

**Confederated Tribes of the Umatilla Indian Reservation
Policies and Procedures for Utilization of Unmanned Aircraft Systems
Adopted May 2023**

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) as a sovereign nation, in order to fulfill its mission and functions as the government for the Umatilla Indian Reservation, decrees that it shall utilize Unmanned Aircraft Systems (UAS) - also known as Unmanned Aerial Vehicles or drones - as part of its Tribal operations.

SUMMARY

Operating within the framework of CTUIR laws and policies - and operating within the framework of other jurisdictions (primarily the US Federal Aviation Administration), the Lead Entity (CTUIR GIS Program) works with CTUIR staff/departments to conduct UAS operations for projects and tasks for which UAS are suitable. CTUIR wishes to manage and develop the growth of UAS activities. As technology changes and specific uses for UAS activities are adopted and standardized it is anticipated that there will be a need to amend these policies and procedures, and conduct a review of relevant codes where these policies can be placed. Amendments will occur annually for the first three years and then may occur every third year thereafter. The use of UAS to improve procedures, emergency activities and data collection efforts are expected to grow in the future. Activities for which unmanned aircraft will be used in the near term include, but are not limited to, aerial photography (such as inventories of natural resources, surveys of existing facilities and properties, and monitoring of construction sites), videography (such as recordings for promotional events, project site locations), pick-up and drop-off biologic samples and pharmaceuticals at the Yellowhawk Tribal Health Center and data acquisition (e.g., natural-color photos, color-infrared photos, elevation/LiDAR, terrain models, temperatures). This document outlines the (a) overall policies for use of unmanned aircraft, (b) specific mandatory parameters for all UAS operations, and (c) procedures for staff/departments for working with the GIS Program to conduct UAS operations.

Any commercial or non-tribal entity usage of a UAS on the Umatilla Indian Reservation, which is not for purely recreational purposes as outlined in FAA Circular Advisory 91-57B, must be approved by the Board of Trustees by resolution or authorized by the Office of the Executive Director (OED). Intergovernmental agreements involving UAS will be reviewed and approved by resolution of the Board of Trustees. The OED is authorized to execute agreements and memoranda of understanding with nongovernmental entities. Any such usage shall be governed by a specific contract, memorandum of understanding, or intergovernmental agreement. Such agreements shall at a minimum contain all requirements established by the FAA for usage of a UAS in that particular circumstance whether explicitly stated or incorporated by reference. Such agreements shall also contain procedural requirements for notification of flight times and locations to operate a UAS within the reservation, whether testing or production flights. Notification shall be required to be given to both the OED and GIS Program. Any CTUIR department contacted by an outside entity about UAS usage shall forward the request to the Office of Legal Counsel. All requests shall go through an interdepartmental review by the CTUIR UAS Working Group.

Purely recreational usage of a UAS in accordance with FAA Regulations on, or within the airspace of, CTUIR owned land, whether in fee or trust, is prohibited without prior written authorization of the OED. Any such usage without prior permission shall be considered a civil infraction of trespass subject to a penalty of up to \$500 per incident and confiscation of the UAS

and associated items, which infraction may be filed in tribal court by the Office of the Prosecutor for any violation.

Tribal members are authorized to use CTUIR properties for recreational usage of a UAS in accordance with FAA Regulations without the need for prior written authorization from the Board of Trustees or OED, except in locations on P1 or P1 Overlay Zones as found in the Land Development Code which include the Wildhorse Resort and Casino, Wildhorse Golf Course, Nixyáawii Community School, the Nixyáawii Governance Center, and Tamástslikt Cultural Institute.

A. Lead Entity Powers and Duties

The GIS Program works to facilitate use of geographic data collection to support the mission and goals of CTUIR Departments and Programs. The GIS program is committed to developing geographic products which inform decision making and improves management of CTUIR resources. Programs within CTUIR can make requests for UAS operations to the GIS program. The purpose of using the request system is to capture documentation about the wide array of uses UAS may have within CTUIR government operations. The requesting program documents the intended use of the data and ensures that it correlates directly to the various departmental/program missions and goals and respects personal privacy rights.

The GIS Program oversees and provides support for UAS operations, including the following:

- All UAS purchased by CTUIR will be through the GIS Program at this time.
- Conducting operations of Unmanned Aircraft Systems for CTUIR activities. Collecting, processing and transferring data acquired through UAS operations.
- Ensure that licensing is current, appropriate and easily available for review.
- Reporting the use of UAS systems to Tribal Entities as needed.

B. Request Procedures

In order to ensure proper UAS use and to plan and allocate UAS resources, the GIS Program works with the requesting program through the following procedures:

1. The Requesting Program submits a CTUIR UAS Project request through the helpdesk ticket system, which should include all relevant details about the intended application of unmanned aircraft.
2. The Requesting Program and the GIS Program, along with any other necessary CTUIR Departments, meet and review the proposed UAS project. Logistics are detailed. A determination of who (Department, staff) is participating in the UAS activity will be made. A determination of the individual or individuals piloting the UAS will be made, along with verification of all requirements (including FAA certification) necessary for piloting unmanned aircraft.
3. The GIS Program reserves the right to recommend the use of an outside licensed pilot for certain operations.
4. The GIS Program may, or may not, depending upon the circumstances, partake in the UAS operation, including piloting the unmanned aircraft.
5. The GIS Program confirms the Pilot in Command (PIC) of the individual mission.
6. The PIC is responsible for ensuring safety during the UAS operation and must follow all FAA guidelines.

7. The Requesting Program identifies if land owner permission/notification is required and if so secures the necessary permissions.
8. The PIC is responsible to survey the flight area ahead of the planned operation, limit the operating area to a footprint that is necessary and safe.
9. The PIC must be aware of the limitations of the pilot and the equipment being used.
10. After the UAS project is completed, if deemed appropriate, an assessment of the project will be performed to determine, in part, whether modifications to CTUIR UAS procedures and guidelines are needed in order to fulfill Departmental needs for deploying Unmanned Aircraft Systems.
11. If, during an UAS operation, there is an emergency, injury to a person, or property damage caused by the unmanned aircraft, the PIC will notify the GIS Program immediately (once any emergency situation is under control).
12. The PIC is responsible for notifying FAA for emergencies and damage incidents involving UAS.

C. UAS Operational Guidelines

1. The CTUIR shall operate unmanned aircraft in accordance with its own laws and regulations, and CTUIR shall operate UAS in conjunction with other jurisdictions, in particular the US Federal Aviation Administration which regulates US airspace.
2. Unmanned aircraft shall be used to further Tribal government activities (see the description above). UAS shall not be operated for personal gain unless operation is pursuant to a specific contract, memorandum of understanding, or intergovernmental agreement approved by the Board of Trustees by resolution or authorized by the Office of the Executive Director.
3. UAS shall be utilized for specific projects and tasks for which these devices are suited and for which the incorporation of a UAS will provide key data or other vital functions.
4. CTUIR shall use small UAS (less than 55 pounds), which may be either fixed-wing or rotorcraft models.
5. UAS operations can be conducted by current employees of the CTUIR who
 - Are employed at that time by CTUIR,
 - Are qualified with valid, current FAA certification to pilot small unmanned aircraft (remote pilot airman certificate with a small UAS rating),
 - Have notified the GIS Program and provided a copy of FAA certification,
 - Are carrying on the person proof of FAA certification. Note that, as part of the FAA certification , the person will be vetted by the US Transportation Security Administration,
 - Are covered under supplemental insurance,
 - Are 18 years or older.

D. UAS Administration

1. The GIS Program shall provide an update annually to the Executive Director or Management Team of all approved staff with FAA certification and description of purchased drones within CTUIR.
2. The GIS Program may allow a non-certified person to operate a UAS for purposes of internship training and development of UAS certified pilots within CTUIR.

- At all times a certified PIC must be able to take control of the UAS during training operations.
3. If an approved pilot allows any unapproved person to fly a Tribal unmanned aircraft outside of training program:
 - Incident will be reported by GIS Program to the Executive Director.
 - Approval of pilot shall be revoked by CTUIR and may only be reinstated by the CTUIR Executive Director upon review and recommendation of the situation by the GIS Program
 - Incident will be referred by GIS Program to the employee's supervisor, department director and Human Resources for appropriate disciplinary action up to and including job termination.
 4. Tribal employees shall operate unmanned aircraft in a responsible and safe manner. Safety of staff and all others in the vicinity of UAS operations shall be given highest consideration.
 5. Data (images, videos, etc.) collected by CTUIR UAS are property of CTUIR and shall be used only for official governmental purposes. Inadvertent capture of extraneous and possibly sensitive information (in particular, images/videos of individual persons) is to be avoided, and if necessary such sensitive information shall be removed from the data collected during UAS operations.
 6. Tribal staff operating unmanned aircraft shall, to the extent possible, respect the privacy of those people possibly impacted by UAS activities.

E. Operational Parameters

Use of unmanned aircraft by the CTUIR may take place within or outside the Umatilla Indian Reservation, on Tribal lands, on Trust properties, or at any location where the Tribe has official government business.

Specific parameters to be met for all UAS operations include the following:

1. CTUIR drone operations shall comply with FAA regulations for safety and continuity of operations. Such regulations include but are not limited to the following:
 - a. Only small Unmanned Aircraft Systems (UAS) of less than 55 pounds may be utilized.
 - b. Night flights for UAS operated on the CTUIR will be allowed on a case by case basis. No recreational users are allowed to operate UAS at night.
 - c. At all times, the pilot/operator of the UAS will keep the aircraft in visual line-of-sight.
 - d. Take-off and landing areas for UAS shall be within visual reach of the pilot/operator.
 - e. Unmanned aircraft shall be kept within a maximum altitude of 400 feet above ground level.
 - f. Unmanned aircraft shall be operated with a maximum groundspeed of 100 mph.
 - g. Unmanned aircraft are not allowed to fly over/around people who are not directly part of the UAS operation.
 - h. UAS operated by the CTUIR shall avoid and yield to all manned aircraft.
 - i. UAS operated by the CTUIR shall be within the appropriate airspace: (a) Class G airspace. (b) Class B, C, D and E airspace ONLY with the required Air Traffic Control permission.

- j. Where applicable, buildings and other infrastructure (e.g., power lines) shall be avoided.
 - k. Tribal employees piloting/operating Unmanned Aircraft Systems will be FAA-certified as remote pilots unless participating in an internship program. Each UAS operation will have a designated remote pilot in command, PIC.
 - l. PIC must perform preflight check of the unmanned aircraft to ensure readiness for safe flight. A preflight check of the operating environment (location for UAS operation) is also necessary. All employees participating in an UAS operation need to be familiar with the operational plan as well as emergency protocols.
2. UAS activities must meet all other FAA requirements for the business use of small unmanned aircraft.
3. Some of the above operational parameters may, on a case-by-case basis, be waived IF (a) there is a sufficient need, and (b) the CTUIR has the required Certificate of Waiver authorization from the FAA.
4. For some UAS projects, it may be important or necessary to notify property owners that a UAS operation is taking place. This could be the landowner of the property where the unmanned aircraft is being flown (if that property is not owned by the CTUIR), the Bureau of Indian Affairs local agency for allotments or landowners adjacent to the property where the UAS operation is being conducted.
5. All data collected from UAS operations will be stored in a designated location on the //gis-data01/ server.

F. Emergency Situations

1. If there is ever an emergency (human injury; property damage creating dangerous situation) caused by a mishap in UAS operations, the appropriate emergency personnel (911, police, fire, and ambulance) will be immediately contacted. Once the situation is under control, the appropriate CTUIR Departments (including the GIS Program) will be contacted immediately.
2. If there is ever an incident in which UAS operations cause property damage - or generate concerns among impacted parties, then the appropriate CTUIR Departments (including the GIS Program) will be contacted as soon as possible.
3. The remote pilot in command of any operation where the UAS results in serious injury, loss of consciousness or property damage \$500 or greater, along with the GIS Program, must report to the FAA within 10 days of the operation.