



REPLY TO  
ATTENTION OF:

**DEPARTMENT OF THE ARMY**  
HEADQUARTERS, U.S. ARMY AERONAUTICAL SERVICES AGENCY  
9325 GUNSON ROAD, SUITE N319  
FORT BELVOIR, VA 22060-5582

DAMO-AV-A

21 June 2013

MEMORANDUM FOR SEE Distribution

SUBJECT: Non-Department of Defense Use of Army Restricted Airspace

1. Reference:

- a. 14 CFR Part 73.3, Special Use Airspace, 01 Jan 13
- b. AR-95-2, Airspace, Airfields/Heliports, Flight Activities, Air Traffic Control, and Navigational Aids, 16 Oct 08
- c. DoD Directive 5030.19, DoD Responsibilities on Federal Aviation and National Airspace System Matters, 15 Jun 97
- d. 14 CFR Part 91.133, Restricted and Prohibited Areas, 01 Jan 07
- e. DoD Directive 3200.11, Major Range and Test Facility Base (MRTFB), 27 Dec 07
- f. FAA Order JO 7610.4P, Special Operation, 25 Aug 11
- g. 49 USC Sec 40125, Qualifications for Public Aircraft Status, 03 Jan 12
- h. DAM PAM 385-63, Range Safety, 30 Jan 12
- i. FAA Order JO 7400.2J, Procedures for Handling Airspace Matters, 09 Feb 12
- j. FAA Order JO 7400.8V, Special Use Airspace, 13 Feb 13

2. Purpose: It is imperative that Army Using Agencies effectively and efficiently manage restricted airspace delegated to them. This memorandum is intended to clarify existing policy related to civil and non-DOD use of restricted airspace. The guidance provided is intended to assist Army Using Agencies in handling requests from civil or non-DOD public entities requesting to operate in restricted airspace designated for Army use.

3. Background: Over the past year, Army Using Agencies have received an increasing number of requests from civil or non-DOD public entities to schedule

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restricted airspace established and designated for Army use. The preponderance of these requests have been made to schedule restricted airspace for civil unmanned aircraft system training, testing, and operations. Civil or non-DOD public aircraft activity is considered any operation not under DOD or Army contract or associated with/in support of a DOD or Army requirement.

4. Guidance: In order to comply with the references, Army Using Agencies must not enter into in an agreement with civil or non-DOD public entities requesting to utilize Army restricted airspace unless all of the following conditions are met:

- a. Civil or non-DOD public activities must not infringe upon an Army mission.
- b. Civil or non-DOD public activities must be within the scope of the designated purpose of the restricted area in accordance with reference 1a.
- c. Civil or non-DOD public aircraft activities must not alter the minimum dimension or times of use required to contain Army activity.
- d. Restricted airspace must not be scheduled for exclusive use of civil or non-DOD public activities. Army Using Agencies receiving a request from a civil or non-DOD public activity to schedule exclusive use of SUA, or concurrent use of SUA outside the scope of DOD policy, should refer the individual or entity making the request to the appropriate Federal Aviation Administration (FAA) office.
- e. Civil or non-DOD public aircraft activities must not infringe upon the joint-use of restricted airspace. Using agencies shall ensure that restricted airspace is returned to the Controlling Agency upon completion of restricted airspace activity.
- f. Civil or non-DOD public activities must be governed by a letter of agreement (LOA) that contains procedures to terminate the civil or non-DOD public activity as expeditiously as possible in the event of a requirement for unscheduled Army or DOD use. All LOA's should be reviewed by the regional Department of the Army Representative to the Federal Aviation Administration.
- g. Civil or non-DOD public activities must comply with Army Civil Aircraft Landing Permit program requirements outlined in reference 1b.

5. This guidance is promulgated to ensure that the Army retains the capability to access restricted airspace for mission requirements and applies to the active Army, the Army National Guard/Army National Guard of the United States, and the United States Army Reserve, unless otherwise stated. The point of contact on this

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memorandum is Mr. Larry Dibble, GS-15, Director of Policy, Plans, and Programs at  
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