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C E R T A L E R T

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FOR INFORMATION, CONTACT ED CLEARY, AAS-317 (202) 267-3389

DATE:	August 30, 2004	No. 04-09
TO:	Airport Certification Program Inspectors	
TOPIC:	Relationship Between FAA and WS	

CANCELLATION

Certalert 97-02, Relationship Between FAA And WS, Dated April 25, 1997, is cancelled.

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/Wildlife Services (WS) 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 WS to review and contribute to such plans.

ANIMAL DAMAGE CONTROL

The Animal Damage Control Act of March 2, 1931, (7 USC 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, WS is recognized throughout the world as an expert in dealing with wildlife damage management issues. WS has an active presence in all U.S. states and territories.

MEMORANDUM OF UNDERSTANDING

A Memorandum of Understanding (MOU) between the FAA and WS (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. WS 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, WS'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 WS to collect this money and return it to the program rather than the general funds of the U.S. Treasury. Consequently, WS may enter into a cooperative service agreement with an airport operator for reimbursement of services to perform a wildlife hazard assessment on an airport.

WILDLIFE HAZARD MANAGEMENT

14 CFR 139.337(b) requires the certificate holder conduct a wildlife hazard assessment, acceptable to the FAA Administrator, when any of the following events occur on or near the airport:

- (b) (1) An air carrier aircraft experiences multiple wildlife strikes:
- (b) (2) An air carrier aircraft experiences substantial damage from striking wildlife. As used in this paragraph, substantial damage means damage or structural failure incurred by an aircraft that adversely affects the structural strength, performance, or flight characteristics of the aircraft and that would normally require major repair or replacement of the affected component;
- (b) (3) An air carrier aircraft experiences an engine ingestion of wildlife; or
- (b) (4) Wildlife of a size, or in numbers, capable of causing an event described in paragraph (b)(1), (2), or (3) of this section is observed to have access to any airport flight pattern or aircraft movement area.

The wildlife hazard assessment shall contain at least the following (14CFR 139.337(c)):

- (c) (1) An analysis of the events or circumstances that prompted the assessment.
- (c) (2) Identification of the wildlife species observed and their numbers, locations, local movements, and daily and seasonal occurrences.
- (c) (3) Identification and location of features on and near the airport that attract wildlife.
- (c) (4) A description of wildlife hazards to air carrier operations.
- (c) (5) Recommended actions for reducing identified wildlife hazards to air carrier operations.

The certificate holder may look to WS or to private consultants to conduct the required wildlife hazard assessment. The FAA uses the wildlife hazard assessment in determining if a wildlife hazard management plan is needed for

the airport. Therefore, persons having the education, training, and experience necessary to adequately assess any wildlife hazards should conduct the assessment.

Depending on the availability of resources, WS may conduct a preliminary hazard assessments at no charge to the certificate holder. The certificate holder should determine in advance if WS will charge to conduct the preliminary hazard assessment. More detailed assessments may require the certificate holder to enter into a cooperative service agreement with WS.

OSB

Benedict D. Castellano

Manager, Airport Safety and Operations

August 30, 2004

Date