

**MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN
THE CIVIL AIR PATROL BY THE MISSOURI WING
AND
MISSOURI BY ITS STATE AGENCIES**

1. Purpose. Missouri State Agencies and Civil Air Patrol (CAP) wish to utilize the services of CAP and its volunteers for the public good. This memorandum of understanding (MOU) describes the procedures by which Missouri State Agencies may request CAP mission support for non-Air Force Assigned Mission (AFAM) operations as well as the terms under which missions are authorized, performed, and reimbursed. The memorandum does not, in and of itself, create any legal obligations among the parties or signatories. All previous MOU(s) between CAP and Missouri, with the exception of the MOU between the Missouri State Emergency Management Agency for AFAMs funded by the United States Air Force, are superseded by this agreement.

2. Parties. This MOU is between CAP, through its Missouri WING (MoWING), and Missouri state agencies.

a. Civil Air Patrol. CAP is a federally chartered charitable non-profit corporation. (36 U.S.C. §§40301-40307.) Missions flown under this MOU are "corporate missions." Although CAP is not a government agency or military service, it acts as a volunteer civilian auxiliary of the United States Air Force (USAF) when the services of CAP are used by any department or agency in any branch of the Federal Government. Only the United States Air Force (USAF) can assign "Air Force Assigned Missions" (AFAMs). This MOU does not address AFAMs.

(1) Missouri Wing, CAP. MoWING is an administrative subdivision of CAP and not a separate legal entity from CAP. The WING Commander is a CAP corporate officer. CAP is generally organized along geographic lines and WING's jurisdiction is defined by the boundaries of the state. MoWING will normally perform missions under this MOU. However, as provided for in Attachment D, the procedures in this MOU apply to any CAP personnel and aircraft from any state that are flying or otherwise supporting missions for Missouri state agencies. Contact information is included as Attachment A. (The parties may update Attachment A unilaterally by e-mail or other writing.)

(2) CAP Members. CAP members are volunteers in public service. Members pay an annual membership fee to join and participate in CAP. "Members," as volunteers, are not "employees." Although CAP may have employees in the state, their duties as employees are administrative in nature and do not include participating in CAP missions. MoWING may use CAP members of units from outside of MoWING or Missouri to perform missions under this

MOU. All CAP members shall be deemed members of MoWING while performing missions under this MOU and entitled to benefits of such membership that arise under this MOU.

(3) CAP-USAF. The United States and Civil Air Patrol - United States Air Force (CAP-USAF) are not a party to this agreement.

b. State.

(1) Missouri State Agencies. Missouri Departments of Agriculture, Conservation, Natural Resources, and Public Safety are agencies with missions and requirements most suited for the type support available through MoWING. However, any Missouri state agency may request a CAP mission under this MOU.

The Department of Agriculture's mission, established by Missouri Revised Statute, Chapter 261, Section 261.023 (261.023 RSMo), includes environmental advocacy, agricultural marketing, public information and awareness, and promoting new technology and new uses for Missouri's agricultural goods.

The Department of Conservation's mission, established by 252.002 RSMo, includes conserving plants, animals and their habitats, protecting clean and healthy waters, and promoting healthy trees and forests.

The Department of Natural Resources' mission, established by 640.010 RSMo, includes maintaining air quality, protecting public drinking water, land reclamation, regulating hazardous materials and waste, responding to environmental emergencies, overseeing contamination remediation, and maintaining state parks.

The Department of Public Safety's mission, established by 650.005 RSMo, includes providing overall coordination of the state's public safety and law enforcement program, and to provide channels of coordination with local and federal public safety and law enforcement agencies. The department includes the offices of Missouri Homeland Security, Highway Patrol, Adjutant General and State Emergency Management Agency (SEMA).

Missouri state agencies' contact information is provided in Attachment A.

(2) STATE-WING Relationship. Missouri Revised Statutes, Chapter 41, Military Forces, Section 41.970 (41.970 RSMo) identifies the U.S. Code that established the Civil Air Patrol and refers to 41.960 RSMo, which established the Missouri Office of Air Search and Rescue and appointed the Commanding Officer MoWING CAP as head of the office. It authorizes the use of CAP to support National Guard missions and state agencies under MOUs or agreements between the agencies and CAP. It establishes the procedures for requesting MoWING CAP support, and defines funding sources and CAP member status under federal and state funded missions. A copy of 41.970 RSMo is at Attachment D.

3. CAP Mission Capabilities & Limitations.

a. Capabilities.

(1) Objectives. CAP provides an organization of private citizens equipped to respond to local and national emergencies and to serve the public welfare. (36 U.S.C. §40302). CAP can quickly organize large numbers of highly trained volunteers with ready access to up-to-date equipment to provide cost-effective support to government agencies.

(2) Operations. WING assistance to Missouri state agencies may include, and is not limited to: aerial missions such as reconnaissance to search for victims of a disaster, damage assessments, or environmental surveys utilizing visual, photographic, digital, and video techniques; airborne communications support; and airlift (subject to regulatory restrictions discussed in paragraphs 3b, 5c and 5d below). Other support may include: manual labor (e.g. filling sandbags for flood control); radio communications; and ground teams (typically used in search and rescue (SAR) missions). Ground teams are prohibited from participating in counter-drug (CD) or other law enforcement missions.

b. Limitations.

(1) Priority of Missions. Missouri state agencies understand and acknowledge that the USAF may withdraw CAP from missions in progress under this MOU when necessary to pursue higher priority missions. This is because CAP is the official auxiliary of the Air Force, and there is a priority for employing CAP resources which may affect availability of support to state and local authorities. Priority for utilizing CAP resources is as follows: first, USAF, then other DoD departments and agencies, other Federal departments and agencies, state agencies, and finally, local agencies.

(2) Law. CAP does not have any special exemption from civil or criminal law. Nothing in this agreement shall be read to require any party or signatory to act in violation of the law or applicable regulations. Furthermore, none of the provisions in this MOU is intended to conflict with applicable laws, regulations, or directives governing CAP missions/activities, including but not limited to those discussed below.

(a) Federal Aviation Regulations. Civil Air Patrol pilots, most of whom are private pilots, are required to comply with Federal Aviation Regulations (FARs.) The FARs may prohibit private pilots from flying some of the missions (including transport missions except for certain exceptions) contemplated by this MOU. (See Attachment B, CAP Missions and Pilot Limitations.)

(b) Assistance to Law Enforcement. CAP regulations limit assistance to law enforcement agencies to "passive assistance." CAP members may not be deputized nor may they

take an active part in arrest or detention activities and have no authority to restrict persons by means of force, active or implied.

a. CAP assistance to law enforcement agencies, which may lead to criminal prosecution, is restricted to patrol, reconnaissance, and reporting only. Requests for such assistance, unless of an emergency nature, must be approved in advance by the Wing and Region Commanders and coordinated with [the National Operations Center (NOC) at 888.211.1812 or opscenter@cap.gov.] All CAP flights will be in accordance with CAPR 60-1. (CAPR 900-3 paragraph 3a.)

(c) **CAP Directives.** CAP missions and activities are also limited by CAP regulations. CAP personnel are required to comply with CAP regulations. Failure of CAP members to comply with applicable regulations may result in administrative action. (See References below.)

(3) **Risk Management.** CAP is an organization of non-paid volunteer citizens. As such, CAP members may decline to participate in missions or discontinue missions at any time. Additionally, CAP may decline or suspend CAP missions for any reason, including but not limited to safety, risk, and liability concerns.

4. **Emergencies.** For emergency missions in which (a) life or properties are in imminent peril and (b) local resources are inadequate, please see Attachment AF for criteria and procedures for requesting an AFAM.

5. **Requesting Missions - In General.** Any and all mission requests should first be submitted to the NOC at 888.211.1812 or opscenter@cap.gov to determine if they qualify for AFAM status. If AFAM status is denied, then a corporate mission should be requested under this MOU, following the guidelines provided in Attachment E. Reimbursement will be made in accordance with paragraph 8 below and Attachment E. Corporate missions may include, but are not limited to:

a. **Aerial Reconnaissance of Ground Conditions and Surface Traffic.** This may include visual or photographic reconnaissance of wildlife, land, forests, roadways and waterways, etc. (Note: in the event of an "environmental disaster," State agencies may be able to request an AFAM in accordance with Attachment AF). Participation of state personnel in these aerial reconnaissance missions is discussed in paragraph 5d below. The following are potential non-AFAM missions that support state and local Emergency Response / Environmental Emergency Response (ER/EER) personnel that could be requested under this MOU.

(1) **Airborne Observation.** Petroleum and other chemical spills occur routinely throughout the state. Many are associated with hazardous waste and hazardous materials transporter accidents. ER/EER personnel respond to many of these spills to assist local responders and assess environmental damage. An established and funded quick reaction program would provide an opportunity for an EER team member to overfly the scene as an

observer and member of the crew of the CAP aircraft and while airborne, prepare the ground crews and local responders through air to ground briefings while the ground crews and other responders are enroute. The airborne CAP aircraft would loiter in the area for a reasonable time to allow the ER/EER aircrew member to fully brief responders on the site and situation.

(2) Aerial Photography. Near-real time digital images are invaluable for ground crews responding to emergencies. CAP could maintain an aircraft over the response area and provide digital photography and verbal or written reports transmitted from the aircraft to ground personnel or watch center via the internet. Ground forces could adjust imaging and reporting back to the aircraft via the internet.

(3) Airborne Hyperspectral Imagery. Hyperspectral Imagery (HSI) has the potential to identify some hazardous materials through their spectral signature and estimate the area of contamination. These signatures can be developed in advance, and potentially applied in near-real time to on-scene collection. CAP has an airborne HSI system, Airborne Real-Time Cueing Hyperspectral Enhanced Reconnaissance (ARCHER), based in Kansas City. Another aircraft is based at CAP regional headquarters in Iowa. With the development of a spectral signature library, the CAP HSI system could provide emergency responders with valuable near-real time information on type of hazardous materials and extent of contamination.

b. Agriculture, Conservation & Environmental Protection Operations.

(1) Airborne Observation. A key part of state agency assessment of agricultural and environmental conditions is observation. Ground-based observation is time consuming and frequently difficult due to the terrain. Airborne observation and assessment of some conditions, such as locating abandoned lead mine sites, evaluating wetlands and determining crop damage, can be done more efficiently from the air. Also included are searches for illegal landfills, discharges of contaminants in creeks and rivers, and tracking tagged fish and wildlife. State employees may fly aboard on observation missions or train CAP personnel on the desired information and reporting, with restrictions defined in 5c and 5d below.

(2) Aerial Photography. State agencies have sites of concern throughout the state. Aerial photography provides a valuable tool to orient Project Managers (PMs) to the sites, and provide information about on-going activity. State agencies could maintain medium and high-resolution cameras for use by CAP or state personnel, and maintain a program of periodic photo coverage of these sites. As stated above, State employees may fly aboard on some flights, but CAP crews could do the majority of photography, with information provided by the state agency. Examples of mission tasking are:

(3) Hyperspectral/High Resolution Imagery. The CAP's ARCHER system, can be used to collect imagery of a variety of agriculture, conservation and natural resource related areas, and the imagery used for in-depth analysis of existing conditions or collected over time to monitor status. HSI has been used extensively for a wide variety of environmental studies, and much information exists that could be immediately applied to Missouri requirements.

ARCHER's color enhanced HRI is high quality and can be exported for use on Geographic Information Systems (GIS). The data can then be further disseminated throughout state and local government agencies for a wide variety of uses.

(4) Airborne Contaminant/Air Pollution Collection and Monitoring. If MoWING is adequately manned, equipped, and trained to safely perform airborne contaminant collection and monitoring, state agencies may request flights in areas of concern to conduct air sampling.

(5) Aerial Radiological Monitoring. If MoWING is adequately manned, equipped, and trained to safely perform aerial radiological monitoring, they may conduct aerial sampling of radiation levels surrounding nuclear power plants/reactors or at sites of a radiological accident or legacy cleanup.

c. Air Transportation of Cargo and Passengers. Air transport of cargo and/or passengers on corporate missions shall be in accordance with subparagraphs (1) & (2) below. Such missions shall be performed without reimbursement or payment of any kind from sources outside of CAP due to FAA restrictions. (Note: Transport missions may be funded by the CAP pilot or WING but such missions may be limited due to availability of funding):

(1) Human Organs, Tissues, and Medical Supplies. CAP may perform missions to transport organs, tissues, medical supplies at request of state agencies for humanitarian reasons without accepting reimbursement or payment of any kind from outside sources.

(2) State Officials/Other Non-CAP Passengers. The state owns and maintains aircraft and pilots for transport of state officials and employees, when air travel is the appropriate and cost effective means of travel. State assets will be the first choice for transportation of state personnel. However, when state assets are not available and there is an urgent need, CAP may transport state officials and other non-CAP passengers approved in accordance with CAPR 60-1, paragraph 2-6.

d. Agency Crewmembers. State agencies may request CAP aircraft and aircrew as an aerial platform from which state officials may perform "aerial work," as "crew members." "Aerial work" includes missions such as aerial reconnaissance of ground conditions (discussed in paragraph 5a above) or operation of an airborne repeater. State officials may be authorized to fly aboard CAP aircraft in accordance with CAPR 60-1, *CAP Flight Management*." State officials performing aerial work or duty in the aircraft during flight are crewmembers and not "passengers." (14 F.A.R. §119.1(e) (4).)

6. Imagery and Other Products of CAP Missions. CAP missions requested by state agencies under this MOU will not include coverage of federal or National Guard facilities or equipment. CAP aircrew supporting missions under this MOU will avoid federal and National Guard installations. Therefore, imagery data, aerial photography, reports and other products from CAP

missions under this MOU are the property of the state, and release of these products to other government agencies will be determined by the state. Copies of these products retained by CAP may be used for CAP purposes as deemed appropriate by CAP unless otherwise directed by the state in the mission request.

a. Any imagery products, hand-held photography or ARCHER Hyperspectral and High Resolution (HSI/HRI) data, will be releasable to all federal, state and local government agencies as soon as available from CAP without further approval or releasability review by CAP or USAF. Universities, commercial entities and other organizations that support government agencies may work with, but not release the data beyond those organizations and personnel authorized to support the government. Release of ARCHER data beyond government agencies or their support organizations will be subject to release approval of appropriate CAP/USAF authority.

b. MoWING CAP will provide assistance to state agencies for expeditious resolution of releasability issues for any information or data, e.g., written, photographic and imagery, collected by CAP assets that is not covered by this MOU or standing USAF or HQ CAP releasability policy.

7. Command, Control, Coordination and Cooperation.

a. Immediate command and control over all CAP resources and personnel employed in accordance with this MOU shall rest with CAP at all times. Mutual consent should be the norm; nevertheless, any party to this agreement may suspend or terminate CAP missions conducted pursuant to this MOU without cause.

b. Both MoWING and Missouri state agencies agree to maintain continual and effective communication and coordination to facilitate the training necessary for effective CAP participation with Missouri emergency service personnel in disaster relief missions.

8. Reimbursement. Reimbursement to MoWING for missions will be as follows:

a. Reimbursement for Corporate Missions. When Missouri state agency reimbursement is required by MoWING for missions performed under this MOU, such reimbursement shall be in accordance with the flying hour rates established by the MoWING Commander or Director of Operations. In any case, flying hour rates shall be no lower than the rates established in the current Civil Air Patrol Regulation 173-3, *Payment for Civil Air Patrol Support* Attachment 1 (a copy of which is provided as Attachment C to this MOU and incorporated herein by reference). The parties agree that Attachment C, as revised from time to time by Civil Air Patrol and approved by CAP-USAF and the FAA, will serve as a guideline for determining reimbursement. Additionally, aircraft and automobile fuel and oil, communication, per diem and other mission costs will be reimbursed at actual cost. These total cost estimates will be provided in response to the mission request.

b. Restrictions on Billing. Dual payment/compensation or double billing is prohibited and may not be requested or accepted. For example, if MoWING receives or is offered state

funds for aircraft operating expenses (fuel, oil, maintenance), MoWING may not seek or accept reimbursement for the same expense from CAP National Headquarters, or from any other source (i.e. another federal agency).

9. Liabilities: Insurance, Workers' Compensation & Related Matters.

a. State Protections. State protections afforded CAP and its members such as workers' compensation and/or liability protection are set forth in 41.970 RSMo, and provided in Attachment D. CAP third party liability and personal injury coverage available to the corporation and its members are generally outlined in CAP Regulation 900-5.

b. CAP Protections. In addition to protections afforded in paragraph 9a, CAP and its members are protected by liability insurance policies as well as member benefits described in CAP Regulation 900-5, *Civil Air Patrol Insurance/Benefits Program* and 112-10, *Indemnification*.

c. No Federal Protections. CAP and its members are not deemed to be instrumentalities of the United States while performing corporate missions. Therefore, Federal Tort Claims Act (FTCA) (10 U.S.C. 9442(b) (2); 28 U.S.C. 2671 *et. seq.*) and Federal Employees Compensation Act (FECA) (5 U.S.C. 8151) do not apply.

10. Air Force Provisions.

a. The subject MOU is between CAP Corporation and the state of Missouri and is not an agreement with CAP as the Air Force Auxiliary.

b. The United States Air Force has priority in the use of CAP equipment bought with appropriated funds. The priority for utilizing CAP resources is: (1) USAF; (2) Other DoD departments and agencies; (3) other Federal departments and agencies; (4) State agencies and (5) Local agencies.

c. CAP volunteers flying missions under this MOU are not eligible for FTCA or FECA benefits.

d. No Air Force Assigned Missions (AFAM) will be assigned pursuant to this MOU.

e. Missions flown and funded under this MOU are not eligible for payment or reimbursement from the federal government.

11. Effective Date, Term, Termination, and Approval Provisions.

a. Effective Date. The terms of this MOU will become effective as of the date signed by both parties.

b. Term. This MOU shall be effective for a period of five years from its effective date.

c. Amendment. This MOU embodies the entire terms and understanding of the parties and no other agreements exist between the parties except for those expressly stated herein, to include attachments cited below and executed by the parties. This MOU may be amended by written notice of either party, which expressly identifies itself as a part of this agreement and is signed by an authorized representative of each of the parties. Air Force provisions in this MOU are not subject to amendment or revision by either party. (See paragraph 10 and Attachment AF.)

d. Termination. The parties may terminate this MOU at any time upon sixty-day (60) day advance written notice of termination signed by their designated representatives. Copies of the termination notice shall be mailed to the designated representatives of each of the parties at addresses shown below. (See Attachment A and the addresses below).

National Headquarters, Civil Air Patrol
Attention: DO
105 So. Hansell Street
Maxwell AFB, AL 36112

Office of Administration
Commissioner's Office
State Capitol Building, Room 125
P.O. Box 809
Jefferson City, MO 65102

IN WITNESS WHEREOF, this MOU has been executed by the parties herein:

Missouri Wing CAP

State of Missouri

by John A. Mais
John A. Mais
Colonel, CAP
Wing Commander

Dated: 10 Sept 08

by Mark A. Kaiser
Larry W. Schepker
Commissioner
Office of Administration

Dated: 9/18/08

MARK A. KAISER
DEPUTY COMMISSIONER

Attachments:

- AF Untitled AF Involvement Attachment
- A Contact Information
- B Table: CAP Missions and Pilot Limitations
- C CAP Regulation 173-3, *Payment for Civil Air Patrol Support*, Attachment 1, Reimbursement Rates
- D State Protections Afforded CAP & Members
- E State Agency Procedures for Requesting and Funding Cap Missions

References:

Hotlinks to online sources for these citations can be found at:

United States Code <http://uscode.house.gov/usc.htm>

10 U.S.C. §§ 9441 - 9448, (Organization and Management of Civil Air Patrol)
36 U.S.C. §§40301 – 40307, *Civil Air Patrol*

Code of Federal Regulations <http://www.gpoaccess.gov/cfr/index.html>

14 C.F.R. §119.1, *Applicability* [of common carrier regulations]

CAP Publications <http://cap.globalreach.com/index.cfm?nodeID=5285>

CAP Regulations - 60 series including:

CAP Regulation 60-1, *Flight Management*

CAP Regulation 60-3, *CAP Emergency Services Training and Operational Missions*

CAP Regulation 112-10, *Indemnification*

CAP Regulation 173-3, *Payment for Civil Air Patrol Support*

CAP Regulation 900-3, *Firearms - Assistance to Law Enforcement Officials*

CAP Regulation 900-5, *Civil Air Patrol Insurance/Benefits Program*

Attachment AF
AIR FORCE ASSIGNED MISSIONS

1. The following are potential Air Force Assigned Missions (AFAM):

a. Air and Ground Search and Rescue (SAR) Operations. CAP, as the Air Force Auxiliary performs SAR missions to search for, locate, and relieve a distress situation, including overdue aircraft, emergency locator transmitters (ELTs), and persons in distress. For more information on how to request an AFAM SAR mission, contact the Air Force Rescue Coordination Center (AFRCC) at 800-851-3051.

b. Mercy Missions. Mercy missions refer to the transport of blood, organs, serum, and medical equipment necessary to relieve a specific time-critical, life-threatening situation where commercial transportation is unavailable. For more information on how to request a Mercy mission, contact the Air Force Rescue Coordination Center (AFRCC) at 800-851-3051.

c. Disaster Mitigation and Relief (DR) Operations. DR missions relate to assistance needed for major disasters or emergencies (including all natural and man-made disasters such as hurricanes, floods, tornados, major storms, earthquakes, oil spills or other environmental disasters). For more information on how to request a Disaster Mitigation and Relief mission, contact the Air Force National Security Emergency Preparedness (AFNSEP) duty officer at 800-366-0051.

d. SAR/DR Training Missions. SAR/DR training missions are joint training missions with CAP and the State Agency. For more information on how to request a SAR/DR training mission contact the appropriate State Director. (See attachment B – Contact Information).

e. Homeland Security (HLS). Department of Defense and Air Force policy on HLS missions CAP may be tasked to perform in support of civil authorities is still evolving. For more information on how to request a Homeland Security mission, contact the CAP National Operations Center (NOC) at 888-211-1812 or opscenter@cap.gov.

2. For information on any other above AFAM, you may also contact the NOC at 888-211-1812.

ATTACHMENT A
CONTACT INFORMATION

CIVIL AIR PATROL Contact Information as of			
MISSION	CONTACT	PHONE & E-MAIL*	ADDRESS
Planning & Miscellaneous	MOWG HQ	W: 660-687-3847 F: 660-687-3848 H: 816-525-5912 P: C: 816-651-3504 E: hq@mowg.cap.gov	P.O. Box 5044 1300 Alert Road Whiteman AFB, MO 65305
Planning & Miscellaneous- AFAM	CAP National Operations Center	W: 888.211.1812/ 334.953.5823/ DSN 493-5823 F: 334.953.4242 DSN 493.4242 E: opscenter@capnhq.gov	Civil Air Patrol National Headquarters 105 South Hansell Street Building 714 Maxwell AFB, AL 36112-6332
Search and Rescue (MOU paragraph 5a)	CAP National Operations Center	W: 888.211.1812/ 334.953.5823/ DSN 493-5823 F: 334.953.4242 DSN 493.4242 E: opscenter@capnhq.gov	Civil Air Patrol National Headquarters 105 South Hansell Street Building 714 Maxwell AFB, AL 36112-6332
Mercy Missions (MOU Paragraph 5b)	CAP National Operations Center	W: 888.211.1812/ 334.953.5823/ DSN 493-5823 F: 334.953.4242 DSN 493.4242 E: opscenter@capnhq.gov	Civil Air Patrol National Headquarters 105 South Hansell Street Building 714 Maxwell AFB, AL 36112-6332
Disaster Mitigation & Relief (DR) (MOU Paragraph 5c)	CAP National Operations Center	W: 888.211.1812/ 334.953.5823/ DSN 493-5823 F: 334.953.4242 DSN 493.4242 E: opscenter@capnhq.gov	Civil Air Patrol National Headquarters 105 South Hansell Street Building 714 Maxwell AFB, AL 36112-6332
SAR/DR Training (MOU Paragraph 5d)	Emergency Services Officer	W: 314-541-1417 F: H: 636-225-2051 P: C: E: es@mowg.cap.gov	P.O. Box 5044 1300 Alert Road Whiteman AFB, MO 65305
Homeland Security (HLS) (MOU Paragraph 5e)	CAP National Operations Center	W: 888.211.1812/ 334.953.5823/ DSN 493-5823 F: 334.953.4242 DSN 493.4242 E: opscenter@capnhq.gov	Civil Air Patrol National Headquarters 105 South Hansell Street Building 714 Maxwell AFB, AL 36112-6332
Corporate Missions (MOU Paragraph 6.)	MOWG HQ	W: 660-687-3847 F: 660-687-3848 H: 816-525-5912 P: C: 816-651-3504 E: hq@mowg.cap.gov	P.O. Box 5044 1300 Alert Road Whiteman AFB, MO 65305

ATTACHMENT A, Continued
CONTACT INFORMATION

Missouri Department of Natural Resources Contact Information as of 1/15/08			
MISSION	CONTACT	PHONE & E-MAIL*	ADDRESS
Planning, Operations & Miscellaneous	Shawn Muenks, Hazardous Waste Program	W: 573-751-3107 F: 573-526-5268 E: Shawn.Muenks@dnr.mo.gov	P.O. Box 176 Jefferson City, MO 65102-0176
Billing	Layne Washburn, Hazardous Waste Program	W: 573-751-2792 F: 573-751-7869 E: Layne.Washburn@dnr.mo.gov	P.O. Box 176 Jefferson City, MO 65102-0176
Missouri Department of Public Safety			
Planning, Operations & Miscellaneous		W: F: E	
Billing		W: F: E	
Missouri Department of Agriculture			
Planning, Operations & Miscellaneous		W: F: E	
Billing		W: F: E	
Missouri Department of Conservation			
Planning, Operations & Miscellaneous		W: F: E	
Billing		W: F: E	
Missouri Office of Administration			
Mission Approval	Risk Management	W: F: E	
Funding & Reimbursement	Budget & Planning	W: F: E	

ATTACHMENT B
TABLE: CAP MISSIONS AND PILOT LIMITATIONS

CAPR 60-1 ATTACHMENT 2 (CONT'D) 20 FEBRUARY 2008

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CAP MISSIONS AND PILOT LIMITATIONS

IF THE PURPOSE OF THE FLIGHT IS	AND ON BOARD ARE	AND THE MISSION IS	AND THE AIRCRAFT IS	THEN MAY BE FLOWN BY	PILOT MAY BE REIMBURSED FOR	REFERENCE
Search and Locate	Pilot crewmembers, CAP members, Armed Services, Authorized Government Employees	A or B Reimbursed or Not Reimbursed	Corporate Owned	Private Pilot	Fuel, Oil, Supplemental Oxygen, Fluids, Lubricants, Servicing, Maintenance, Per Diem	Exemption 6771
			Member Furnished	Private Pilot	In accordance with CAPR 173-3	Exemption 6771
		C Reimbursed or Not Reimbursed	See Aerial Work Operations			
	Other Passengers	A	Any	Private Pilot	Fuel, oil, airport expenditures, or rental fees	FAR 61.113(e)
		B or C Reimbursed	Any	Commercial Pilot or ATP	Any Expenses Authorized by CAP	FAR 119.1(e)(4)
		Not Reimbursed	Any	Private Pilot	See Note 1	FAR 61.113(a); FAR 61.113(c); FAR 119.1(e)(4); FAA Interpretation 1997-23
Aerial Work Operations (Aerial imaging, radio relay)	Crewmembers (FAR 1.1)	Any	Any	Private Pilot	See Note 1	FAR 61.113(a); FAR 61.113(c); FAR 119.1(e)(4); FAA Interpretation 1997-23
	Passengers or Non-CAP Property	Reimbursed	Any	Commercial Pilot or ATP	Any Expenses Authorized by CAP	FAR 119.1(e)(4)
		Not Reimbursed	Any	Private Pilot	See Note 1	FAR 61.113(a); FAR 61.113(c); FAR 119.1(e)(4); FAA Interpretation 1997-23

ATTACHMENT B
TABLE: CAP MISSIONS AND PILOT LIMITATIONS (cont'd)

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CAPR 60-1 ATTACHMENT 2 (CONT'D) 20 FEBRUARY 2008

IF THE PURPOSE OF THE FLIGHT IS	AND ON BOARD ARE	AND THE MISSION IS	AND THE AIRCRAFT IS	THEN MAY BE FLOWN BY	PILOT MAY BE REIMBURSED FOR	REFERENCE
Domestic CAP Cadet Orientation Flights IAW CAPP 52-7, AFROTC, AFJROTC Orientation Flights	Pilot, CAP Cadets, AFROTC Cadets, AFJROTC Cadets	A AF Reimbursed	Corporate Owned	Private Pilot	Fuel, Oil, Supplemental Oxygen, Fluids, Lubricants, Servicing, Maintenance, Per Diem	Exemption 6771
			Member Furnished	Private Pilot	IAW CAPR 173-3	
		B Not Reimbursed	Corporate Owned	Private Pilot	Fuel, Oil, Supplemental Oxygen, Fluids, Lubricants, Servicing, Maintenance, Per Diem	IAW CAPR 173-3
			Member Furnished	Private Pilot	IAW CAPR 173-3	
		B Reimbursed with other than AF Funds	Any	Commercial	Any Expenses Authorized by CAP	
Overseas CAP Orientation Flights	Pilot crewmembers, CAP Cadets	Any	AF Aero Club Owned	Commercial Pilot with Instrument Rating or ATP	Any Expenses Authorized by CAP	Exemption 6771, CAPR 60-1 Para 3-2 f (6)
Transportation	Passengers or Non-CAP Property	A or Not Reimbursed	Any	Private Pilot	See Note 1	FAR 61.113(c), Interpretation 1997-23
				Commercial Pilot	Any Expenses Authorized by CAP	Exemption 6485
		B or C Reimbursed	Any	Not Authorized - Part 135	N/A	FAR 119.1

Note 1: Pilot may not pay less than the pro rata share of the operating expenses, provided the expenses involve only fuel, oil, airport expenditures, or rental fees **OR** pilot may not log flight time.

Note 2: Exemptions cited reflect the current extension (A, B, C, etc.).

ATTACHMENT C
CAPR 173-3, ATTACHMENT 1, REIMBURSEMENT RATES

Attachment 1 – Aircraft Flying Hour Minor Maintenance Payment Rates

The rates in this table are calculated from actual reported minor maintenance expenses for CAP aircraft. Many factors, such as aircraft age, Airworthiness Directives, design, and model, affect CAP expenditures for maintenance. These rates are not generally related to engine horsepower because engine expenses are managed under CAP’s major maintenance program. CAP has elected to establish overall fleet rates for only the models of aircraft in the CAP corporate fleet.

Wings participating in the national consolidated maintenance program will not have minor maintenance funds paid to the wing. In addition, the Category “B” and “C” minor maintenance mission funds collected by those wings must be forwarded to NHQ so the funds can be used to maintain the wing’s aircraft.

Effective 1 March 2007
“Dry” Hourly Reimbursement Rates
for all sorties flown on or after 1 March 2007

Manuf	Maule	Cessna	Cessna	Cessna	Gippsland	Cessna	de Havilland	Cessna
Model	MT-7-235	172	182	206	GA-8	182RG	DHC-2	185
Cost/hr	\$29.00	\$30.00	\$41.00	\$47.00	\$37.00	\$52.00	\$64.00	\$59.00

Notes:

1. “Basic Hourly Rate” for single-engine corporate or member-owned/furnished aircraft not listed above: \$30.00.
2. Use of single-engine member-owned or member-furnished aircraft must be approved in advance for all missions.
 - a. Use in Air Force assigned missions requires approval by the appropriate Air Force approval authority. It also requires the member to complete an Air Force hold harmless agreement.
 - b. Use in corporate missions requires approval by the wing/region commander or director of operations/director of emergency services.
 - c. Single-engine member-owned or member-furnished aircraft models that have been approved in accordance with this note but are not listed in the table above will be reimbursed at the “Basic Hourly Rate.”
3. The use of all twin-engine aircraft for any mission requires prior approval through the wing/region **and** the appropriate Air Force approval authority (through the National Operations Center.) It also requires the member to complete an Air Force hold harmless agreement. Wings/regions should send requests well in advance to the NOC at opscenter@capnhq.gov. Once approval has been obtained, the NHQ staff will determine the reimbursement rate and notify the wing/region in writing. The “dry” hourly reimbursement rate for the HI Wing Partenavia is \$137.00.
4. Aircraft fuel, lubricants, de-icing payments, and other mission essential supplies are authorized for participation in Air Force-assigned reimbursable missions and are in addition to the above rates (receipts required).

ATTACHMENT C
CAPR 173-3, ATTACHMENT 1, REIMBURSEMENT RATES (Contd.)

CAPR 173-3 ATTACHMENT 1 (CONT'D) 8 JANUARY 2008

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5. Corporate glider tow aircraft are reimbursed at the appropriate rate for their model classification. Reimbursement for non-corporate glider tows participating in the Cadet Glider Flight Orientation Program will be based on the actual cost of the tow (receipts required).
6. Glider maintenance reimbursement will be on an actual cost basis. All maintenance of gliders requires a control number from NHQ CAP/MX prior to repairs being accomplished. Submit receipts for all expenses incurred to NHQ CAP/MX for payment or reimbursement. Electronic copies of original receipts are acceptable. Tail number accounting principles must be followed for gliders [Corrected].
7. To properly figure the reimbursement authorized, multiply the total number of hours flown times the rate allowed for the appropriate aircraft model to determine the amount reimbursed for aircraft minor maintenance. Add to the aircraft minor maintenance reimbursement the total for actual fuel, lubricants, de-icing, and other authorized expenses to determine the "total" reimbursement. Wings participating in the national consolidated maintenance program will list the flying hours flown on the WMIRS Form 108 but will not list the "Aircraft Cost Claimed" in column H.
8. Satellite-transmitted Digital Imaging System (SDIS) Rates. CAP can charge an additional \$65 an hour to operate SDIS but only when supporting missions that are not funded with CAP's annual Congressional appropriation. The money collected for SDIS operation from these missions must be forwarded to NHQ for the systems that NHQ provides to the wings. Wings that have purchased their own SDIS systems may keep the money but must comply with specific program income restrictions. This information can be obtained from HQ CAP/FM. The hourly charge to operate the SDIS system will begin when the aircraft departs the mission base to execute the SDIS sortie and ends when the aircraft returns to the mission base. The SDIS rate will not be charged on flights to/from the home base and the mission base unless SDIS operation is conducted enroute to the mission base.
9. Airborne Real-time Cueing Hyperspectral Enhanced Reconnaissance (ARCHER) Rates. CAP can charge an additional \$235 an hour to operate ARCHER but only when supporting missions that are not funded with CAP's annual Congressional appropriation. The money collected for ARCHER operation from these missions must be forwarded to NHQ. The hourly charge to operate the ARCHER system will begin when the aircraft departs the mission base to execute the ARCHER sortie and ends when the aircraft returns to the mission base. The ARCHER rate will not be charged on flights to/from the home base and the mission base unless ARCHER operation is conducted enroute to the mission base.

ATTACHMENT D
STATE PROTECTIONS AFFORDED CAP & MEMBERS

Missouri Revised Statutes, Section 41.970 (41.970 RSMo) authorizes state agencies to fund and request CAP mission support. It designates CAP members, on state funded missions, as state employees for purposes of liability and workers' compensation. The following is 41.970 RSMo.

Missouri Revised Statutes

**Chapter 41
Military Forces
Section 41.970**

August 28, 2007

Civil air patrol, use in support of national guard missions--definitions--procedure for activation.

41.970. 1. As used in this section, the following terms shall mean:

(1) "Civil air patrol", the civilian auxiliary of the United States Air Force established by the United States Congress in 36 U.S.C. Section 40301, et seq. and 10 U.S.C. Section 9441, et seq. Civil air patrol missions include search and rescue, disaster relief, and aerial reconnaissance;

(2) "Office of air search and rescue", as established by section 41.960, within military division of the executive department, office of adjutant general, the wing commander of Missouri wing, civil air patrol; Missouri wing emergency service personnel; and others as necessary for duties assigned to the office.

2. The civil air patrol may be used to support national guard missions in support of civil authorities or in support of noncombatant national guard missions, and to support state agencies under memorandums of understanding (MOU) or agreements established between the agencies and the civil air patrol.

3. Requests for activation or support of the civil air patrol shall be made to the commander of the Missouri wing of the civil air patrol. Missions shall be in accordance with laws and regulations applicable to the United States Air Force and the civil air patrol. Prior to activation of the civil air patrol, the adjutant general or the Missouri civil air patrol wing commander shall apply to the Air Force Rescue Coordination Center, the Air Force National Security Emergency Preparedness Agency, or the civil air patrol national operations center for federal mission status and funding.

4. If an operation or mission of the civil air patrol is granted funded federal mission status and assigned an accompanying federal mission number, the following shall apply:

(1) The operation or mission shall be funded by the federal government;

(2) When training or operating under a federal mission number, the members of the civil air patrol shall be considered federal employees for the purposes of tort claims and workers' compensation arising from the performance of the mission or any actions incident to the performance of the mission.

5. If an operation or mission of the civil air patrol is not granted federal mission status and is not assigned an accompanying federal mission number, the following shall apply:

(1) Except for missions and operations supporting the department of public safety or the office of adjutant general, all requests for activation and authorization for any mission or operation of the civil air patrol on behalf of state agencies shall first be approved by the department director of the requesting agency, the adjutant general and the commissioner of administration;

(2) Operations and administration of the civil air patrol relating to missions within the state and for state

agencies not qualifying for funded federal mission status shall be funded by the state from moneys appropriated to the requesting state agency for that purpose;

(3) When performing a mission within the state and for state agencies that do not qualify for funded federal mission status, members of the civil air patrol shall be considered state employees for purposes of the state legal expense fund as provided under section 105.711, RSMo, and for purposes of workers' compensation coverage, as provided under section 105.810, RSMo;

(4) The procedures in this section apply to any civil air patrol personnel and aircraft from any state that are flying or otherwise supporting missions for Missouri state agencies;

(5) Notwithstanding the provisions of this section to the contrary, emergency operations or missions as determined by the commander of the Missouri wing of the civil air patrol and approved by the adjutant general may be conducted pending funding authorization for federal, state, or other sources.

(L. 2007 H.B. 619 & 118)

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Missouri General Assembly

ATTACHMENT E
**STATE AGENCY PROCEDURES FOR REQUESTING AND FUNDING CAP
MISSIONS**

State agencies requesting support from the Civil Air Patrol (CAP) under this MOU will follow the procedures outlined below to request the mission and provide reimbursement for CAP expenses. The state approving authority for all requests is the Commissioner of Administration (OA). Requests are forwarded through the Adjutant General, where the Missouri Wing (MoWING) CAP is notified of the request and provides an estimate of costs.

The requesting agency will be responsible for reimbursing all CAP allowable expenses. Reimbursement will generally be limited to the rates established in the current Civil Air Patrol Regulation 173-3, *Payment for Civil Air Patrol Support*, incorporated as Attachment C to the MOU. Attachment C, as revised from time to time by Civil Air Patrol and approved by CAP-USAF and the FAA, will be the basis for determining reimbursement costs. Additionally, aircraft and automobile fuel and oil will be reimbursed at actual cost, and personnel lodging and per diem costs associated with a deployment, which could result from multiple day imagery collection of large areas several hundred miles from Kansas City, will also be reimbursable.

This MOU provides access to CAP on a non-emergency basis. The approval process and scheduling of CAP assets may take several weeks. Therefore, initiate requests early in the planning process. For CAP support to state emergencies, contact MO SEMA.

Missouri Revised Statute 41.970 (41.970 RSMo) established the requirements for requesting activation and authorization for a CAP mission. The following is a recommended implementation of 41.970 RSMo.

a. **Requesting Department.** The requesting office should pre-coordinate missions with the MoWING CAP State Liaison, Attachment A, prior to drafting the official request in order to determine feasibility and estimated costs. If the department chooses to proceed, all requests must be forwarded through their state department to the Commissioner of OA through the Adjutant General. The letter should include a general description of the type support requested, e.g., aerial reconnaissance, the department's contact information, and the mission timeframe, if specific dates are required. A sample letter with enclosures is provided at the end of this attachment.

If aerial photography or ARCHER Hyperspectral/High Resolution Imagery (HSI/HRI) is requested, include the following information, see Enclosure 1:

(1.) Hand-Held Aerial Photography. CAP aircraft carry an off-the-shelf digital camera, with standard lenses. Therefore, aerial photography is generally for site orientation or indications of activity of interest to the department. Better resolution can be obtained by flying at lower altitudes. Higher resolution digital cameras may be available to CAP in the future, or the department can provide high resolution equipment to CAP for the mission. When requesting an aerial photography mission, provide the following:

(a.) Site or area name;

(b.) Brief description of the site and specific items, building, etc. of interest (e.g., Site is a salvage yard. Operators may be dumping oils, solvents, etc. on the property, possibly along the fence line.);

(c.) Coordinates, preferably longitude / latitude in decimal degrees or degrees, minutes, seconds format (e.g., Lat 38.62699138, Long -90.24763798 or Lat 38° 37' 37.167", Long -90° 14' 51.4962");

(d.) Preferred photo coverage (e.g., Two photos covering entire site taken from two directions, one lower altitude photo of cluster of trailers in northeast corner of property, or provide overall site photos from at least two directions and closer coverage of any areas where the soil has been discolored from possible discarded liquids.);

(e.) Any prominent landmarks (a radio/TV tower, major roadway, etc.) that would assist a pilot's target identification; and

(f.) A map-type graphic, preferably a .pdf from the GIS file, of the site outlining the area or location of items of interest.

(2.) Hyperspectral/High Resolution Imagery (HSI/HRI). Headquarters CAP currently has one Airborne Real-Time Cueing Hyperspectral Enhanced Reconnaissance (ARCHER) aircraft based in Kansas City, MO. ARCHER can collect approximately 3,000 acres of one meter HSI/16 cm HRI per hour for 4-5 hrs per day. Sun angle and time of year are a factor. Therefore, ARCHER should only be tasked for large area coverage, or collection of several smaller sites within a 100nm area. The imagery data can be viewed on the ARCHER ground station. It must be processed by separate software for use on Geographic Information Systems (GIS) or HSI analytical applications, e.g., ENVI™. Contact the MoDNR, Hazardous Waste Program, 573-751-3907, for information on processing the data. For HSI/HRI provide the following.

(a.) Site or area name;

(b.) Brief description of the site/area and objective of imaging (e.g., Area is designated wetlands. Imagery will be used to locate small water bodies and to map vegetation type.);

(c.) Coordinates of the corners of the area. If possible, the area should be a rectangle with long sides to allow ARCHER to make longer runs with less turning. A five square mile area takes about one hour to cover. Twenty square miles would be an average coverage for a day, depending on the time of year and amount of sun. Corner coordinates should be longitude / latitude in decimal degree or degrees, minutes, seconds format (e.g., Lat 38.62699138, Long -90.24763798 or Lat 38° 37' 37.167", Long -90° 14' 51.4962");

(d.) The normal collection altitude is 2,500 ft covering 1/2 km swath under the flight path and providing 1 meter HSI and 16 cm HRI. The aircraft can fly at higher altitude to increase area coverage (e.g., 5,000 ft provides a 1 km swath with 2 meter HSI) or lower altitude for higher resolution (e.g., 1,500 ft for 25-16 cm HSI);

(e.) Any prominent landmarks (a radio/TV tower, major roadway, etc.) that would assist a pilot's target identification; and

(f.) A map-type graphic, preferably a .pdf from a GIS file, of the site outlining the area and locations of items of interest.

b. Adjutant General. The Adjutant General will coordinate the request with MoWING CAP to ensure the mission is feasible. MoWING CAP will forward the request through appropriate CAP/USAF agencies to determine if the mission request qualifies for Air Force

Assigned Mission (AFAM) status. If qualified for AFAM status, MoWING will notify the requesting agency, and coordinate with HQ CAP to conduct the mission under AFAM procedures. This MOU does not cover AFAM missions. If the requested mission does not qualify for AFAM status, but is feasible, the Adjutant General/MoWING will return the mission request to the requesting agency with an estimate of expenses and projected mission timeframe to allow coordination of funding.

c. **Requesting Department.** If approved, the request with funding information will be forwarded to OA, Office of the Commissioner for approval.

d. **Office of Administration, Commissioner.** The OA Office of the Commissioner will approve or disapprove the request, and return the package to the requesting department.

e. **Requesting Department.** The requesting department will provide a copy of the approved request to MoWING Commander for notification/coordination with HQ CAP. The department contact will coordinate with appropriate MoWING personnel to provide any additional planning information required, and arrange for transfer of reports or other products.

f. **MoWING CAP.** Upon completion of the mission, MoWING CAP will submit either the standard CAPF 108 (E), MAR 03, CAP Payment/Reimbursement Document For Aviation/Automotive/Miscellaneous Expenses or another format acceptable to HQ CAP. The invoice material will be forwarded to the department contact, Attachment A. Any requirement for additional documentation or information will be coordinated between MoWING CAP state liaison and the requesting department's contact.

g. **Requesting Department.** MoWING CAP and Headquarters CAP are approved vendors on the state vendor list. Reimbursement will be made by the requesting department.

SAMPLE LETTER REQUEST FOR A CAP MISSION

To: Commissioner, Missouri Office of Administration

Through: Adjutant General
Department of Public Safety

RE: Request for Missouri Wing (MoWING) Civil Air Patrol (CAP) support

Enclosed please find the Department of _____'s request for a MoWING CAP _____ mission to support _____ (e.g., aerial photography mission to support semi-annual monitoring of salvage yards for compliance with waste disposal regulations). Funding is available to reimburse CAP for mission expenses, and accounting data will be provided upon Adjutant General endorsement and MoWING estimate.

Adjutant General, please coordinate with MoWING (Enclosure 1) to determine if the mission qualifies as an Air Force Assigned Mission (AFAM). If not, obtain mission cost estimate (Enclosure 2-Part A), endorse and return to _____ (dept contact) at _____ (dept address) _____. If you have any questions, _____ (dept contact) can also be reached at (573) XXX-XXXX.

Sincerely,

DEPARTMENT OF _____

Director

Enclosures

Enclosure 1 - CAP Mission Description

Requested Date

Required/Desired Date: _____ OR
No Specific Date Required.

Mission Description (see Attachment E, para 1.a. for guidance)

(1.) Hand-Held Aerial Reconnaissance or Photography.

- (a.) Site or area name:
- (b.) Site description/desired information:
- (c.) Coordinates (decimal or degree) latitude _____ longitude _____
- (d.) Preferred photo coverage:
- (e.) Prominent landmarks:
- (f.) Site map/graphic attached.

OR

(2.) Hyperspectral/High Resolution Imagery (HSI/HRI).

- (a.) Site or area name:
- (b.) Area description and imaging objective:
- (c.) Area corner coordinates:
latitude _____ longitude _____
latitude _____ longitude _____
latitude _____ longitude _____
latitude _____ longitude _____
- (d.) Changes in normal HSI/HRI coverage/resolution:
- (e.) Prominent landmarks:
- (f.) Site map/graphic attached.

OR

(3.) Other Mission as Described.

Enclosure 2 - CAP Mission Funding Data (Part A)

- completed by Adjutant General and MoWING CAP
- forwarded to requesting agency

Funding Estimate

The estimated costs for fuel and related aircraft operational costs for the mission described in Enclosure 1 is \$_____.

If deployment is required, the estimated cost of lodging and per diem is \$_____.

Estimated timeframe to begin and complete mission is _____.

(signature MoWING CAP)

(MoWING CAP title)

(approval signature Adjutant General)

(Adjutant General title)

Enclosure 2 - CAP Mission Funding Data (Part B)

- completed by the department upon cost estimate and approval above
- forwarded to OA, Office of the Commissioner for approval

Department Accounting Data

FY	Agy	Org	Fund	Approp	Activity	Function	Rpt Cat	Job/Proj	Amount

(signature)

(title)