

Department of the Interior Departmental Manual

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Series: Aviation Management

Part 351: Aviation Operations

Chapter 4: Cooperator Operations

Originating Office: National Business Center

351 DM 4

4.1 **General.**

A. **Purpose.** This chapter prescribes policies and procedures for the use of Cooperator aircraft and pilots; affiliate, other Government agency, and military, (excluding incidental passenger use of military aircraft or when Department of the Interior (DOI) employees are providing assistance at the request of the military during response to a special event; in these cases, employees are expected to follow applicable military policy).

B. **Policy.** Any reimbursement of Cooperators must be in accordance with the current appropriate Public Law dealing with this issue as well as ordering of uncertificated aircraft and retention of associated records, as appropriate. National Business Center (NBC) Aviation Management Directorate (AMD) is responsible for determining if Cooperator aircraft, pilots, and support equipment meet applicable DOI technical and safety standards. DOI bureaus are responsible for determining if approved Cooperator aircraft can meet mission objectives and desired levels of operational efficiency. Additionally, it is Federal policy not to compete with private industry.

C. **Bureau Responsibilities.** The identification, approval, use, and oversight of Cooperators require an effective, collaborative working relationship between the requesting bureau and the NBC AMD.

(1) **Bureau Field Offices.**

(a) Meet with prospective Cooperators to explain approval and use procedures. Gather information identified in (c) below.

(b) Send a request for Cooperator inspection and use to the appropriate NBC AMD Regional Director through the Bureau National Aviation Manager for concurrence.

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- (c) Included with the request should be the following information:
 - (i) Name of Cooperator agency and point of contact to include phone numbers and e-mail address if available.
 - (ii) Requested aircraft make and model, pilot(s) name, and support equipment.
 - (iii) Intended use.
 - (iv) If reimbursement through NBC AMD is contemplated, a copy of the document(s) authorizing the relationship (e.g., multi-agency agreement).
 - (v) The requesting bureau point-of-contact to include phone numbers and e-mail address if applicable.
 - (vi) Period of need – single use, single year, or repetitive multiyear.

(2) Bureau National Aviation Manager:

- (a) Process field request and determine if aircraft requested can meet mission objectives and desired levels of operational efficiency.
- (b) Ensure the controlling bureau unit understands and can properly manage the use of the Cooperator resource.
- (c) Forward approved field requests and supporting information to the NBC AMD servicing Regional Office.

D. Aviation Management Directorate Responsibilities.

(1) Regional Offices:

- (a) Receive and review bureau requests for required information and bureau National Office concurrence.
- (b) Acknowledge receipt of request and discuss scope of work and estimated timeframes with requesting bureau office.
- (c) Establish contact with requested Cooperator to discuss scope of work and associated timeframes.

- (d) Coordinate with other NBC AMD offices, as appropriate.
 - (e) Establish a Memorandum of Agreement (MOA), Memorandum of Understanding (MOU), or an Interagency Agreement (IAA), as appropriate, for activity in a single NBC AMD geographic region. If activity involves multiple AMD Regions, forward to AMD for processing.
 - (f) Ensure an agreement is in place with the Cooperator, detailing aircraft to be used and stated rate(s), if applicable.
 - (g) Issue letters of authorization for aircraft, pilots, and support equipment that meet applicable DOI technical and safety standards.
 - (h) Provide ongoing support to Bureau/Cooperator field activities when requested.
- (2) NBC AMD National Headquarters: Coordinate the Cooperator approval process for requests encompassing more than one NBC AMD geographic region.

E. Flight Operations Standards and Procedures.

- (1) Aircraft Equipment. Aircraft must be appropriately equipped for the mission (refer to 351 DM 2.2).
- (2) Personal Protective Equipment (PPE). All DOI employees shall wear personal protective equipment, as per 351 DM 1 and the *Aviation Life Support Equipment Handbook* (www.nbc.gov/amd) when flights are to engage in special use activities.
- (3) Operations in Restricted Category and Uncertificated Aircraft.
 - (a) Operation of aircraft certificated in the Restricted Category shall be limited to the special purpose operations authorized by that certificate. All operations shall be in accordance with 14 CFR 91, Subpart D, and the aircraft operating limitations of the Restricted Certificate. For aircraft with multiple Airworthiness Certificates, the operating rules of the Certificate being used shall apply.
 - (b) Operations of uncertificated aircraft shall be limited to transportation of aircrew members (e.g., firefighters) and property directly associated with the mission as authorized by the most current Public Law pertaining to public use aircraft and, appropriate Departmental guidance. This authorization does not include transportation of passengers. For this type transportation, refer to 351 DM 1.

(4) DOI Operations Involving Foreign Aircraft in Foreign Countries. The provisions of this chapter do not apply to aircraft of foreign registry operating in foreign countries.

(5) DOI Operations Involving Foreign Aircraft in the U.S. Aircraft of foreign registry operated in the United States are subject to the provisions of this chapter.

F. Administrative Procedures.

(1) Reporting Requirements. All Cooperator use by DOI shall be reported by the using bureau in a manner prescribed by AMD. If the flight is at no cost to DOI, "Not for Payment Purposes" shall be noted.

(2) Cost of Inspection. If an initial or followup onsite inspection is required, the requesting bureau may be required to reimburse AMD. If reinspections are required, the cost of the reinspection shall be charged to the DOI bureau making the initial request.

(3) Reporting Aircraft Mishaps. The using organization shall ensure aircraft mishaps are reported in accordance with 352 DM 3.

4.2 **Affiliate Operations.** Department of the Interior (DOI) bureau personnel may be, for the mutual benefit of the Government and the cooperating party, nonrevenue passengers/aircrew members aboard civil aircraft operating in accordance with 14 CFR 91, 121, or 135.

A. Operational Standards. Flight operation standards described in 14 CFR 91 are applicable. Flight plans, flight following, and flight and duty limitations will be consistent with 351 DM 3.

B. Flight Crewmember Policy. Pilot requirements, standards, and qualifications shall be in accordance with vendor pilot standards prescribed in 351 DM 3.3.

C. Maintenance Standards.

(1) The aircraft shall have a Standard Airworthiness Certificate in either normal, utility, or transport category.

(2) As a minimum, the aircraft shall be maintained to the requirements of 14 CFR 91, Subpart E, annual and 100-hour inspections, progressive, or an FAA-approved inspection program.

(3) Time between overhaul (TBO) requirements are located at 351 DM 2.4A(3).

D. Evidence of Liability Insurance. Minimum requirements of 14 CFR 205.

E. Special Use Activity Request and Approval Procedures. Special use activity flying requires an onsite inspection of records, maintenance, aircraft, and a flight check of the pilot for the intended activity. The bureau is responsible for informing the Cooperator of these requirements.

F. Pilot and Aircraft Approvals. Pilots and aircraft approved for flight activity shall be issued a letter of authorization in lieu of pilot/aircraft cards by the appropriate NBC AMD authority approval.

4.3 **Military Operations**. The intent is to ensure, to the maximum extent possible, that agency missions are accomplished and Government policy regarding noncompetition with private enterprise is adhered to in all instances.

A. Authority. The use of military aircraft is subject to the limitations of Department of Defense (DOD) Directive 4500.9, DOD Directive 4515.13, Department of Homeland Security, U.S. Coast Guard Manual M3710.1, DOI Manuals 347 DM 9, 350-354 DM series, and the appropriate NBC AMD Operational Procedures Memoranda.

B. Definition. An aircraft operated and maintained by an active or reserve component (all Reserve forces, as well as Army National Guard and Air National Guard) of the Department of Defense (DOD), or by any active or reserve component of the U.S. Coast Guard (USCG). All references to military aircraft include both DOD and USCG aircraft.

C. Policy. The following policy is established and is consistent with or specifically required by the above references.

(1) The NBC AMD shall be responsible for making final determination as to availability of commercial resources.

(2) Cost factors are not considered justification for use of military aircraft in lieu of available commercial sources. Essentially, if commercial sources are reasonably available and capable of performing the mission, the commercial source shall be used.

(3) Memorandums of Understanding (MOUs) or Letters of Agreement currently in effect that are consistent with this document shall not be affected.

(4) A request for immediate transportation in a life-threatening or operational emergency may be made directly to the military installation.

D. Bureau Responsibility. In addition to the responsibilities identified in paragraph 4.1C above, the bureau identifying a projected need for the use of military aircraft shall:

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(1) Coordinate with the appropriate NBC AMD Regional Director to assist in a search for commercial resource availability.

(2) Identify and locate military aircraft capable of meeting identified needs.

(3) Initiate a written request for non-emergency use to the appropriate NBC AMD Regional Director.

(a) Requests shall include statements that clearly demonstrate that the requirement is in the national interest and indicates action taken toward obtaining commercial resources.

(b) Military support specifically authorized by statute negates the requirement for a statement concerning national interest. The requesting agency must furnish a reference to the appropriate statute.

(4) Submit requests for military aircraft use for operational emergencies (i.e., firefighting, natural disaster, etc.) directly to the appropriate NBC AMD Regional Office.

(5) Initiate a Letter of Agreement or Memorandum of Understanding (MOU) with the DOD source after the NBC AMD secures DOD approval. This agreement shall include:

(a) Statement which requires the DOD source to provide only those pilots having a minimum of 500 hours pilot time in category (not pilot-in-command (PIC));

(b) Any reimbursement requirements for services provided;

(c) Control and support guidelines governing the use of the aircraft;
and

(d) The method by which the using bureau shall monitor the resources provided.

E. Approval. Requests shall be processed through bureau channels to the appropriate Assistant Secretary and then to the appropriate NBC AMD Regional Director (RD) for processing. The NBC AMD RD will forward a copy of all approved requests through the NBC AMD Associate Director to the Assistant Secretary – Policy, Management and Budget (AS-PMB) to the Appropriate Department of Defense official for final approval.

F. Pilot and Aircraft Approvals. Aircraft and flight crewmembers shall not be inspected or issued DOI qualification cards.

G. Standards for Fire Use of National Guard Helicopters. This provision is for procuring National Guard helicopters for emergency fire suppression only.

(1) Chapter 70, *Military Use Handbook* (www.nifc.gov, National Fire Equipment System (NFES) 2175), specifies the standard for pilot training and qualification for approving the use of these aircraft for emergency fire suppression.

(2) Any National Guard flight crew meeting these pilot training and qualification standards may be used by DOI bureaus in fire suppression activities provided the appropriate interagency agreements (IAAs) between NBC AMD and the respective National Guard State organization is in place.

(3) Approval requests for use of National Guard helicopters in fire suppression missions should be initiated prior to the start of fire season and should be routed through the Bureau National Aviation Manager to the servicing NBC AMD Regional Office. Request should allow adequate time for NBC AMD to coordinate and conduct interagency training. NBC AMD will issue letters of approval for aircraft and pilots qualified for interagency fire missions. Questions should be directed to the appropriate NBC AMD Regional Office.

4.4 **Other Government Agency Operations.** This section applies to government aircraft of U.S. registry at the Federal, State, and local levels.

A. Authority. The use of other government agency aircraft is subject to the provisions of the Federal Property and Administrative Services Act of 1949, Office of Management and Budget (OMB) Circulars A-76 and A-126, the Economy Act of 1932 (31 U.S.C. 1535 and 1536), DOI Manuals 347 DM 9, 350-354 DM, as appropriate, and all appropriate NBC AMD Operational Procedures Memoranda (OPMs).

B. Operational Standards. Flight operation standards described in 14 CFR 91 are applicable. Flight plans, flight following, and flight and duty limitations will be consistent with 351 DM 1.

C. Flight Crewmember Qualifications. Pilots shall be qualified in accordance with the requirements in 351 DM 3.1A and B, and 3.2.

D. Maintenance Standards. Aircraft certificated in normal, utility, transport, or restricted categories shall be maintained in accordance with 14 CFR 91, Subpart E, annual and 100-hour inspection, progressive, or an FAA-approved maintenance inspection program. The requirement to comply with specified time between overhaul (TBO) is located at 351 DM 2.4A(3). Uncertificated aircraft must be maintained in accordance with maintenance and inspection programs accepted by the NBC AMD Associate Director.

E. Vendor Crews and Aircraft. Vendor aircraft and crews furnished by other government agencies shall meet DOI standards.

F. Pilot and Aircraft Approval. Pilots and aircraft shall be issued a letter of authorization, in lieu of pilot/aircraft cards, by the appropriate NBC AMD Regional Director, when approved.

G. Special Use Activity. Special use activities require an onsite inspection of records, maintenance, aircraft, and a flight check of the pilot. The bureau is responsible for informing the government agency of the standards contained in 351 DM 3.2A and 3.2C.

H. Excess Military Aircraft Owned and Operated by a Government Agency. NBC AMD may approve the use of government-operated excess military aircraft when it can be verified that the aircraft are being maintained under an NBC AMD-accepted Interagency Committee for Aviation Policy (ICAP) *Inspection Planning Guide* (IPG, www.gsa.gov) standard/criteria.

(1) Transport of Interior Personnel.

(a) The government agency offering transportation to Interior personnel shall provide the requesting NBC AMD Regional office with a letter on official government letterhead, signed by an appropriate official, stating that the agency has adopted the ICAP IPG as the basis for their maintenance program for the specific aircraft in question and is maintaining the aircraft to the IPG standard. The agency should include in the letter the make, model, and series of the aircraft, the current FAA registration number, and a copy of an airworthiness certificate, should one exist.

(b) The agency shall provide the NBC AMD access to the aircraft and maintenance records for verification and determination of the condition of the aircraft, when requested. The NBC AMD shall conduct an onsite review of appropriate aircraft maintenance records and inspect each offered aircraft to the appropriate ICAP IPG standard. Additionally, any special use activities to be conducted shall require inspection of the aircraft to the appropriate NBC AMD Aircraft Rental Agreement (ARA) supplement or as specified by the AMD Regional Director, where a letter of approval may then be issued.

(2) Future ICAP IPG Approval. The NBC AMD Associate Director may approve future ICAP IPGs (www.gsa.gov) when the intended bureau user makes such a request in writing.

(3) See 351 DM 2.4D, "Uncertificated, Ex-Military Aircraft Operated by DOI."

I. Other Government Agency Revenue Flights. If these flights are to be paid through the NBC AMD system, an Interagency Agreement (IAA) with the NBC AMD must be in place. This IAA will be predicated on an existing agreement between a DOI bureau and the other government agency.