



## Policy for Aerial Delivery of Wildland Fire Chemicals near Waterways



### **Policy: Avoid aerial application of retardant or foam within 300 feet of waterways and any ground application of wildland fire chemicals into waterways.**

The policy has been adopted from the 2000 Guidelines for Aerial Delivery of Retardant or Foam near Waterways which were established and approved by the FS, BLM, NPS, and FWS. It has been expanded to include all wildland fire chemicals, including water enhancers.

**Definition of Waterway:** Any body of water including lakes, rivers, streams and ponds whether or not they contain aquatic life.

This policy does not require the helicopter or airtanker pilot-in-command to fly in such a way as to endanger his or her aircraft, other aircraft, or structures or compromise ground personnel safety.

**Guidance for pilots:** To meet the 300-foot buffer zone guideline, implement the following:

- ❖ **Medium/Heavy Airtankers:** When approaching a waterway visible to the pilot, the pilot shall terminate the application of wildland fire chemical approximately 300 feet before reaching the waterway. When flying over a waterway, pilots shall wait one second after crossing the far bank or shore of a waterway before applying wildland fire chemical. Pilots shall make adjustments for airspeed and ambient conditions such as wind to avoid the application of wildland fire chemical within the 300-foot buffer zone.
- ❖ **Single Engine Airtankers:** When approaching a waterway visible to the pilot, the pilot shall terminate application of wildland fire chemical approximately 300 feet before reaching the waterway. When flying over a waterway, the pilot shall not begin application of wildland fire chemical until 300 feet after crossing the far bank or shore. The pilot shall make adjustments for airspeed and ambient conditions such as wind to avoid the application of wildland fire chemicals within the 300-foot buffer zone.
- ❖ **Helicopters:** When approaching a waterway visible to the pilot, the pilot shall terminate the application of wildland fire chemicals 300 feet before reaching the waterway. When flying over a waterway, pilots shall wait five seconds after crossing the far bank or shore before applying the wildland fire chemical. Pilots shall make adjustments for airspeed and ambient conditions such as wind to avoid the application of wildland fire chemicals within the 300-foot buffer zone.

### **Exceptions:**

- ❖ When alternative line construction tactics are not available due to terrain constraints, congested area, life and property concerns or lack of ground personnel, it is acceptable to anchor the wildland fire chemical application to the waterway. When anchoring a wildland fire chemical line to a waterway, use the most accurate method of delivery in order to minimize placement of wildland fire chemical in the waterway (e.g., a helicopter rather than a heavy airtanker).
- ❖ Deviations from the policy are acceptable when life or property is threatened and the use of wildland fire chemical can be reasonably expected to alleviate the threat.
- ❖ When potential damage to natural resources outweighs possible loss of aquatic life, the unit administrator may approve a deviation from these guidelines.

### **Reporting Requirements of Wildland Fire Chemicals into Waterways**

- ❖ During training or briefings, inform field personnel of environmental guidelines for fire chemical application and the requirements for avoiding contact with waterways. Provide all field personnel with the following reporting process and requirements.
- ❖ Notify incident management and the agency administrator promptly of any fire chemicals aerially applied within 300 feet of a waterway. Notifications will also be made for any spills or ground applications of wildland fire chemicals into waterways or with potential to enter the waterway. If anyone believes that wildland fire chemicals may have been introduced into a waterway they should inform their supervisor.

The information will be forwarded to incident management and the agency administrator, usually through the resource advisor.

- ❖ The incident or host authorities must immediately contact appropriate regulatory agencies and specialists within the local jurisdiction. Initial notifications of wildland fire chemical mishaps will be reported as soon as possible to Wildland Fire Chemical Systems (WFCS) in Missoula, Montana at phone 406-829-6718 (if no answer please leave a message) or to individuals listed on the website referenced below. Include the date, locations, and extent of the introduction.
- ❖ Procedures have been implemented for the required reporting. All information, including reporting form and instructions are posted on the web site at: <http://www.fs.fed.us/rm/fire/wfcs/report.htm>.
- ❖ The U.S. Forest Service (FS) has additional reporting requirements for threatened and endangered (T&E) species. Reporting is also required for all introductions of wildland fire chemicals into habitat for those T&E species identified by the U.S. Fish and Wildlife Service (FWS). The list and other information can be found at the web site given above.
  - This requirement resulted from the Forest Service's acceptance of Biological Opinions received from the National Marine Fisheries Service (NMFS) and the FWS.
  - When wildland fire chemicals adversely affect any threatened, endangered, or proposed species, or designated or proposed critical habitat, regardless of the 300' waterway buffer zone, the Forest Service Line Officer must initiate emergency consultation with the FWS and/or NMFS.
  - The FS unit should coordinate with the local FWS or NMFS office to monitor, determine significance of effects, and design appropriate responsive measures. The procedures, reporting form and instructions can be found at the same website listed above.

### **Endangered Species Act (ESA) Emergency consultation**

The following provisions are guidance for complying with the emergency section 7 consultation procedures of the ESA with respect to aquatic species. These provisions do not alter or diminish an action agency's responsibilities under the ESA.

Where aquatic T&E species or their habitats are potentially affected by aerial application of wildland fire chemicals, the following additional procedures apply and shall be documented in the initial or subsequent fire reports.

- ❖ As soon as practicable after the aerial application of wildland fire chemical near waterways, determine whether the aerial application has caused any adverse effects to a T&E species or their habitat. This can be accomplished by the following:
  - Aerial application of wildland fire chemical outside 300 ft of a waterway is presumed to avoid adverse effects to aquatic species and no further consultation for aquatic species is necessary.
  - Aerial application of wildland fire chemical within 300 ft of a waterway requires that the unit administrator determine whether there have been any adverse effects to T&E species within the waterway.
    1. If there were no adverse effects to aquatic T&E species or their habitats, there is no additional requirement to consult on aquatic species with FWS or NMFS.
    2. If the action agency determines that there were adverse effects on T&E species or their habitats then the action agency must consult with FWS and NMFS, as required by 50 CFR 402.05 (Emergencies). Procedures for emergency consultation are described in the Interagency Consultation Handbook, Chapter 8 (March, 1998). In the case of a long duration incident, emergency consultation should be initiated as soon as practical during the event. Otherwise, post-event consultation is appropriate. The initiation of the consultation is the responsibility of the unit administrator.

Each agency will be responsible for insuring that the appropriate guides and training manuals reflect these guidelines.