

The following Authorization to deviate from Federal Aviation Regulations (FAR Part 91) by Grant of Exemption No. 392 is referenced in the Forest Service Manual 5700, Chapter 5710, Para. 5714.11, Exhibit 01.

5714.11 - Exhibit 01

Operation of Fixed-wing Aircraft Below 500 Feet

**AUTHORIZATION TO DEVIATE FROM FEDERAL AVIATION REGULATIONS
(FAR 91)**

In accordance with the authority vested in me, Chief of the Forest Service, by Grant of Exemption No. 392, I authorize the following deviation from Federal Aviation Regulations (FAR) as referenced in FAR 91.119, (b) and (c) and 91.313 (e.):

I authorize the operation of fixed-wing aircraft below 500 feet above the surface and closer than 500 feet to persons, vessels, vehicles, and structures.

- In the United States of America.
- For aircraft engaged in missions for the Forest Service, United States Department of Agriculture.
- With pilots appropriately certificated and pilots of the U.S. Armed Forces.
- And with these limitations:

Deviation is only allowed for reconnaissance, aerial surveys, cargo dropping, and aerial application of fire retardants conducted by or for the Forest Service, U.S. Department of Agriculture, subject to the following:

1. A thorough air survey for hazards, including air conditions, in each operating area must be made prior to low-level flight operations.
2. All flights below 500 feet altitude must be confined to immediate areas being treated or where operational requirements make low-level flight essential.
3. All aircraft must follow planned flight courses.
4. Low-level operations must be conducted only in daylight Visual Flight Rules (VFR) conditions (30 minutes prior to official sunrise until 30 minutes after official sunset).
5. Prior clearance must be obtained from the appropriate air traffic controller before any flight is made in controlled air space.
6. Pilot shall avoid creating any unnecessary hazard to persons or property on the ground.

7. Aerial application of fire retardants in congested areas must be avoided in normal situations. Where such operations are considered necessary owing to special circumstances, they may be authorized subject to these additional limitations:

5714.11 - Exhibit 01--Continued

Comment [GD1]: Appendix item?

- a. Airtanker operations in congested areas must be conducted only at the specific request of the responsible firefighting agency. ^{1/}
- b. A Forest Service Leadplane with qualified Pilot (Lead), or Air Tactical Supervision Module (ASM) must be ordered for all airtanker operations in congested areas when a fully qualified initial attack Airtanker Captain is piloting the aircraft. An Air Tactical Group Supervisor (ATGS) may provide temporary aerial supervision until the Leadplane or Air Tactical Supervisor Module (ASM) arrives on the scene, at which time the Lead or ASM must directly supervise all such airtanker operations. ^{2/}
- c. A qualified Forest Service Leadplane Pilot (Lead) or Air Tactical Supervision Module (ASM) must be assigned for all airtanker operations in congested areas when a non-initial attack Airtanker Captain is piloting the aircraft.
- d. When conducting pilot training, the designated Forest Service Leadplane Pilot (Lead) or Air Tactical Supervision Module Pilot trainer must have immediate access to the flight controls, aircraft radios and on-scene tactical communications.
- e. When conducting Air Tactical Group Supervisor (ATGS) training, the designated Forest Service trainer must have immediate access to aircraft and on-scene tactical radio communications.
- f. The Air Traffic Control (ATC) facility responsible for airspace control in vicinity of a proposed airtanker operation must be notified and a Temporary Flight Restriction, if appropriate, must be requested by the Forest Service or other responsible fire agency through their appropriate dispatch center prior to the commencement of airtanker operations. ^{3/}
- g. No airtanker operation will be conducted unless the controlling platform (Leadplane Pilot (Lead), Air Tactical Group Supervisor (ATGS), or Air Tactical Supervision Module (ASM)) has established positive communication with the on-scene Incident Commander, or designee.
- h. The Incident Commander, or designee, shall advise the on-scene controlling platform (Leadplane Pilot (Lead), Air Tactical Group Supervisor (ATGS), or Air Tactical Supervision Module (ASM)), that all nonessential people and movable property have been cleared from the area to be treated by airtankers prior to commencement of retardant application.

i. The on-scene controlling platform (Leadplane Pilot (Lead), Air Tactical Group Supervisor (ATGS), or Air Tactical Supervision Module (ASM) shall personally ascertain that people and movable property will not be placed in hazardous conditions by the proposed airtanker operation before commencement of retardant application.

j. The first pass of each operational drop series must be preceded by a dry run flown on the same pattern where the planned retardant will drop. 4/

Chief

1/ City, rural fire department, county, State or Federal fire control Organization.

2/ Fully qualified means as approved by Agency and FAA standards.

3/ ARTCC, airport tower, TRACON, or flight service station.

4/ Repeated retardant drops using the same pattern.

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