanned event associated with the operation of aircraft that causes substantial damage or serious injuries, and occurs between the time the engine is started or rotors start turning for the purpose of flight and the time the aircraft comes to rest with the engines and propellers or rotors stopped, the brakes set or wheel chocks are in place, and all persons have disembarked.

Aircraft: airplanes and helicopters.

Aircraft Ground Mishap: an aircraft mishap in which, although there was no intent to fly, the power plants and/or rotors were in operation and damage incurred requiring replacement or repair of rotors, propellers, wheels, tires, wing tips, flaps, etc; or an injury is incurred requiring first aid or medical attention.

Airplane: a heavier-than-air, fixed wing aircraft, driven by a propeller or jet and supported by the reaction of the air against the wings.

Air Service Officer: a qualified Bureau employee in charge of managing airports and heliport.

-C-

Charter Aircraft: aircraft chartered for point-to-point to service to satisfy a one time need.

Commercial Aircraft: an aircraft used under contract, offer for rental, charter, or lease.

-E-

Emergency Operations: activities concerned with fires, floods, and other natural disasters, including search and rescue operations.

-F-

Flight Crew Members: are DOI employees (including pilots, copilots, flight engineers, navigators, etc., who possess a DOI Pilot Qualification Card (Form OAS-1).

Forced Landing: a landing necessitated by failure of engines, system, or components which makes continued flight impossible and which may or may not result in damage.

-H-

Helicopter: a form of aircraft that depends principally on the lift generated by one or more engine-driven rotors for its support in flight and forward air speed.

-I-

Incident: an unplanned event that causes damage which is less than aircraft accident criteria, or incurs injury requiring first aid or medical attention. A situation involving aircraft or personnel which results in deviation from standard operation procedures and has the potential of resulting in an accident will be considered an aircraft incident.

-L-

Local Bureau Official: a Bureau employee such as a Area Director, Superintendent, or Fire Management Officer.

LZ: Helicopter or Airplane Landing Zone.

-N-

Normal Category: the normal category is limited to airplanes intended for non-acrobatic operation.

-O-

Offer: an offer for rental of fixed-wing aircraft or helicopter.

-P-

Precautionary Landing: a landing necessitated by apparent or suspected impending failure of engines, systems, or components which makes continued flight inadvisable.

Public Aircraft: the term public aircraft means aircraft owned or operated by a Government entity and should not be confused with a "category" of certification such as normal, utility, etc. These aircraft are technically exempt from certain FARs under the Federal Aviation Act of 1958, to include exemption from certification.

-R-

Restricted Category Aircraft: aircraft that do not qualify for certification in any other category because design, intended use, or flight tests were not conducted to qualify for other categories of operation. This type aircraft is generally used for retardant dropping, agricultural operations, survey work, and other special projects.

-S-

Special-use aircraft: aircraft used in flights which are other than point-to-point travel.

Substantial damage: any damage or structural failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected components.

-T-

Transport category: primarily aircraft used for airline type operations. These aircraft must meet airworthiness and performance requirements of FAR Part 25.

-U-

Utility category: airplanes intended for limited acrobatic operation. Airplanes certificated in this category may also be use in operations covered by normal category certification.

ABBREVIATIONS

- A. A & P - Airplane & Powerplant (Merchanic)
- B. ACD) - Air Carrier District Office
- C. AD - Airworthiness Directive
- D. ADC - Animal Damage Control
- E. ATCO - Air Taxi and Commercial Operator
- F. CFI - Certified Flight Instructor
- G. CO - Contracting Officer
- H. COAR - Contracting Officer's Administrative Representative
- I. COTR - Contracting Officer's Technical Representative
- J. DM - Departmental Manual
- K. DOI - Department of the Interior
- L. ELT - Emergency Locator Transmitter
- M. FAA - Federal Aviation Administration
- N. FAR - Federal Aviation Regulations
- O. FSS - Flight Service Station
- P. GADO - General Aviation District Office
- Q. IFB - Invitation to Bid
- R. IFR - Instrument Flight Rules
- S. OAS - Office of Aircraft Services
- T. OPM - Operational Procedures Memoranda (Issued by OAS)
- U. PI - Project Inspector
- V. RVR - Runway Visual Range
- W. VFR - Visual Flight Rules
- X. AP-1B - Area Planning Chart and Booklet (For Airspace Closures 91.91)

FEDERAL AVIATION REGULATION LIST

<u>Part Number</u>	<u>Part Title</u>
	<u>Aircraft</u>
23 FAR	Airworthiness Standards; Normal, Utility, and Acrobatic Category Airplanes
25 FAR	Airworthiness Standards; Transport Category Airplanes
27 FAR	Airworthiness Standards; Normal Category Rotorcraft
29 FAR	Airworthiness Standards; Transport Category Rotorcraft
33 FAR	Airworthiness Standards; Aircraft Engine
35 FAR	Airworthiness Standards; Propellers
43 FAR	Maintenance, Preventive Maintenance, Rebuilding, and Alteration
	<u>Airmen</u>
61 FAR	Certification: Pilots and Flight Instructors
63 FAR	Certification: Flight Crewmembers Other than Pilots
65 FAR	Certification: Airmen Other Than Crewmembers
67 FAR	Medical Standards and Certification
	<u>Airspace</u>
71 FAR	Definition of Federal Airways, Area Low Routes, Controlled
73 FAR	Special-Use Airspace
75 FAR	Establishment of Jet Routes and Area High Routes

Part Number

Part Title

Operating Rules

91 FAR	General Operating and Flight Rules
93 FAR	Special Air Traffic Rules and Airport Traffic Pattern
95 FAR	IFR Altitudes
97 FAR	Standard Instrument Approach Procedures
99 FAR	Security Control of Air Traffic
103 FAR	Ultralight Vehicles
105 FAR	Parachute Jumping
121 FAR	Certification and Operations; Domestic, Flag and Supplemental Air Carriers and Commercial Operators of Large Aircraft
133 FAR	Rotorcraft External-Load Operations
135 FAR	Air Taxi Operators and Commercial Operators
137 FAR	Agricultural Aircraft Operations
145 FAR	Repair Stations
149 FAR	Parachute Lofts

Exemption No. 3017B

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, D.C. 20591

* * * * *
 In the matter of the petition of
 UNITED STATES DEPARTMENT OF THE INTERIOR,
 Office of Aircraft Services
 for an exemption from Section 91.79(b)
 and (c) of the Federal Aviation
 Regulations
 * * * * *

Regulatory Docket No. 23805

PARTIAL GRANT OF EXEMPTION

By letter dated October 7, 1983, Mr John F. Wilson, Director, Office of Aircraft Services (OAS), U.S. Department of the Interior, 3905 Vista Avenue, Boise, Idaho 83705, petitioned for an exemption from Section 91.79(b) and (c) of the Federal Aviation Regulations (FAR) for low-level operations, below an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet from the aircraft, and closer than 500 feet to persons, vehicles, and structures in other than congested areas. This exemption would apply to all departmental aircraft which includes, Bureau of Land Management (BLM), Bureau of Indian Affairs (BIA), Bureau of Reclamation, National Park Service (NPS), Geological Survey (GS), Minerals Management Service (MMS), Fish and Wildlife Service (FWS), and Office of Surface Mining (OSM). Such operations, petitioner states, are necessary for aerial suppression of wild fires by retardant dropping, paracargo drops, search and rescue, enforcement of Federal game and trespass regulations, volcano monitoring and eruption documentation, and environmental protection surveys throughout the Nation.

On November 29, 1982, the Federal Aviation Administration (FAA) issued to OAS Exemption No. 3017A from Section 91.79(b) and (c) of the FAR to permit specialized low altitude operations in the States of Alaska and Hawaii at distances closer to persons and property on the surface than allowed by the regulations. The operations include low-level game waterfowl surveys, enforcement of Federal game and trespass regulations, fire suppression activities, and volcano monitoring and eruption documentation. This action expands the relief granted by Exemption No. 3017A to include all OAS aircraft.

In its original request, petitioner states that exemption from Section 91.79(b) is required for the purpose of suppressing forest fires by the dropping of chemical retardant or water from low altitudes, sometimes in proximity to housing or other urban areas, native villages, industrial sites, developed recreational areas, and major travel routes. Petitioner also states

that exemption from Section 91.79(c) is necessary to permit accomplishment of aerial game and waterfowl survey, fire suppression, and enforcement activities in noncongested areas.

Section 91.79(b)

Section 91.79(b) provides that, except when necessary for takeoff or landing, no person may operate an aircraft over any open air assembly of persons, below an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet from the aircraft. However, petitioner states that aerial suppression of wild fires by retardant dropping and paracargo drops by the BLM, BIA, NPS, and to a limited degree the FWS, is essential to their operations. This type of mission is conducted in many of the western states encompassed by the Rocky, Cascade, Sierra, and Pacific Coast Ranges and in the east in the Appalachian Range and the State of Florida. Accuracy in aerial retardant operation is increased by dropping lower than 500 feet above ground level (AGL). Many of the drops must be as low as 200 feet AGL and in fairly close proximity to fire fighters and structures on the ground to assure that "hot spots" are smothered and for prompt retrieval of equipment in the case of paracargo drops. The conduct of these missions is subject to execution of OAS directives that include the safety provisions and recommendations of the document, "Procedures for Operation of Air Tankers Over Congested Areas," prepared by the National Wildfire Coordinating Group.

The FAA is satisfied that petitioner has adequate justification for relief from Section 91.79(b). The FAA is also satisfied that the document, "Procedures for the Operation of Air Tankers over Congested Areas," provides the nucleus for procedures to ensure that an equivalent level of safety is maintained during OAS air tanker operations in congested areas. Therefore, that document is incorporated in this exemption and sets forth, in part, requirements for planning, coordinating, verifying, executing, managing, and critiquing air tanker operations. Further, authorization to deviate from Section 91.79(b) for the purpose of dropping fire retardants is predicated on the requirement that the OAS comply with the Aviation Management Working Team's recommended procedures for air tanker operations in congested areas.

Section 91.79(c)

Section 91.79(c) provides that, except when necessary for takeoff or landing, no person may operate an aircraft over other than congested areas below an altitude of 500 feet above the surface except over open water or sparsely populated areas. In that case, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.

Petitioner states that the enforcement of Federal game and trespass regulations are conducted in most western and southern states in addition to the operations within the State of Alaska. In the majority of situations, aircraft operations are conducted in water areas, marshes, and open space areas where no separation is needed. However, for flights in proximity of hunting blinds, boats, vehicles, and buildings to effectively conduct surveillance and inspection for enforcement purposes, a 200-foot separation is considered the maximum. Identification of vessels' names and certain poaching activities

may require flights at less than 200 feet. Waterfowl identification surveys necessitate a minimum altitude of 200 feet, and again pilots must fly fairly close to blinds, boats, hunters, and fishermen.

Petitioner states that volcano monitoring and eruption documentation is conducted by GS within the States of Washington, Oregon, California, and Hawaii. Flights may be required as low as 200 feet above endangered structures to determine direction of impending lava flows and mud slides.

Petitioner also states most of the Department's bureaus are involved in environmental protection surveys throughout the Nation. Checking on oil spills in rivers, lakes, and offshore oil operations will require flying in close proximity to onshore oil derricks, offshore platforms and tankers, and mining operations. Flight as close as 200 feet will be required.

The FAA recognizes that the petitioner has satisfactorily operated under a limited waiver and exemption from Section 91.79(c) since at least April 1978, and that relief from Section 91.79 is required to allow the petitioner to carry out its mission. Accordingly, with respect to fire suppression activities, the petitioner's request is herein granted, subject to conditions and limitations necessary to ensure protection to persons and property on the ground. However, petitioner has not provided adequate justification for, nor does the FAA see reason to grant authorization to permit intentional flight at distances less than 500 feet from persons, vehicles, vessels, or structures during aerial game and waterfowl surveys, volcano monitoring, and volcano eruption documentation operations, environmental protection surveys, or routine flight at altitudes less than 500 feet above the surface during law enforcement activities. Yet, the FAA recognizes the potential for inadvertent flight at closer distances. In this regard, the question of "inadvertence," if it arises, is best left to review and determination on a case-by-case basis. The FAA expects that pilots conducting aerial game and waterfowl survey, volcano monitoring, volcano eruption documentation operations, and environmental protection surveys, under the provisions of this exemption shall, immediately upon sighting any person, vessel, vehicle, or structure with less than the required distance, maneuver the aircraft to attain the required distance.

Additionally, in the case of aerial game and waterfowl survey, volcano monitoring, volcano eruption documentation, environmental protection surveys, and enforcement activities, it is questionable whether an aircraft crew of one is sufficient to perform the cockpit duties associated with these operations and scan for persons, vehicles, and structures, as well as operate the aircraft. This is especially true considering the low operating altitudes of the aircraft combined with the heavily wooded or hilly terrain over which many of the operations are conducted. Therefore, authorization to deviate from Section 91.79(c) for the purposes of aerial game and waterfowl survey, volcano monitoring, volcano eruption documentation, environmental protection surveys, and law enforcement activities, is predicated on the requirement that a competent observer, in addition to the pilot, be on duty in the aircraft to maintain a vigilance for persons, vehicles, vessels, and structures on the surface as well as other aircraft in flight.

In further support of the request, the petitioner states that the following high standards for crew and aircraft will further assure that an equivalent level of safety is maintained during operations in deviation to the requirements under Section 91.79(b) and (c). Aircraft utilized in the operations are either owned or contracted by OAS. OAS aircraft are maintained under FAR Section 91.169(b); contracted aircraft are maintained as specified in FAR Part 135. Low-level survey and enforcement activities are conducted by pilots who must meet OAS minimum experience and competency standards. Similar requirements exist for pilots who fly fire suppression and paracargo missions. Contract specifications for aerial tankers are identical to those established for operations under U.S. Forestry Service, which holds an exemption from Section 91.79(b) and (c).

In consideration of the foregoing, I find that a partial grant of exemption is in the public interest. Accordingly, pursuant to the authority contained in Section 307(e) of the Federal Aviation Act of 1958, as amended, which had been delegated to me under Section 11.53 of the FAR, pilots in the employ of, or acting pursuant to a contract with, the United States Department of the Interior, Office of Aircraft Services, are hereby granted an exemption from the provisions of Section 91.79(b) and (c) of the FAR to the following extent:

1. An exemption is granted from Section 91.79(b) for firefighting that requires the aerial application of fire retardants or water.

2. An exemption is granted from Section 91.79(c) for the following operations:

(a) Firefighting that requires cargo paradrops and/or aerial application of fire retardants or water.

(b) Aerial game and waterfowl surveys and enforcement of Federal game and trespass regulations.

(c) Volcano monitoring and eruption documentation operations.

(d) Aerial environmental protection surveys.

This exemption is subject to the following conditions and limitations:

1. Pilots conducting flight operations authorized herein shall possess currency and experience levels at least equal to those specified in OAS Operational Procedures Memorandum No. 83-1 dated January 1, 1983, and Departmental Manual, Part 350-4, dated February 8, 1977 (Appendices A and B of this exemption).

2. Aircraft used in operations under this exemption must be maintained according to Section 91.169(b) and (c) or Part 135, as appropriate.

3. A competent observer, in addition to the pilot, must be on duty in the aircraft during the following activities:

- (a) Aerial game and waterfowl surveys.
- (b) Enforcement of Federal game and trespass regulations.
- (c) Volcano monitoring and eruption documentation.
- (d) Aerial environmental protection surveys.

4. The exemption from Section 91.79(b) allowing aerial application of fire retardants or water is subject to the execution of OAS directive that includes the safety provisions and recommendations in the document entitled, "Procedures for the Operations of Air Tankers over Congested Areas," prepared by the Aviation Management Working Team of the National Wildfire Coordinating Group (Appendix C).

5. During enforcement activities necessary to identify any vehicle, vessel, or other aircraft on the ground suspected of violating or having violated Federal game and trespass regulations:

(a) Over areas that are not congested but are neither sparsely populated nor open water, aircraft may be operated closer than 500 feet, but not closer than 200 feet, above the surface.

(b) Over sparsely populated areas or open water, aircraft may be operated closer than 500 feet, but not closer than 200 feet, to:

(i) Any person, vehicle, vessel, or other aircraft on the ground suspected of violating or having violated Federal game or trespass regulations.

(ii) Any person, vehicle, vessel, or structure that is engaged in enforcement activity and under the direct control of OAS.

(c) In no case may an aircraft be operated closer than 500 feet to any person, vehicle, vessel, structure, or other aircraft on the ground that is not suspected of violating or having violated Federal game or trespass regulations.

6. During aerial game and waterfowl survey, volcano monitoring, volcano eruption documentation activities, and environmental protection surveys, no aircraft may be operated closer than:

- (a) 150 feet above the surface; and
- (b) 500 feet to any person, vessel, vehicle, or structure.

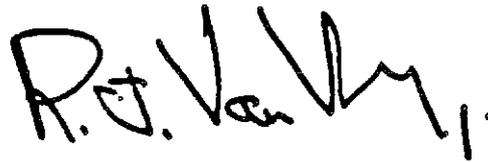
7. During firefighting activities involving paracargo drops, no aircraft may be operated closer than:

(a) 150 feet to any person, vessel, or vehicle engaged in firefighting activity; and

(b) 500 feet to any person, vessel, vehicle, or structure not engaged in firefighting activity.

This exemption supersedes Exemption No. 3017A and is effective immediately and will continue in effect until superseded or rescinded by the FAA.

Issued in Washington, D.C., on July 13, 1984.



R. J. Van Vuren
Associate Administrator for
Air Traffic



U.S. Department
of Transportation

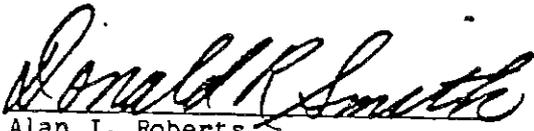
Research and
Special Programs
Administration

400 Seventh Street, S.W.
Washington, D.C. 20590

DOT-E 9198 (EXTENSION)
FIRST REVISION January 13, 1986

In accordance with 49 CFR 107.105 of the Department of Transportation (DOT) Hazardous Materials Regulations DOT-E 9198 is hereby extended by changing the expiration date in paragraph 10 from December 1, 1987 to October 31, 1989

This extension applies only to party(s) listed below based on the application(s) received in accordance with 49 CFR 107.105. All other terms of the exemption remain unchanged. This extension forms part of the exemption and must be attached to it.

for 
Alan I. Roberts
Director
Office of Hazardous Materials
Transportation

NOV 25 1987

(DATE)

Dist: FAA

EXEMPTION HOLDER

APPLICATION DATE

U. S. Department of the Interior
Boise, ID

September 10, 1987



U.S. Department
of Transportation

Research and
Special Programs
Administration

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Illustration 3
Page 2 of 2

400 Seventh St. S.W.
Washington D.C. 20590

DOT-E 9198
(FIRST REVISION)

1. U.S. Department of the Interior, (DOI), and other Government agencies under contract with DOI, are hereby granted an exemption from those provisions of paragraph 5 below to transport hazardous materials described in paragraph 3 below in aircraft under their exclusive direction and control for a period less than 90 days. This exemption provides an exception from 49 CFR 175.5(a)(2) whereby DOI, and other government agencies under contract to DOI, may use aircraft which are under exclusive direction and control of DOI for periods of less than 90 days.
2. BASIS. This exemption is based on an application from the U.S. Department of the Interior dated September 26, 1985, submitted in accordance with 49 CFR 107.105 and the public proceeding thereon.
3. HAZARDOUS MATERIALS (Descriptor and class). Hazardous materials authorized by this exemption are limited to materials authorized to be transported by motor vehicle in conformance with 49 CFR Part 107 and 171-179.
4. PROPER SHIPPING NAME (49 CFR 172.101). Not applicable.
5. REGULATION AFFECTED. 49 CFR 175.5(a)(2).
6. MODES OF TRANSPORTATION AUTHORIZED. Cargo aircraft only.
7. SAFETY CONTROL MEASURES. Except for the specified 90 day period, the requirements of 49 CFR 175.5(a)(2) apply to operations under this exemption.
8. SPECIAL PROVISIONS. A copy of this exemption and DOI's handbook entitled "AVIATION TRANSPORT OF HAZARDOUS MATERIALS" must be carried aboard each aircraft operating under the provisions of this exemption.
9. REPORTING REQUIREMENTS. Any incident involving loss of contents of the package must be reported to the Office of Hazardous Materials Transportation as soon as practicable.
10. EXPIRATION DATE. December 1, 1987.

Issued at Washington, D.C.:


Alan I. Roberts
Director
Office of Hazardous Materials Transportation

JAN 13 1986

(DATE)

Address all inquiries to: Director, Office of Hazardous Materials Transportation, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. Attention: Exemptions Branch.

Dist: FAA

59 BIAM REL 1 9988