



Federal Aviation Administration

Memorandum

Date: January 3, 2020

To: Steve Dixon, Administrator

From: Joshua Holtzman, Acting Deputy Associate Administrator, Office of Security and Hazardous Materials Safety

Subject: January 7 Telcon with Senator Fischer (R-NE)

Event Overview: You are scheduled to hold a telephone call with Senator Fischer this afternoon to discuss FAA actions in response to the on-going unidentified drone activity in Colorado and Nebraska. Multiple FAA offices have been working together to investigate this issue. Talking points reflect FAA actions taken to date as well as current situation.

Talking Points:

At this time, we are supporting Federal, state, and local stakeholders in identifying the operator(s) of the UAS reported in western Nebraska and eastern Colorado. The FAA understands the interest in identifying the operator(s) and mitigating any potential risks these UAS could pose to the safety of other aircraft and people and property on the ground.

Background on LE Engagement: ASH Law Enforcement Assistance Program (LEAP) agent has spoken with Sheriffs from Washington, Lincoln, and Yuma Counties to gather additional information and provide assistance. From this interaction, we have learned that reports have been received from both law enforcement and local citizens with Washington County Sheriff, Jon Stivers, and his Deputy providing first-hand accounts. Each agency contacted advised at least one deputy has witnessed the activity. The activity reported occurs primarily between the hours of 1800 and 2200 MST and demonstrate the pattern of multiple “drones” flying a grid type pattern and remaining airborne for several hours at a time in less than optimum flying conditions (high winds and storm-like conditions). The number of drones reported operating at one range from between 2 and 16 and appear to be approximately 6 feet width and length. Flight time has been 2 to 3 hours continuous. All reports indicate flight is between 200 and 300 feet. However, several people interviewed stated it was hard to determine height due to the darkness and lack of clouds. On other sightings, lights were also reported to be either flashing or steady white, red, or green. One report mentioned flashing blue lights. In recent days, some reports have suggested that there is a “mothership” drone that has 20 or more drones operating in its vicinity. Reports

are extending in a southerly direction with activity continuing in the original two counties. Lincoln County is the latest Colorado County to report activity.

- There have also been reported sightings in nine Nebraska Counties and in Rice County, Minnesota.
- Since the reports are now in the national news, the sheriffs and other law enforcement have been inundated with calls. Law Enforcement has been consistent in stating that no criminal codes have been violated, and there is still no positive confirmation that these observables are UAS.
- No operators have been identified yet, but our LEAP agent and Flight Standards District Office Aviation Safety Inspectors in Colorado continue to research possible operator options.

—The two leading potential explanations point to possible survey work:

- 1) A new pipeline has been proposed in the Julesburg Basin, an area northeast Colorado on the Colorado/Nebraska border and the counties where the sightings have taken place are adjacent to that basin; and
- 2) Colorado recently enacted more strict EPA-related laws leaving some to speculate that the aircraft are conducting IR surveillance for gas leak detection.

- *In conversations with Law Enforcement, FAA Law Enforcement Assistance Program (LEAP) has suggested flying helicopter assets in the areas of the observed operations.*
 - *Minnesota Highway Patrol launched a fixed wing asset on New Year's Day but was unable to locate the drones or the operators.*
 - *Nebraska State Patrol were scheduled to fly a helo surveillance operation late last week, but the mission was cancelled due to concerns of operating in close proximity to multiple drones. An aerial mission did take place Sunday night with patrol assets; however, no activity was observed. There is a possibility more flights might take place throughout the week.*
 - *Colorado State Patrol had a big operation planned for Monday evening involving multiple LE agencies and a fixed wing aviation asset. FAA LEAP agent and Aviation Safety Inspectors were supporting operation, and we are waiting feedback from the mission.*
- *Three two-person teams of Aviation Safety Inspectors from the Denver FSDO conducted ground surveillance of the drone activities in Yuma and Morgan Counties in Colorado last Friday evening with no reported sightings.*
- *FAA has also engaged FBI locally (Denver and Omaha) and in DC at the HQ level on the possible deployment of their detection assets and additional man-power in an effort to locate the operators. FBI Field Offices in Denver and Omaha are internally coordinating on those options with FBI HQ.*

DOD Engagement: NORTHCOM/NORAD has been contacted and does not have any information, other than they are aware of the reports. *AFOSI from F.E. Warren AFB have also confirmed no DOD involvement in or knowledge of the operations.*

Air Traffic and UAS Office Checks: Air Traffic Organization System Operations indicated they have not given any authorizations matching this area. The Western Service Center reported they have no “swarm” Certificates of Authorization for that area and are not aware of any special DoD missions of this nature. There are no Part 107’s approvals for this type of operation.

- Five of the seven UAS test sites have reported back that they are not involved in these operations. We are waiting to hear back from two others.

- We have contacted entities (UAS companies, pipeline operators, colleges, etc.) that have received permission to operate UAS in these areas, but to date, none of these approved operators have been determined to be the source of the UAS operations.

General Aviation Airport engagement: FAA Airports District Offices that cover these areas have contacted GA airports in the vicinity of the reported UAS flights to make sure they are aware of them, that they brief pilots, and that pilots/airport authorities call LE and FAA if they see anything of significance.

Update from Multiagency Meeting in Colorado on January 6: A multiagency meeting was held in Brush, CO, hosted by the Morgan County Sheriff yesterday. Seventy-seven people attended, including FAA LEAP and Denver FSDO, sheriffs from 12 Colorado counties, Nebraska sheriffs from Chase, Cheyenne, Deuel, Kimball, Perkins, and Lincoln counties, the Nebraska State Patrol, and DOD representatives from F.E. Warren AFB, including Air Force Office of Special Investigations.

- Based on information received during the meeting, it appears sightings and reports have decreased in the original counties of northeast Colorado and have moved northeast into Nebraska and further south into Lincoln County, encroaching on El Paso County Colorado.

- Participants agreed the only way to address the issue is to identify the operator/s and, based on the amount of media attention the issue has received, reporting has become somewhat unreliable. Examples include:

- A person in Nebraska claimed responsibility for shooting down a drone in connection with a “shots fired” report in McCook, NE last week. Individual posted a picture of a damaged drone. When interviewed by Nebraska State Police, the individual stated he made the story up and the photo was taken from the internet. The photo was confirmed to be from the internet and not connected.

- Reports of finding a drone in the field, which turned out to be false reporting.

- Numerous pictures taken by cell phones claiming to be fixed wing drones. Upon further analysis, it has been determined that the pictures were of fixed wing aircraft.

- FBI suggested the activity may be legitimate in nature and could be fixed wing aircraft and, thus, requested the LE in attendance provide some type of Public Service Announcement to their residents about shooting at aircraft. There were no further comments on possible FBI deployment of UAS detection/C-UAS mitigation assets.

- The meeting concluded with participants agreeing to establish a Drone Task Force. Sheriff Martin from Morgan County in Colorado agreed to take the lead in the task force. The task force will consist of several sheriff offices in Colorado and Nebraska (actual participants still TBD), FAA LEAP and Denver FSDO, FBI, and the Colorado Information Analysis Center (CAIC). The CAIC will serve to collect and disseminate information as well as the hub for coordinating operations for the Task Force.

The FAA will continue to work closely with our federal, state, and local LE partners to identify what these aircraft are (if they are, indeed, UAS or are manned aircraft) and who is operating them.

If they are UAS, this is an exemplar of why Remote Identification requirements, such as those put forward in the FAA's recently released Notice of Proposed Rulemaking, are critical to safety and security of UAS integration into the National Airspace System.