

CERTALERT

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TO: AIRPORT CERTIFICATION PROGRAM INSPECTORS.

TOPIC: RELATIONSHIP BETWEEN FAA AND ADC.

The attached Certalert clarifies the roles of, and relationship between the Federal Aviation Administration (FAA) and the United States Department of Agriculture/ Animal and Plant Health Inspection Service/Animal Damage Control (ADC) with regards to wildlife hazards on or near airports.

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Date: April 25, 1997

CERTALERT DISTRIBUTION LIST

RELATIONSHIP BETWEEN FAA AND ADC.

PURPOSE

This Certalert clarifies the roles of, and relationship between the Federal Aviation Administration (FAA) and the United States Department of Agriculture/ Animal and Plant Health Inspection Service/Animal Damage Control (ADC) with regards to wildlife hazards on or near airports.

Federal Aviation Administration

The FAA issues airport operating certificates for airports serving certain air carrier aircraft under Title 14, Code of Federal Regulations, part 139. Section 139.337 requires certificated airports having a wildlife hazard problem to develop and implement a wildlife hazard management plan to manage and control wildlife which present a risk to public safety caused by aircraft collisions with wildlife. The FAA relies heavily on the assistance of ADC to review and contribute to such plans.

Animal Damage Control

The Animal Damage Control Act of March 2, 1931, (7USC 426-426c, as amended), charges the Secretary of Agriculture with management of wildlife injurious to agricultural interests, other wildlife, or human health and safety. Further, the Secretary is authorized to cooperate with States, individuals, public and private agencies, organizations, and institutions in the control of nuisance mammals and birds, including wildlife hazards to aviation. Because of the experience, training, and background of its personnel, ADC is recognized throughout the world as an expert in dealing with wildlife damage management issues. ADC has an active presence in all U. S. states and territories.

MEMORANDUM OF UNDERSTANDING

A Memorandum of Understanding (MOU) between the FAA and ADC (No. 12-4-71-0003-MOU) establishes a cooperative relationship between these agencies for resolving wildlife hazards to aviation.

AGENCY FUNDING

Both agencies are funded by congressional appropriations. The majority of funding for the FAA comes from the Aviation Trust Fund with the remainder coming from the general funds of the U. S. Treasury. Any revenues generated by the FAA are returned to the U. S. Treasury. ADC receives a limited amount of funds from the general fund of the U.S. Treasury that allows it to perform some services for the public good. However, ADC's funding is also based upon its ability to enter into contracts to provide services and receive reimbursement for the cost of the services. Legislation allows ADC to collect this money and return it to the program rather than the general funds of the U. S. Treasury. Consequently, ADC may enter into a cooperative service agreement with an airport operator for reimbursement of services to perform an ecological study¹ on an airport.

¹ ADC uses the term "wildlife hazard assessment" rather than "ecological study" as is used in 14 CFR part 139.337. The two terms should be considered synonymous.

WILDLIFE HAZARD MANAGEMENT

14 CFR part 139.337 requires the certificate holder conduct an ecological study, acceptable to the FAA Administrator, when any of the following events occur on or near the airport:

1. An air carrier aircraft experiences a multiple bird strike or engine ingestion, or
2. An air carrier aircraft experiences a damaging collision with wildlife other than birds, or
3. Wildlife of a size or in numbers capable of causing an event described in paragraph (1) or (2) is observed to have access to any airport flight pattern or movement area.

The ecological study shall contain at least the following:

1. Analysis of the event which prompted the study.
2. Identification of the species, numbers, locations, local movements, and daily and seasonal occurrences of wildlife observed.
3. Identification and location of features on and near the airport that attract wildlife.
4. Description of the wildlife hazard to air carrier operations.

The certificate holder may look to ADC or to private consultants to conduct the required ecological study. However, because the ecological study is used by the FAA to determine if a wildlife hazard management plan is needed for the airport, it should be conducted by persons having the education, training, and experience necessary to adequately assess any wildlife hazards.

ADC may conduct preliminary wildlife hazard assessments at no charge to the certificate holder, as ADC's funding and personnel limitations permit. More detailed assessments may require the certificate holder to enter into a cooperative service agreement with ADC.