

FEDERAL FIRE & AVIATION OPERATIONS ACTION PLAN 2004



ADDENDUM TO FEDERAL FIRE & AVIATION OPERATIONS 2004 ACTION PLAN

Background: On April 23, 2004 the National Transportation Safety Board (NTSB) issued the following recommendation (A-04-29):

- To the U.S. Department of Agriculture, Forest Service and the U.S. Department of the Interior:
- Develop maintenance and inspection programs for aircraft that are used in firefighting operations that take into account and are based on: 1) the airplanes original design requirements and its intended mission and operational life; 2) the amount of operational life that has been used before entering firefighting service; 3) the magnitude of maneuver loading and the level of turbulence in the firefighting environment and the effect of these factors on the remaining operational life; 4) the impact of all previous flight hours (both public and civil) on the airplanes remaining life; and 5) a detailed engineering evaluation and analysis to predict and prevent fatigue separations.

In response to the NTSB, both agencies elected to cease operation of their contracted airtanker fleet. Our actions in canceling the airtanker contract are appropriate however, we continue in the spirit of our interagency cooperative agreements to do all possible to support the partnerships that form the backbone of our collective firefighting organization.

The actions taken are not intended to send a message that the federal agencies will not support our State cooperators. On the contrary, we are doing everything possible to continue the highest level of support under the circumstances presented by the NTSB findings and recommendations.

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The following information provides direction on how federal aviation resources will be used for the 2004 fire season.

Federal lands not under State protection: Unauthorized airtankers will not be utilized.

Federal lands under State protection: State may use State contracted airtankers on Federal lands, when the State has formal protection responsibility so long as the state maintains “operational control.”

Federal firefighters on State fires: State airtankers shall remain under State “operational control.”

Federal leadplane: May not be used to lead an unauthorized State airtanker. (refer to following list of approved aircraft)

Federal tanker base: Approved for use by all State aircraft and for retardant loading.

Contracting oversight: No Federal personnel may be assigned as a State contract officers authorized representative (COAR) on an un-authorized tanker, nor may any federal employee be assigned to a position to exercise “operational control” of an unauthorized airtanker.

Following is a list of those resources and a brief rationale for either including or excluding them from Federal firefighting operations.

It is the intention of this direction to keep non-federally approved airtankers under the operational control of the sponsor organization. In an emergency circumstance when lives and property are immediately threatened by wildland fire on federal lands under federal protection, a local federal line officer may, with state concurrence, take operational control over state contracted air tankers if sufficient federal aircraft are not available to protect the public, provided that the local federal line officer obtains prior approval from the Fire Director or Fire Director designee.

Airtanker Resource List:

USDA – DOI Former Contract airtankers Not approved
Rationale: Formerly Contracted airtankers do not meet the NTSB criteria established in recommendation A-04-29 #1, 2, 3, 4 or 5 including the P-3, P2-V, SP2H, DC-4, DC-6, DC-7, C-130 and PB4Y types.

State current contracted airtankers Not approved
Rationale: State current contracted airtankers do not currently meet the NTSB criteria. Types considered include ConAir DC6, Consolidated PB4Y, Mars, and all other makes/models (except CL215/415).

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State owned airtankers

Approved

CDF owned/operated S2 fleet and North Carolina CL215 approved for service and each state stipulates that their progressive inspections and ongoing airworthiness assurance program meets the letter and intent of the NTSB recommendations.

MAFFS C-130

Approved

Rationale: The NTSB report does not apply to DOD aircraft because they do not fall under the jurisdiction of FAA airworthiness rules, DOD is the operator and not USDA/DOI. DOD maintains airworthiness in accordance with the NTSB recommendation.

Canadair CL 215/215T/415

Approved

Rationale: This type is purpose designed for the mission. USDA/DOI would be able to assure airworthiness as recommended by NTSB with continued support from the manufacturer, Canadair.

Canadian Operated

Not Approved

Rationale: Those aircraft types operated under Canadian airworthiness certificates and used in the United States under international exchange agreements do not meet the NTSB equivalent airworthiness criteria. An exception is noted in the event that Canada maintains operational control of the tanker during a border fire scenario.

Other Military Surplus/Foreign Airtankers

Not approved

Rationale: Military Surplus/Foreign aircraft that do not hold current U.S. airworthiness certificates may not be operated as federal airtankers. Types considered include BE 200, IL76, and A-10.

Helitankers

Approved

Rationale: All type I and II helicopters are certificated and operating within the original design intent. The government operators can comply with continued airworthiness as recommended by NTSB.

SEATS

Approved

Rationale: All SEATs are certificated and operating within the original design intent. The government operators can comply with continued airworthiness as recommended by NTSB.

Non-Tanker Federal Aircraft List

Smokejumper Aircraft

Approved, not affected

Rationale: All federal smokejumper aircraft (except Sherpa) are certificated and/or operating within the original design intent. USFS Sherpas are not certificated but are maintained under a manufacturers continuing airworthiness program. All types including the DC3-T are currently supported by the specified type manufacturer.

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Air Attack aircraft

Approved, not affected

Rationale: All federal Air Attack aircraft are operating within the original design intent. All types including contract and fleet planes are currently supported by the specified type manufacturer and/or maintained to a standard that complies with the NTSB recommendation.

Leadplane/ASM aircraft

Approved with limitation

Rationale: Each agency will assess the lifetime limit and airframe history on their respective make and model of aircraft to be used in the leadplane/ASM role. Reduced maintenance intervals and operating limitations will be assessed accordingly.

Helicopters Type 2 & 3

Approved, not affected

Rationale: All Federal helicopters (fleet and contract) that are certificated and operating within the original design intent are approved. All types including contract and fleet planes are currently supported by the specified type manufacturer.

Original Design Intent for the Mission: Aircraft operated within the original design intent means that the aircraft is being operated for a mission that falls within the FAA designated airworthiness category listed as Standard, Utility or Restricted category.

Mixed Jurisdiction: On mixed jurisdiction or mixed (State/Fed) incident management teams using unauthorized airtankers, State agencies will be responsible for ordering, “operational control,” and liability associated with those resources.

Operational Control: 14 CFR 1, Definitions, the term “operational control” with respect to a flight, means the exercise of authority over initiating, conducting or terminating a flight. The definition of Public Aircraft, 49 U.S.C. Section 40102 (a) (37), coincides with the operational control issue by naming the government as the “operator” whether the aircraft are government owned or contracted aircraft.

Public/Civil aircraft: In accordance with 49 U.S.C. Section 40102 (a) (37) (D), when a State contracts for an aircraft, the aircraft remains a civil aircraft for 90 days, then converts to a public aircraft.

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/s/ Dale N. Bosworth 6/21/04

/s/ J. M. Hughes 6/22/04

DALE N. BOSWORTH Date
Chief
USDA Forest Service

KATHLEEN CLARKE Date
Director
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