

MEMORANDUM OF AGREEMENT

BETWEEN

THE STATE OF NEW MEXICO

AND

THE SAR COORDINATOR FOR THE INLAND REGION

IN SUPPORT OF

THE NATIONAL SEARCH AND RESCUE PLAN

1. Purpose: To ensure the effective use of all available facilities for search and rescue (SAR) activities, to incorporate SAR agencies of the State of New Mexico into the basic SAR network; and to provide an avenue for further agreements between the Air Force Rescue Coordination Center (AFRCC) and the State of New Mexico.

2. Scope: This agreement is the basis for mutual coordination and cooperation for direction of SAR operations by the State of New Mexico and the AFRCC.

3. Authority: Department of Defense Instruction (DoDI) 4000.19, Interservice and Intergovernmental Support, 9 August 1995.

4. References: Convention on International Civil Aviation (The Chicago Convention), 7 December 1944, Annex 12, Search and Rescue; 10 USC 9441, et seq; National Search and Rescue Plan, 2007; National SAR Supplement to the International Aeronautical and Maritime Search and Rescue Manual, 1979; DoDI 3003.01, DOD Support to Civil Search and Rescue, September 26, 2011; AFI 25-201, Support Agreement Procedures.

5. Roles and Responsibilities:

a. The Secretary of Defense has designated the Commander, United States Northern Command, as the U.S. SAR Coordinator for the recognized U.S. aeronautical Search and Rescue Region (SRR) corresponding to the continental U.S. other than Alaska. This SRR is commonly referred to as the "Inland SAR area."

b. The Commander, United States Northern Command, has designated the Commander, United States Air Forces Northern, as the SAR Operations Coordinator for the United States aeronautical Search and Rescue Region corresponding to the continental United States other than Alaska, referred to as the Langley SRR. The Secretary of Air Force has established the AFRCC to function as the SAR Mission Coordinator (SMC) to promote efficient cooperation of state, tribal, local, and nongovernmental SAR services and for coordinating AFRCC mission-assigned SAR operations within the Langley SRR.

c. The Civil Air Patrol (CAP) is a corporation created by Federal statute and is established by law as the auxiliary of the United States Air Force. The prosecution of search and rescue missions is one of the tasks performed by the CAP.

d. The Department of Public Safety, New Mexico State Police Division is the state agency responsible for missing aircraft searches within the State of New Mexico. The New Mexico State Police is the responsible agency for missing persons searches within the State of New Mexico. The New Mexico State Police shall be the state agency for coordinating all searches with the AFRCC, County Sheriffs, other law enforcement agencies, or any private or public search and rescue group.

e. This agreement provides for federal assistance to local or state agencies conducting SAR missions. Also, state agencies, when possible, will provide assistance to the AFRCC. Provisions of assistance provided by both parties will be subject to availability of facilities at the time of the request. Department of Defense responsibilities include support of civil SAR on a not-to-interfere basis with primary military duties, in accordance with applicable national directives, plans, guidelines, agreements, etc. "Not to interfere" basis refers to operational squadron/units asked to support a specific SAR request. The National SAR Supplement to the International Aeronautical and Maritime Search and Rescue Manual, paragraph 1.11.1 identifies the duties of a SAR Coordinator: establishing, staffing, equipping and managing the SAR system; providing appropriate legal and funding support; establishing Rescue Coordination Centers and Rescue Sub-centers; providing or arranging for SAR facilities and SAR resources; coordinating SAR training and exercises; and, promulgating SAR policies and supporting documents.

6. Agreements: This agreement addresses two types of SAR incidents: civil incidents and non-civil incidents.

a. Civil SAR Incidents:

(1) A civil SAR incident is defined as any search and rescue mission that occurs within the boundaries of the State of New Mexico to aid distressed civilian persons and is not considered a Non-Civil SAR incident as defined in paragraph 6b below.

(2) All civil incidents will normally be under the operational direction of the New Mexico State Police; however, this will not preclude the state from requesting that the AFRCC assume operational direction.

(3) The AFRCC will be notified if federal assistance, to include CAP, is desired by the state.

(4) The New Mexico State Police will inform the AFRCC of the status and termination of searches.

b. Non-Civil SAR Incidents:

(1) Non-Civil SAR incidents are defined as those incidents involving scheduled air carriers, aircraft operating under the provisions of the International Civil Aviation Organization

agreements, aircraft on interstate flights, missions of national concern such as designated National Special Security Events and Special Events Homeland Security, and missions involving military personnel and/or equipment.

(2) All non-civil SAR incidents will be under the operational direction of the AFRCC. The State of New Mexico may be requested to assist the AFRCC on non-civil SAR incidents on that portion of the search conducted within the state borders.

(3) The AFRCC will notify the New Mexico State Police prior to initiating any active search within the State of New Mexico. A determination will be made at that time as to the assistance the state may provide and which agency has operational direction. The AFRCC will keep the State of New Mexico informed on the status and/or termination of a search.

#### 7. General:

a. Implementation of this agreement will be by memorandum of understanding between the state agencies having designated responsibilities under this agreement and the AFRCC Commander. Such memorandum of understanding will provide for specific mission procedures, channels of communications, points of contact, etc. The memorandum of understanding may be revised as frequently as necessary without requiring a revision of this agreement, so long as responsibilities as outlined herein do not change.

b. This agreement does not encompass SAR for activities involving direct support to law enforcement that would violate the Posse Comitatus Act. Additionally, SAR missions that pose an undue risk to the safety of the crews will not be approved. Further, this agreement is not intended to impose or permit any duties, rights, or benefits in excess of the applicable law, as it may be amended.

c. Direct or indirect expenses incurred by facilities pursuant to this agreement will be borne by the organization or agency that provides the resource.

d. No provision of this agreement is to be construed as an obstruction to prompt and effective action by federal, state or local SAR officials to relieve distress wherever and whenever found.

e. AFRCC will not make press releases on behalf of the state. Any press releases will be made by the organization or its designated representative exercising operational direction over the mission.

f. This agreement shall become effective upon the date of final signatures and will remain in effect unless modified by mutual written agreement or terminated by either party with 60-day advanced written notice.

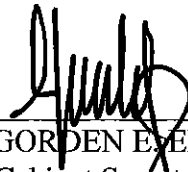


---

STANLEY E. CLARKE III  
Lieutenant General, USAF  
Commander

23 AUG 2012

DATE



---

GORDEN E. EDEN, JR.  
Cabinet Secretary  
Department of Public Safety

7/6/12

DATE