



# Board of County Commissioners Agenda Request

2K  
Agenda Item #

**Requested Meeting Date:** January 23, 2018

**Title of Item:** Central Planes Aviation

<input type="checkbox"/> REGULAR AGENDA <input checked="" type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	<b>Action Requested:</b> <input checked="" type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) <i>*provide copy of hearing notice that was published</i>	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing*
<b>Submitted by:</b> Jessica Seibert		<b>Department:</b> Administration
<b>Presenter (Name and Title):</b>		<b>Estimated Time Needed:</b>
<b>Summary of Issue:</b> <p>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.</p> <p>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.</p> <p>Since 2013 the Board has authorized this request and the County has received no complaints.</p> <p>Action requested is to authorize the County Board Chair to sign the letter of authorization.</p>		
<b>Alternatives, Options, Effects on Others/Comments:</b>		
<b>Recommended Action/Motion:</b> Authorize Board Chair's signature on proposed letter.		
<b>Financial Impact:</b> Is there a cost associated with this request? <input type="checkbox"/> Yes <input type="checkbox"/> No What is the total cost, with tax and shipping? \$ Is this budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Explain:</i>		

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

JAN 02 2018

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 2018.

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 2017, 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.

11/24/15

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 (CAP), 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.

**NOTE:** The approving FSDO/aviation safety inspector (ASI) must verify that the applicant (whether a certificated operators or public aircraft operator) has shown with documentation the method by which they will give public notice in accordance with § 137.51(b)(2).

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

1) The CAP 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 that could be expected to present a hazard during the operation and the areas that 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. Maps should also be of sufficient detail to be useful in making a determination concerning the safety of the operation with regard to persons and property on the surface. Submissions that are of such a large scale that details of the area to be sprayed cannot be discerned should be discouraged.

**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 CAPs 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 that could be used in 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 take off over a congested area, they must show in the CAP 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 CAP 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 (DER) 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 (refer to § 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.** Section 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 frangible 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 ASI.

**B. Coordination.** This task may require coordination with the airworthiness unit, the Regional Counsel, and state, county, or local authorities.

### **3-4263 REFERENCES, FORMS, AND JOB AIDS.**

**A. References (current editions):**

- Title 14 CFR Parts 1, 61, 91, and 137.
- Advisory Circular (AC) 137-1, Certification Process for Agricultural Aircraft Operators.

**B. Forms:**

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

**C. Job Aids.** None.

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

**A. Plan Not Required.** If a plan is not required, record the 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, the requirements of §§ 137.51 and 137.53 are as follows:

1) Instruct the operator to present the plan to the district office that has oversight authority where the operation will take place for review.

2) Remind the applicant of the requirement to coordinate with the appropriate state, local, or municipal authorities (refer to § 137.51(b)(1)).

3) Discuss with the applicant various methods of public notification, such as newspapers, radio, and handbills (refer to § 137.51(b)(2)).

**C. PTRS.** Open the PTRS file.

**D. Plan Requirements.** Upon receipt of the operator's plan, the district office with oversight for the area where the activity will take place will 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 geographical representation must show:

- All obstructions that may present hazards during operation.
- Potential areas for emergency landing or dumping of agricultural materials.

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 (ATC).

7) Special operating procedures or limitations to ensure safe operations.

8) Method of public notification (documented in the operator's file and noted on the application).

9) An indication of coordination with the appropriate state, local, or municipal authorities (see Figure 3-144, Sample Letters Indicating Coordination With Appropriate Authorities).

10) Methods for complying with §§ 137.51(b)(4) and (5) and 137.53(c)(2):

- Arrangements for blocking off streets and other areas that may be used for emergency landings.
- Observation of the load jettisoning demonstration from the ground if jettisoning test data is not available or is 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 (per part 61 and § 137.53) of the pilot(s) to be used in the operation.

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

**G. Plan Approved (Local District Office When Not the Certificate-Holding District Office (CHDO)).** When the plan meets 14 CFR requirements, all safety considerations, and appropriate coordination requirements, the evaluating ASI should issue a memorandum (see Figure 3-148, Memorandum Recommending Approval of a Congested Area Plan), stating that the local district office where the operation will occur has reviewed and approved the CAP as submitted and is recommending the approval and issuance of Web-based Operations Safety System (WebOPSS) paragraph A503. This memorandum should be sent, along with any submitted documentation required to meet the requirements listed in this paragraph, to the principal operations inspector (POI) at the CHDO for final approval and issuance of WebOPSS paragraph A503.

**H. Plan Approved (CHDO).** When the plan meets 14 CFR requirements, all safety considerations, and appropriate coordination requirements, approve the plan using template A503 in WebOPSS. Each page of the plan is stamped "FAA-Approved," dated, and signed by the POI. If the approval is for Public Aircraft Operations, you do not need to issue paragraph A503 in WebOPSS.

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

**I. Plan Not Approved.** If the plan cannot be approved, issue a letter disapproving the CAP (see Figure 3-146, Letter Disapproving Congested Area Plan).

**J. PTRS.** Make the appropriate PTRS work entry.

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

- An approved CAP, or
- Issuance of a letter disapproving the CAP.

**3-4266 FUTURE ACTIVITIES.**

**A. Monitoring.**

- 1) Schedule monitoring of a CAP if the task is in work program plans.

2) Monitor the CAP (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>
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(To Federal Aviation Administration)

<p>[Operator's Letterhead]</p> <p>[Date]</p> <p>[Name and address of district office]</p> <p>Sir/Madam:</p> <p>[Name of operator] will conduct the dispensing operation, described on the attached diagram, per Title 14 of the Code of Federal Regulations part 137, § 137.51. The aircraft used will be a [make and model of aircraft and N number].</p> <p>The dispensing operation will be conducted at no less than [altitude] feet above ground level. The airspeed will be [speed in knots or mph].</p> <p>[Chemical name] will be dispensed at the rate of [number of gallons] per acre.</p> <p>The operation will be conducted from [beginning date] to [ending date].</p> <p>The public will be notified of the operation [indicate methods of notification] on [date].</p> <p>Sincerely,</p> <p>[Operator's signature]</p>
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**Figure 3-145. Letter Approving Congested Area Plan**

Use WebOPSS 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]

**Figure 3-148. Memorandum Recommending Approval of a Congested Area Plan**

[FAA Letterhead]

[Date]

[To: Principal Operations Inspector]

[From: ASI conducting the local evaluation]

Subject: Congested Area Plan (CAP) Approval for Fly Low Aviation, Dallas, TX

This office has approved the CAP submitted by Fly Low Aviation on February 22, 2012. This plan pertains to the aerial application of insecticides for the control of mosquitoes in Dallas, Texas. All requirements specified in Volume 3, Chapter 52, Section 2 have been met.

This office recommends approval and issuance of Web-based Operations Safety System (WebOPSS) paragraph A503.

# AITKIN COUNTY ADMINISTRATION

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

January 23, 2018

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 DF.

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, 2018.

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 \_\_\_\_\_

\_\_\_\_\_  
Anne M. Marcotte, Chair  
Aitkin County Board of Commissioners

Attest:

\_\_\_\_\_  
Jessica Seibert  
Aitkin County Administrator  
Clerk, Aitkin County Board of Commissioners