NOTIFICATION AND GUIDANCE
for
New Reporting Requirements for Commercial Air Tour Operators Conducting Air Tour Operations Over National Parks and Abutting Tribal Lands

Commercial air tour operators conducting air tours over national parks and abutting tribal lands are now required to submit reports to the Federal Aviation Administration (FAA) and the National Park Service (NPS). In accordance with new statutory requirements, this document provides notification of reporting requirements and guidance on how to complete the required commercial air tour operator reports, including types of information to be reported, format, reporting frequency, data submission, and the beginning date for report data collection.

BACKGROUND: The National Parks Air Tour Management Act of 2000, Public Law 106-181("NPATMA"), governing the conduct of commercial air tours over units of the national park system and abutting tribal lands, was signed into law on April 5, 2000. The regulations implementing NPATMA are 14 CFR Part 136, Subpart B, *National Parks Air Tour Management*.

The FAA Modernization and Reform Act of 2012 (Title V – Environmental Streamlining) amended NPATMA and established new reporting requirements for air tour operators under two provisions. One provision [Section 501(e)(2)] amended subsection 501(d)(1) of NPATMA to require each operator conducting a commercial air tour operation over a national park unit under interim operating authority (IOA), or in accordance with an air tour management plan (ATMP) or a voluntary agreement, to submit a report to both the FAA and the NPS regarding the number of commercial air tour operations over each national park that are conducted by the operator and

such other information as FAA and NPS may request, with a frequency and in a format prescribed by the agencies. The second provision [Section 501(b)] exempted national park units that have 50 or fewer commercial air tour operations each year from the requirements of NPATMA and established a separate annual reporting requirement for air tour operators conducting commercial air tour operations over exempt parks. The FAA and NPS have developed the following framework for these reporting requirements. The information collection has been authorized by the Office of Management and Budget (OMB Control Number 2120-0750).

WHO THIS REPORTING REQUIREMENT APPLIES TO: NPATMA applies to any person who conducts a commercial air tour operation below 5,000 feet above ground level over a unit of the national park system, over tribal lands that are within or abutting a unit of the national park system, or any area within a ½ mile outside a unit of the national park system or less than one mile laterally from any geographic feature within the park (unless more than ½ mile outside the park boundary). On October 25, 2002 the FAA published the final rule (14 CFR Part 136) to fulfill the mandate of NPATMA. The FAA granted Interim Operating Authority (IOA) to those operators who had conducted air tours over national parks prior to the enactment of NPATMA (April 2000). You are receiving this notification and guidance because you hold IOA at one or more national park units that **fall under NPATMA*** and are subject to these new reporting requirements. **(* Note:** Grand Canyon National Park and park units in Alaska do not fall under the provisions of NPATMA).

QUARTERLY REPORTING REQUIREMENTS FOR AIR TOUR OPERATORS AT PARKS THAT ARE NOT EXEMPT: In accordance with statutory amendment, the FAA and NPS are requiring air tour operators conducting commercial air tours at parks that are not exempt from the requirements of NPATMA to begin collecting information on their air tour operations. The agencies are requiring such operators to submit reports of operations on a quarterly basis beginning with the quarter beginning January 1, 2013 and running through March 31, 2013. Quarterly reports are due to the FAA and NPS no later than 30 days after the close of each quarterly reporting period (first report will be due April 30, 2013). Commercial air tour operators must record air tour flight operations information for each subsequent quarter (April 1 – June 30, July 1 – September 30, October 1 – December 31) and report that information to FAA and NPS no later than 30 days after the close of that quarter.

For standardization and ease of data collection, an Excel spreadsheet reporting template has been developed in which air tour operators can electronically enter their information and data. This reporting template is to be used for those operators who are required to report on a quarterly basis and is available for download at the following websites:

- http://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/program_information/
- http://www.nature.nps.gov/sound/resources.cfm

The Excel spreadsheet flight operations reporting template has open fields where operators will input the information and data required by FAA and NPS in accordance with the statute. "Mouse-over" instructions provide further guidance and sample responses for some of the questions. (To see "mouse-over" text, place the cursor over cells with a red triangle in the upper right corner). At the top of the Excel spreadsheet template, the agencies are requiring the following general information about each operator: operator / company name; dba – doing-business-as (if applicable); FAA certificate designator; reporting period (respondents need to change the dates for each subsequent report); name of assigned FAA principal operations inspector (POI); name of operator's assigned FAA Flight Standards District Office (FSDO); FSDO phone number; and the applicable National Park units over which the operator is conducting commercial air tours. As noted in the mouse-over guidance for the applicable National Park Service Units entry box, the respondent should click on the worksheet tab "Park Alpha Codes" in bottom left corner of spreadsheet to find the four letter code for the applicable park(s) they are reporting.

On the right hand side of the Excel spreadsheet template there are also two areas for the respondent to enter in the departure airport / helipad from which operations are conducted and to identify route information. You may create any appropriate Route Name you wish if your routes do not already have designators. You will create a route code for each different route you fly over a park that you will then enter into the Code column. The route Code will begin with the appropriate 4-character park unit designator from the list found in "Park Alpha Codes" tab at the

bottom of the spreadsheet, followed by a hyphen. After the hyphen, add a short (4 to 6 character) code of your choosing that relates to the designated full route name that you entered in the column "Route Name". For example, for a route over Lake Mead National Recreation area with the route name "Red Mountain West" you might create the following code: LAKE-RedMTW. Note that in this example your code would have to start with "LAKE-" which is the official 4-character NPS designator for Lake Meade, followed by a hyphen. The characters following the hyphen would define the route name. Again, you may use any route name and designator code you choose. However, the designator code must start with the official 4-character park designator and a hyphen, and you must continue to use that route Code consistently for that particular route.

In the lower left corner of the Excel spreadsheet template, the agencies are requiring the following specific information about each commercial air tour conducted for the reporting period: departure date; departure time; "N" number of aircraft; aircraft make / model / series; departure airport / helipad; and flight route (using the same Routes Flown Code discussed above).

No later than 30 days after the close of each quarter the operator must submit their report concurrently to both the FAA and NPS. Operators will submit the filled out Excel spreadsheet template via email to:

- 9-AWP-ATMP-Reports@faa.gov
  and
- NPS_NRSS_NRPC_AirTourPlanning@nps.gov

Or they may be mailed via the U.S. Postal Service directly to:

Special Programs Staff
Federal Aviation Administration
P.O. Box 92007
Los Angeles, California 90009-2007

and

Natural Sounds and Night Skies Division
National Park Service
1201 Oakridge Drive, Suite 100
Fort Collins, CO 80525.

ANNUAL REPORTING REQUIREMENTS FOR EXEMPT PARKS: In accordance with statutory amendment, air tour operators conducting commercial air tours at parks that are exempt from NPATMA on the basis of having 50 or fewer annual commercial air tours are to report to both the FAA and NPS the annual number of operations for those parks in order for the agencies to affirm park exemptions each year. If you are flying over any of the parks listed on the attached table you only need to report the total number of commercial air tour flights that you conducted during the prior reporting year for each individual park over which you conducted those operations. For example, if you conducted operations over five of the parks listed in the table, you will submit five operational counts; one for each of the parks over which you conducted air tours during the prior reporting year.

Reports will be made annually, not quarterly. You will begin collecting your first year's annual flight operations data January 1, 2013. That first reporting period will end at the close of the calendar year December 31, 2013 and your first report will be due no later than January 30, 2014. Operators must send an email reporting the number of annual operations flown over any exempt park(s) for the period January 1 – December 31 to the same email addresses listed above, or that information can be mailed to the FAA Special Programs Staff and the NPS Natural Sounds and Night Skies Division (mailing addresses listed above). Each subsequent year of reportable data collection will begin January 1 of each year, and each resulting subsequent annual report must be submitted to both the FAA and NPS no later than January 30 of the next year.

The FAA and NPS will annually publish a list of exempt parks in the Federal Register and post the list on the FAA and NPS websites listed under above. The list could change from year to

year. Parks may be added to the exempt list based on the prior year's number of annual operations. Parks may also be withdrawn from the exempt list if it is found, through the reporting or other information, that operators have cumulatively exceeded the 50 annual commercial air tour operation threshold for the given park in a given year. Under the statute, exemptions may also be withdrawn by the NPS if determined necessary to protect park resources or park visitor use and enjoyment. In carrying out this responsibility, the NPS may request additional information from operators at specific parks to assist in determining whether that park should remain on the exempt park list. Parks that lose exempt status will return to IOA requirements until an air tour management plan or a voluntary agreement has been established.

The initial list of exempt parks is based on interim operating authority data available to the FAA and NPS. Operators are invited to submit data to both agencies that can provide conclusive evidence that additional parks should be exempted based on actual operations from January 1, 2012 through December 31, 2012. Additional parks may be added to the exempt list if the agencies find that 50 or fewer operations actually occurred during the preceding year.
that park should remain on the exempt park list.

National Park Units with 50 or Fewer Interim Operating Authority (IOA)

Big Bend National Park, TX
Black Canyon of the Gunnison National Park, CO
Capulin Volcano National Monument, NM
Carlsbad Caverns National Park, NM
Casa Grande Ruins National Monument, AZ
Coronado National Memorial, AZ
Devils Tower National Monument, WY
Dinosaur National Monument, UT/CO
El Malpais National Monument, NM
El Morro National Monument, NM
Fort Bowie National Historic Site, AZ
Fort Davis National Historic Site, TX
Fort Union National Monument, NM
Gila Cliff Dwellings National Monument, NM

Great Sand Dunes National Park and Preserve, CO
Guadalupe Mountains National Park, NM
Hohokam Pima National Monument, AZ
Hubbell Trading Post National Historic Site, AZ
Kings Canyon National Park, CA
Mojave National Preserve, CA
Organ Pipe Cactus National Monument, AZ
Pecos National Historical Park, NM
Petrified Forest National Park, AZ
Petroglyph National Monument, NM
Pipe Spring National Monument, AZ
Rio Grande Wild and Scenic River, TX
Saguaro National Park, AZ
Salinas Pueblo Missions National Monument, NM
San Juan Island National Historical Park, WA
Sequoia National Park, CA
Tumacacori National Historic Park, AZ
Walnut Canyon National Monument, AZ
Wupatki National Monument, AZ

FOR FURTHER INFORMATION CONTACT: Should you have questions regarding this guidance document please contact Keith Lusk, FAAWestern-Pacific Region Special Programs Staff, (310) 725-3808, keith.lusk@faa.gov.

Barry Brayer

Federal Aviation Administration (FAA)

December 18, 2012

Date

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National Park Service (NPS)

December 14, 2012

Date