



Board of County Commissioners Agenda Request

25
Agenda Item #

Requested Meeting Date: January 18, 2017

Title of Item: Central Planes Aviation

<input type="checkbox"/> REGULAR AGENDA	Action Requested:	<input type="checkbox"/> Direction Requested
<input checked="" type="checkbox"/> CONSENT AGENDA	<input checked="" type="checkbox"/> Approve/Deny Motion	<input type="checkbox"/> Discussion Item
<input type="checkbox"/> INFORMATION ONLY	<input type="checkbox"/> Adopt Resolution (attach draft)	<input type="checkbox"/> Hold Public Hearing*

**provide copy of hearing notice that was published*

Submitted by: Patrick Wussow	Department: Administration
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Presenter (Name and Title):	Estimated Time Needed:
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Summary of Issue:

The County is in receipt of a request from John Ricard, CEO Central Planes Aviation Inc. to spray, by means of aerial application, to control army tent caterpillars. The County Board is being asked to authorize the County Board Chair to sign a letter authorizing the operation under a congested area permit for the FAA and Department of Agriculture.

Included for your review is a copy of the request from Mr. Ricard, along with the FAA format being followed for the permit, and a copy of the proposed authorization letter.

In 2013, 2014, and 2015 the Board authorized this request and the County received no complaints.

Action requested is to authorize the County Board Chair to sign the letter of authorization.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:
Authorize Board Chair's signature on proposed letter.

Financial Impact:

Is there a cost associated with this request? Yes No

What is the total cost, with tax and shipping? \$

Is this budgeted? Yes No *Please Explain:*

Central Planes Aviation Inc
39115 Co Road 186
Sauk Centre, Mn. 56378
320-352-3013

Aitkin County Commissioners,

My name is John Ricard. I am the owner of Central Planes Aviation Inc. based at the Sauk Centre Airport. In the last few years, the area around some of the lakes in central Minnesota have been overrun by army worms that are quite destructive to land owners trees. Some of the lake associations have contacted us to do some spraying for these insects. We did some areas in Crow Wing Co., Stearns Co., Aitkin Co., and Todd Co., the last few years, and would like to again include Aitkin County for the year 2017.

The Chemical that we use is a BT product called Dipel DF. The DNR is using this chemical for the Gypsy moth program in northern Minnesota. This chemical is only affective on worms that eat leaves and will not harm wildlife or fish. It is also cleared on organic crops.

To do this type of control we have to operate under a congested area permit approved by the FAA and the Department of Agriculture.

We need a written approval from the governing body of each Co. that we can include in our application, and send to the Minneapolis Flight Standards District Office (612) 253-4507, for approval.

We ask that the Board review our request at your next meeting. I would need the same form that you supplied for me in 2015, signed by one of the board members.

Also Included is the FAA format that we are following for the permit. I've highlighted the area that involves the Counties approval.

Central Planes Aviation Inc. has been doing aerial application in Central Mn. since 2003, and is fully insured and licensed. Aitkin County will not be held liable for any actions of my company. Any questions please feel free to call (320) 352-3013.

Sincerely: John Ricard 
CEO - Central Planes Aviation Inc.

1/15/09

8900.1 CHG 46

VOLUME 3 GENERAL TECHNICAL ADMINISTRATION**CHAPTER 52 PART 137 AGRICULTURAL AIRCRAFT OPERATIONS****Section 2 Evaluate a Part 137 Congested Area Operations Plan****3-4256 PROGRAM TRACKING AND REPORTING SUBSYSTEM (PTRS) ACTIVITY CODE. 1332**

3-4257 OBJECTIVE. The objective of this task is to determine that a public aircraft or Title 14 of the Code of Federal Regulations (14 CFR) part 137 operator can conduct agricultural dispensing operations safely over a congested area, according to an approved plan. Successful completion of this task results in either approval or disapproval of an operator's proposed plan.

3-4258 GENERAL. Agricultural aircraft may operate over congested areas when:

- The local Flight Standards District Office (FSDO) has approved the congested area plan, and
- The appropriate official or governing body of the political subdivision over which the aircraft is to be operated has approved the operation in writing.

A. Appropriate Officials. An appropriate elected public official or governing body can include any of the following:

- 1) Mayor,
- 2) City Manager,
- 3) City Council,
- 4) County Board of Supervisors,
- 5) County Commissioner, or
- 6) Any other similar elected public official.

B. Public Notice. If time allows, the public notice required by part 137, § 137.51(b)(2) should be given at least 48 hours before dispensing operations begin. The form that the public notice takes is up to the operator. Newspaper ads, radio announcements, television announcements, or door-to-door handbills are all acceptable methods.

C. Contents of Congested Area Plan. Consider the following when reviewing the plan of operation required by § 137.51(b)(3) and submitted by the operator.

1) The congested area plan must include an aerial photograph, large scale map, or computer generated map or diagram of the area to be worked. Whichever depiction is used, it should be appropriately marked to show all obstructions which could be expected to present a hazard during the operation and the areas which could be used for an emergency landing and dumping of agricultural materials.

2) The photograph, map, or diagram must be current, preferably within the preceding 24

months, to be considered representative of the area. If current photographs or diagrams are not available, realtor's maps may be used to supplement. The important aspect is not to accept maps that are not drawn to scale.

D. Assisting Operators. Occasionally agricultural aircraft operators may request Federal Aviation Administration (FAA) assistance in determining whether an area is congested or not. Before the FAA can determine this, the site will have to be checked. The FAA cannot, of course, check every area an operator wants to service, but in some cases an operator needs legitimate assistance. The inspector must use judgment in determining the status of an area as congested or not. If the inspector has any doubt, he or she should consult with other inspectors or regional counsel for any precedent.

3-4259 SINGLE-ENGINE AIRCRAFT. When congested area operations are conducted using single-engine aircraft, the inspector shall require the operator to arrange with appropriate officials of the area concerned to take such measures as are necessary to conduct the operation safely. These may include blocking off streets and other areas which could be used as an emergency landing or similar precautionary measures required in the interest of public safety. Before approving any operator's plan of operation, the inspector shall determine that the plan complies with the emergency landing requirements contained in § 137.51(b)(4)(iii).

3-4260 MULTI-ENGINE AIRCRAFT.

A. Takeoff Performance. If the operator intends to takeoff over a congested area, they must show in the congested area plan that the airplane can meet the accelerate-stop requirements of § 137.51(b)(5)(i). If the aircraft cannot meet these requirements, the operator must state in the written plan of operation that no takeoff will be made over a congested area during dispensing operations.

B. Critical Engine Inoperative. The operator must show in the congested area plan that the airplane can meet the climb requirements specified in § 137.51(b)(5)(ii).

3-4261 RESTRICTED CATEGORY AIRCRAFT. Title 14 CFR part 21, or the operating limitations established for the airplane, may not require a flight manual for restricted category aircraft. Therefore, performance information may be found in the applicable military technical order, operating limitations, placards, flight test performance data established by the aircraft manufacturer, or any combination thereof. In addition, performance information provided by a Designated Engineering Representative is satisfactory. If such performance information has not previously been established for the airplane to be used or, if any doubt exists concerning the authenticity of the information presented by the operator, a Manufacturing Inspection District Office (MIDO) should be contacted to arrange for an engineering flight test in order to obtain the required performance data.

A. Load Jettisoning. Aircraft, other than a helicopter, must be equipped with a device capable of jettisoning at least one-half of the aircraft's maximum authorized load of agricultural material within 45 seconds (part 137, § 137.53(c)(2)).

B. Data Not Determined. If such data have not been determined for the aircraft or, if any doubt exists concerning meeting this requirement, the inspector should have the operator conduct an in-flight load jettisoning demonstration.

C. Test Conditions. The aircraft must be loaded with any suitable material (lime, sand, water, etc.) and the demonstration shall be observed by the inspector from the ground. The discharge of material from the aircraft should be timed to determine compliance with the 45-second jettisoning

requirement.

D. Preventing Inadvertent Jettisoning. Part 137, § 137.53(c)(2) requires that aircraft conducting agricultural operations over congested areas must have a means of preventing inadvertent jettisoning of the tank or hopper. This can be accomplished with a device such as:

- 1) Spring-loaded cover over a pull lever,
- 2) "T" handle or pull ring in a spring loaded shield,
- 3) A push-pull device fastened with fine safety wire, or
- 4) Other equivalent devices.

3-4262 PREREQUISITES AND COORDINATION REQUIREMENTS.

A. Prerequisites. This task requires knowledge of the regulatory requirements of part 137 and FAA policies and qualification as an aviation safety inspector (ASI).

B. Coordination. This task may require coordination with the airworthiness unit, the regional counsel, state, county, or local authorities.

3-4263 REFERENCES, FORMS, AND JOB AIDS.

A. References:

- 14 CFR parts 1, 61, 91, and 137, and
- Advisory Circular (AC) 137-1, Agricultural Aircraft Operations.

B. Forms:

- FAA Form 1360-33, Record of Conference, Visit, or Telephone Call, and
- FAA Form 8000-36, Program Tracking and Reporting Subsystem Data Sheet.

C. Job Aids. None.

3-4264 PROCEDURES. After a part 137 operator requests district office approval for a congested area operation, determine the need for congested area plan based on location, type of operation, etc. (§ 137.51 (b)).

A. Plan Not Required. If a plan is not required, record discussion on FAA Form 1360-33 and place it in the operator's district office file. Do not open a PTRS file.

B. Plan Required. If a plan is required, requirements of §§ 137.51 and 137.53 are as follows:

- 1) Instruct the operator to present the plan to the district office for review.
- 2) Remind the applicant of the requirement to coordinate with the appropriate state, local, or municipal authorities (§ 137.51(b)(1)).
- 3) Discuss with the applicant various methods of public notification, such as newspapers,

▪ radio, and handbills (§ 137.51(b)(2)).

C. PTRS. Open PTRS file.

D. Plan Requirements. Upon receipt of the operator's plan, ensure that the operator has included the following information:

- 1) A current aerial photograph, current map, or a recently drawn diagram of the area to be worked;
 - Any representation must show all obstructions which may present hazards during operation.
 - Potential areas for emergency landing or dumping of agricultural materials must also be indicated.
- 2) Altitudes to be maintained, approaches, departures, and turnaround considerations during operation.
- 3) Name and type of material to be dispensed;
- 4) Type of pest or work to be accomplished;
- 5) Dates and hours of dispensing operations;
- 6) Coordination with air traffic control.
- 7) Special operating procedures or limitations to ensure safe operations.
- 8) Method of public notification;
- 9) An indication of coordination with the appropriate state, local, or municipal authorities (Figure 3-144); and
- 10) Methods for complying with §§ 137.51(b)(4) and (5) and 137.53(c)(2).
 - Arrangements for blocking off streets and other areas which may be used for emergency landings.
 - Observe the load jettisoning demonstration from the ground if jettisoning test data is not available or in doubt. For multiengine aircraft, refer to § 137.51(b)(5).
- 11) Means for terminating the operation in the event it appears safety may be compromised or at the inspector's discretion.

E. Pilot Qualifications. The plan must indicate the qualifications (part 61 and § 137.53) of the pilot to be used in the operation.

F. Aircraft Requirements. The plan must include information which indicates that the aircraft meets the requirements of part 91, and part 137, §§ 137.31, 137.33, 137.51, and 137.53.

G. Plan Approved. When the plan meets all 14 CFR requirements, all safety considerations, and appropriate coordination requirements, approve the plan using template A503 in the OPSS. Each

page of the plan is stamped "FAA-Approved," dated, and signed by the principal operations inspector (POI).

- 1) Forward a copy of the approved plan to the operator.
- 2) Place a copy of the plan in the district office file on the operator.

H. Plan Not Approved. If the plan cannot be approved, issue a letter disapproving the congested area plan (Figure 3-146).

I. PTRS. Make appropriate PTRS work entry.

3-4265 TASK OUTCOMES. Completion of this task results in either:

- An approved congested area plan, or
- Issuance of a letter disapproving the congested area plan.

3-4266 FUTURE ACTIVITIES.

A. Monitoring.

- 1) Schedule monitoring of congested area plan if the task is in work program plans.
- 2) Monitor congested area plan (see [Volume 6, Chapter 6, Section 4, Monitor a Part 137 Congested Area Operation](#)).

B. Enforcement. Possible enforcement investigation if the operation is not conducted according to the approved plan or is unsatisfactory in any other manner. Use the approved plan as information for a subsequent enforcement investigation.

C. Review. Review of any subsequent congested area operations.

Figure 3-144, Sample Letters Indicating Coordination With Appropriate Authorities

(To Agricultural Aircraft Operator)



<p>[Operator's name and address]</p> <p>I, [name], the [title of individual and name of town] grant permission to [name of operator] to fly over the town of [name of town] for the purpose of [state purpose of operation] from an agricultural aircraft on [date of operation].</p> <p>[official's signature]</p>

(To Federal Aviation Administration)

<p>[Operator's Letterhead]</p> <p>[Date]</p>

[Name and address of district office]

Sir/Ma'am:

[Name of operator] will conduct the dispensing operation, described on the attached diagram, per Title 14 of the Code of Federal Regulations § 137.51. The aircraft used will be a [make and model of aircraft and N number].

The dispensing operation will be conducted at no less than [altitude] feet above ground level. The airspeed will be [speed in knots or mph].

[Chemical name] will be dispensed at the rate of [number of gallons] per acre.

The operation will be conducted from [beginning date] to [ending date].

The public will be notified of the operation [indicate methods of notification] on [date].

Sincerely,

[Operator's signature]

Figure 3-145, Letter Approving Congested Area Plan. Use OPSS template A503.

Figure 3-146, Letter Disapproving Congested Area Plan

[FAA Letterhead]

[Date]

[Operator's name and address]

Dear [operator's name]:

This is to inform you that the congested area plan, which you submitted on [date], for agricultural aircraft operations over [congested area, city, or town] is not approved.

The following items were unsatisfactory:

[List the items and how they must be corrected.]

If you have any questions concerning this matter or intend to take action to correct these items, please contact this office at [telephone number].

Sincerely,

[POI's signature]

RESERVED. Paragraphs 3-4267 through 3-4285.

AITKIN COUNTY ADMINISTRATION

Aitkin County Courthouse
217 Second Street N.W. Room 134
Aitkin, MN 56431
218-927-3093
Fax: 218-927-7374

January 24, 2017

Mr. John Ricard
Central Planes Aviation, Inc.
39115 County Road 186
Sauk Centre, MN 56378

Re: Authorization to Operate Agricultural Aircraft over Unincorporated Areas of Aitkin County to Conduct Aerial Spraying of Tent Worm Caterpillars

Central Planes Aviation, Inc. has requested permission to operate agricultural aircraft over unincorporated areas of Aitkin County to spray for tent worm caterpillars using a Bt insecticide called Dipel.

Central Planes Aviation, Inc. is granted permission to operate agricultural aircraft over areas of Aitkin County while spraying for tent worm caterpillars per FAA waivers. Permission is granted with the following conditions:

1. It applies to only the unincorporated areas of Aitkin County;
2. Central Planes Aviation, Inc. must have a valid license to spray for tent worm caterpillars from the Minnesota Department of Agriculture;
3. This permission expires on December 31, 2017.

This authorization by Aitkin County is not an endorsement of this company. Central Planes Aviation, Inc. does not act on behalf or as an agent of Aitkin County.

Date _____

J. Mark Wedel, Chair
Aitkin County Board of Commissioners

Attest:

Patrick Wussow
Interim Aitkin County Administrator
Clerk, Aitkin County Board of Commissioners