**Media and UAS***What to do when the media asks to fly UAS over a wildfire incident*

The following guidance is designed to assist agency employees when the media approaches a Public Information Officer, Incident personnel, or fire managers to inquire about flying a UAS at a wildland fire incident.

*The scope of this document does not include the management of UAS operations by trained and certified agency employees or contractors operating under agency operational control. Internal operations are covered by other policy and guidance such as the DOI Operational Procedures Memorandum (OPM-11), aviation management plans, or an Interagency UAS Operations Guide.*

**Background Information:**

* All UAS, regardless of size or weight, are considered aircraft by the Federal Aviation Administration (FAA). These aircraft and their operators are subject to FAA regulations (14CFR Part 107).
* Land management agencies and incident management teams do not control any airspace. The FAA controls all navigable airspace over the US; Federal/state firefighting agencies simply manage aviation assets within FAA-managed airspace. News media aircraft are not under the operational control of any land management agency or fire management organization.
* A Temporary Flight Restriction (TFR) may or may not be requested by the incident (or agency) and issued by the FAA in accordance with 14CFR 91.137 (a.) (2). A land management agency/incident management organization does NOT have the authority to grant non-participating aircraft access into a TFR. Only the FAA has the authority to grant permission for non-fire aircraft to fly in a TFR.

**When a TFR is in place over an incident:**

If the news media requests to fly a UAS within a TFR, you should notify fire aviation personnel and work with them to develop a plan. Fire aviation personnel will refer the media to the FAA’s Systems Operations Security branch to discuss obtaining a Special Government Interest (SGI) Addendum to their existing Certificate of Authorization (COA). In other words, when there’s a TFR in place, the FAA is the authorizing agency, so work with your aviation personnel to refer the media to the FAA.

If the FAA approves the media to fly within the TFR, you and the media will work with aviation personnel to determine the best flight time, location, flight duration and other safety-oriented logistics. If you’re on a large incident, you’ll typically work with the Air Tactical Group Supervisor or Air Operations Branch Director to ensure that everything goes smoothly. When a news media UAS operator has been granted FAA authorization (I.e. COA with SGI Addendum), they will often have a document that contains language regarding the need to coordinate flights with the official in charge of disaster relief operations.

**When no TFR is in place over an incident:**

The media, insurance companies, or other organizations may request to fly UAS to assess fire related losses or damage. UAS flights over a fire with no TFR in place may be legal, as long as they are not conducted, “*in a careless or* *reckless manner so as to endanger the life or property of another*” [Ref. 14CFR 91.13 (a.)], or as long as the aircraft does not “*resist or interfere with the efforts of firefighters to extinguish a fire.*” [Ref. 43 CFR 9212.1(f.)].

As a PAO, you should direct the media to work with incident aviation personnel to determine if, when, and where they can safely fly their UAS. If the media is not willing to coordinate with fire officials, they should be instructed not to fly. Then, document your conversation and notify your Unit Aviation Manager, Air Operations Branch Director, and/or other fire officials. They will work on the issue from there.

A request to fly a UAS over an incident where there isn’t a TFR in place implies that a UAS operator doesn’t have to receive permission from the FAA. If a UAS flight is conducted when there are no air operations in progress (such as immediately after sunrise) it is most likely that an “incursion” has not occurred and the UAS flight may be conducted safely and legally.

However, if there are *any* fire aircraft actively operating in the vicinity, the UAS operator must coordinate with fire officials before they fly over or near a fire. Initiating such a flight without prior communication/coordination constitutes an “incursion” (a potential violation of 43 CFR 9212.1 or other laws) because fire aircraft operations will have to be suspended due to the unpredictability of the timing, direction, and altitude of the UAS flight. This situation requires immediate notification to Dispatch and to agency and/or county law enforcement personnel who should attempt to locate the operator. Your duty is to notify fire personnel to initiate these notifications if you see an unplanned UAS in the area. Dispatch is responsible for notifying the appropriate FAA Air Route Traffic Control Center.

**Preemptive Relations: Coordinating with the Media Beforehand**

Because UAS technology continues to improve, we are only going to see more UAS out there and more requests to fly UAS over wildfires.

If you live in an area where media will likely request to fly UAS over a fire or another incident:

* Talk with your local aviation personnel before fire season starts to see if you can develop a plan for media UAS requests. If you have a plan in place beforehand, it will make the process easier when the media requests to fly UAS over a wildfire – or anywhere else in your area. You can do the same if you are a PAO/PIO assigned to an incident: talk with aviation personnel when you arrive to determine what is allowed by the host agency’s aviation policy, and attempt to develop a plan for media UAS flight requests.
* Invite local media UAS Operators in your area to participate in pre-season airspace coordination meetings with fire dispatchers and aviation managers (if management permits). Exchange contact information and discuss procedures for notification and coordination. When an Incident Management Team (IMT) is assigned to manage a large fire or complex of fires, ask them if it is okay to invite the media UAS operator to participate in the daily air operations briefing with flight crews and other aviation staff.

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