

National Park Overflights Advisory Group

November 4-5, 2009

Meeting Summary

Dayton Aviation Heritage National Historical Park

Dayton, Ohio

Final 5-17-10

Accepted version by NPOAG on 11/30/10

The National Park Overflights Advisory Group (NPOAG) met November 4th and 5th at the Dayton Aviation Heritage National Historical Park in Dayton, Ohio. This summary provides a general overview of the action items and expected next steps resulting from two days of discussions and recommendations from the NPOAG non-agency members and NPOAG agency members. Although the topics are provided in chronological order, some of the topics were consolidated to represent the discussion as a whole even if they took place over both days.

ACTION ITEMS:

Action items identified as a result of this meeting include:

- The Federal Aviation Administration (FAA) will provide resource materials on CD to newly appointed NPOAG members.
- FAA will announce in the Federal Register that the seat currently held by Elling Halvorson will be up for renewal in May of 2010.
- An NPOAG resource notebook for all NPOAG members will be developed by the agencies and Triangle.
- All NPOAG members should identify an alternate to attend meetings or conference calls in case they cannot participate.
- The National Park Service's Natural Sounds Program (NSP) has published several papers which will be made available on the NPOAG website.
- FAA guidance for processing Interim Operating Authority (IOA) requests issued in March 2009 will be distributed to NPOAG members and made available on the NPOAG website.
- Air Tour Management Plan (ATMP) brochures will be added to the NPOAG notebook and the website.
- The agencies will provide NPOAG a list of the parks that have IOA, and will include for each Park the status of monitoring and ATMP development efforts in general.

I. WELCOME AND INTRODUCTIONS

Dean Alexander, Superintendent of Dayton Aviation Heritage National Historical Park, welcomed the group and gave an overview of how the history of the Wright Brothers is documented at this Park unit.

Karen Trevino, Manager of the National Park Service's Natural Sounds Program (NSP) and this year's NPOAG Chair, welcomed everyone to Dayton Aviation Heritage National Historical Park. Karen also welcomed Ray Russell, Robert Hackman and Bryan Faehner to their first NPOAG meeting as the representatives for their interest groups. Karen thanked Alan Stephen, Matt Zuccaro, Greg Miller and Chip Dennerlein for continuing as members of NPOAG for a new term.

Barry Brayer, Special Programs Manager for the Federal Aviation Administration (FAA), welcomed everyone and noted that there are items on the agenda where FAA and NPS hope to get advice from the NPOAG members. Barry thanked NPS for the choice of location and noted that there is replica of the Wright Brothers' Flyer at FAA's regional office in Los Angeles. Barry also noted that the meeting is open to the public and there will be time each day for the public to make comments.

Bob Wheeler, President of Triangle Associates, Inc. and the Lead Facilitator for NPOAG under contract with the NPS introduced himself and Betsy Daniels, also from Triangle. Bob asked each NPOAG member to introduce themselves. NPS and FAA staff in the room and on the phone introduced themselves (see Attachment #1 for a list of attendees).

Karen noted that while Carla Mattix from NPS and James Whitlow from FAA provide a legal perspective for the agencies, they also play important roles in advising the agencies generally and she appreciated their presence at the meeting.

Dick Hingson introduced himself as a member of the public attending the meeting. Dick explained that he is attending as a representative of the Sierra Club.

II. AGENDA and NOTES / ACTION ITEMS REVIEW

Bob Wheeler reviewed the agenda and provided an overview of housekeeping items for the meeting. Greg Miller noted the jurisdictional issue has been raised as a key issue for NPOAG, but the amount of time on the agenda does not reflect this. James Whitlow of FAA noted that there may not need to be additional time on the agenda today as he is pleased to report the jurisdictional issue has likely been resolved.¹ Greg wanted to hear about the outside the box approaches that have been noted in the meeting summary.

¹ Note that as of 1/29/10 NPS and FAA have indicated that this jurisdictional issue has not yet been resolved.

Bob asked NPOAG members if there were any changes to the notes that had been distributed for the NPOAG planning teleconference from September 21, 2009. This call was not open to the public. One participant requested that it be made clear how long the teleconferences in the future would be so that participants could be sure to participate for the full discussion.

James noted that the action items should be updated to reflect that, although they could not be considered a “Native American” NPOAG member, native Hawaiian representatives are encouraged to participate in NPOAG meetings as non-voting members.

With this change, all were in agreement that the notes for the September 21, 2009 NPOAG planning call were final (see Attachment #2 for final September 21, 2009 notes).

Bob reviewed the list of Action Items distributed with the September teleconference notes. Bob explained that this list would be updated after each NPOAG teleconference and meeting (see Attachment #3 for a list of updated NPOAG Action Items resulting from this meeting.)

III. AGENCY and NPOAG UPDATES

NPOAG Co-Chair Barry Brayer of FAA presented a power point to provide an update for NPOAG members. Updates included:

- Bill Withycombe, FAA Regional Administrator could not attend, but James Whitlow and Dennis Pratte are here.
- Welcome to Robert Hackman (Aircraft Owners and Pilots Association -AOPA) and Ray Russell (Navajo Nation) as new members of NPOAG.
- Congratulations to Alan Stephen, Matt Zuccaro, Greg Miller, and Chip Dennerlein on serving for another term.
- Barry also mentioned that Pete Ciesla changed jobs within FAA and would no longer be part of the NPOAG process. Though Pete did not attend the meeting, he thanked Pete for his past efforts and help and wished him well in his new position.
- The next NPOAG membership term to expire in May 2010 is currently held by Elling Halvorson. FAA will be putting out Federal Register notice announcing the opening in next month or so.
- The new FAA Administrator is Randy Babbitt; he was a pilot and has a labor background. He has a long history in aviation.
- Death Valley Aviation Rulemaking Committee (ARC):
 - Had a kick-off meeting in mid June, promising start, but still not likely to be the expedited process that was originally envisioned.
 - Convening an ARC² with stakeholders appears beneficial, hope to use process elsewhere where appropriate.

² ARC process is authorized under 49 U.S.C. § 106. The purpose of using the ARC process is to provide early advice, information, and recommendations from interested stakeholders to the FAA and NPS, regarding environmental
NPOAG November 4-5, 2009 Meeting Summary

- Initiating scoping process, Notice of Intent for scoping / EA out soon
- Initiated kick off meetings at Mt. Rainier and Statue of Liberty and Governors Island in October.
 - These parks are interested in moving forward, will likely conduct scoping early next year.
 - The New York area parks will be high visibility, receive a lot of interest and scrutiny
- Also looking at other parks to start / re-start over next fiscal year including Golden Gate NRA, 4 Florida parks, 3 Arizona parks, Glacier, Great Smoky, Acadia, and Cape Hatteras.
- Continuing to fund ATMP related research activities, had additional exposure-response workshop in May
- Proceedings have been posted on the FAA ATMP web site:
<http://www.faa.gov/about/office%5Forg/headquarters%5Foffices/arc/programs/air%5Ftour%5Fmanagement%5Fplan/>
- Several new aircraft types, used for air tours, have been added to the Integrated Noise Model (INM) model³ including Cessna 182 and 208, Dornier 228 and 328, Robinson R44, and Bell 407.

Barry thanked Karen for chairing NPOAG this year, and explained that he looked forward to assuming the chair next year and making progress toward finalizing an ATMP.

NPOAG Chair Karen Trevino provided an update of Natural Sounds Program and National Park Service activities including:

- The new NPS Director is Jon Jarvis.
- Next year will be a shift in positions. Barry Brayer from FAA will serve as NPOAG chair.
- NSP has two new federal employees – Damon Joyce and Emma Lynch.
- NSP has published several papers which will be made available on the ATMP website. At the next NPOAG meeting the NSP will provide an update on the state of scientific research.
- The three priorities of the NPS mirror the natural resource priorities of the new administration which includes oil and energy, and climate change.
- An internal NPS Air Tour Advisory Council (ATAC) comprised of Park Superintendents, NPS Regional representatives, and Natural Sounds Program staff has been set up to help develop NPS policy with regards to air tours. The group's first meeting was last week and was focused on the internal NPS process for handling new entrant requests for interim operating authority.

and other issues to consider in the development of an ATMP. ARC is chaired by park superintendent and comprised of various stakeholders including air tour operators, federal, regional, and local officials, environmental organizations, local businesses, and the Timbisha Shoshone tribe.

³ The Integrated Noise Model (INM) is a computer model that evaluates aircraft noise impacts.

Discussion of agency updates:

NPOAG member Alan Stephen asked what NPS learned from the ATAC meeting with the Superintendents. Karen explained that the Superintendents represented a wide range of parks, with varying levels of air tours and noise issues. Their views on air tours varied from park to park. Some parks felt that air tours were inappropriate, while some felt that air tours had a role. Karen indicated that the Superintendents were in agreement that it was important to look first at whether air tours were an appropriate activity at a park, instead of just working to address or mitigate impacts. Karen also noted, respectfully, that several of the Superintendents expressed frustration with working with FAA (due to differences in agency cultural and jurisdictional issues that both NPS and FAA are likely familiar with) and many noted good relations with the air tour operators.

NPOAG member Greg Miller asked if there were leaders amongst the group to help advise the Park Service. Carla Mattix noted that the Superintendent from Denali will likely be a leader for the group because of their experience with managing air tours where airplanes are needed, even though Alaska parks are exempt from the National Parks Air Tour Management Act (NPATMA).

NPOAG member Kristen Brengel asked if the ATAC has a formal role in reporting to the NPS Director. Karen Trevino said that the ATAC would be developing recommendations and communicating directly with Jon Jarvis. Kristen noted that NPOAG should be actively reporting to FAA and NPS leadership.

James Whitlow from FAA asked whether the ATAC folks wanted to work directly with air tour operators and bypass working with FAA or the ATMP process. Karen explained that Superintendents need to make sure that in developing an ATMP that processes are followed and that there is public involvement. Carla noted that the Superintendents indicated that there was different information coming from different sources and this group will help to address consistency of information with respect to working with FAA on ATMPs.

Dennis Pratte from FAA explained that guidance for processing Interim Operating Authority (IOA) requests had been issued in March 2009 with NPS as the first and last reviewer. Bryan asked for a link and copy of this guidance. Karen explained that the way NPS works, the Director needs to sign this guidance and not the Superintendents, and Director Jarvis has just started his service and hasn't had time yet to review and sign the guidance. The guidance was an example of FAA and NPS working together.

NPOAG member Robert Hackman asked how many IOAs have been submitted. James Whitlow explained that the process has been followed as it was laid out, but there are variations that make an accurate count difficult. Dennis noted that in 2005 a Federal Register notice indicated which operators were eligible for IOA. He mentioned that this is the group that is tracked nationally. James explained that IOAs were envisioned as short term and the questions about the IOAs should be resolved with the issuance of ATMPs.

Chip Dennerlein noted that there is a white paper that explains the IOA process. He explained that you can get a change in an IOA if there is an overall plus for the environment. He also noted that the agencies would not send the right message if the first thing to happen after 10 years of work was to add more flights to an existing IOA and not complete and implement an ATMP.

Robert Hackman asked about how new operators/new entrants are handled. Karen explained that there is a clear process for this. New IOA requests are before the NPS Director at this time, however final determinations on these requests have not been made.

Chip Dennerlein asked about the status of Crater Lake, noting that air tours at this Park are something the press is paying attention to. Dennis noted that the guidance for requesting IOA outlines that the operator must talk with the Superintendent first and that while an operator had talked with the Superintendent at Crater Lake, no formal application had been made after this happened. Robert Hackman noted that the operator indicated they submitted a formal request in 2009.

Barry Brayer commented that Lassen and Crater Lake are not off the list, but way down the list. FAA believes that there needs to be a focus on where there are more flights and more issues, before working in parks where there are few or no flights or issues. Karen noted that NPS does not agree with FAA as to the priority of ATMPs with respect to parks that currently have no air tours.

IV. CONFIRMATION OF NPOAG STRATEGIC PLAN

Over the last meeting and the last two conference calls NPOAG developed a strategic plan. Bob Wheeler indicated there were a few places in the plan that needed confirmation of where items fall in order of priority. See Attachment #4 for completed NPOAG strategic plan.

Discussion with regard to the Strategic Plan confirmation included priorities for the communications protocols.

Kristen Brengel noted that she would like to know which parks are anticipated for new ATMPs before each NPOAG meeting or call so she can be better prepared to discuss these. Barry Brayer indicated that the parks for discussion were indicated in the NPOAG September conference call and on the agenda for this meeting.

Alan Stephen indicated that NPOAG needs more regular meetings to help with improved communications.

Karen Trevino asked for input for criteria on what information is needed before a meeting versus at a meeting. Kristen noted that all information on new things happening regarding ATMPs at parks should be at least e-mailed ahead of time. She also asked that all documents and materials that will be discussed to be sent ahead of time. Karen added that there are monthly calls with the

agencies and VOLPE⁴ and perhaps this should be added to what is sent to NPOAG regularly. Karen indicated that she will work with Paul Valihura for follow-up from monthly agency/VOLPE conference calls.

Alan Stephen cautioned the group that NPOAG is not a substitute for the public process that is laid out in the Act. NPOAG is an advisory group to the agencies; it is not set up to provide formal public comment.

Greg Miller asked that the agencies be aware of the needs of NPOAG within the strategic plan and communicate key milestones along the way. This needs to be strategic communications when the agencies need input from NPOAG. Alan noted that, for example Hawaii parks have been underway for over three years so NPOAG does not need to hear all the details along the way.

The group agreed that the NPOAG Strategic Plan was completed (see Attachment #4 for what was confirmed by NPOAG).

V. ATMP UPDATES FOR SPECIFIC PARKS

Mount Rushmore NM (MORU) – this ATMP is nearly complete. On the planning teleconference in September, FAA and NPS reviewed the status of the Environmental Assessment (EA) and noted that there was one remaining issue regarding the status of an IOA as part of an air tour operator business transfer. That issue has been resolved. Points from a joint FAA/NPS power point included:

- FAA has incorporated almost all of the internal comments into a revised version of the draft EA
- FAA has developed a preliminary draft ATMP document for internal review
- NPS has completed an internal review
- NPS Director has asked for time to be fully briefed on the issue

NPOAG Question (Q): Does the proposed ATMP have an impact on the amount of air tours?

Response: James Whitlow indicated that right now the alternatives have a range, and these cannot be shared with NPOAG until they are made public. NPOAG members can then comment as individual members of the public or representing their organization. NPOAG could also comment as part of an ARC.

NPOAG Q: Who does the rulemaking?

R: FAA regulates airspace so it is an FAA rule.

⁴ The VOLPE Center is part of the U.S. Department of Transportation's Research and Innovative Technology Administration and is named after John A. Volpe, former Governor of Massachusetts and former Secretary of Transportation.

Agency Q to NPOAG (The agencies requested input to this question and questions below): What should be the approach for public comment? Should there be a comment period for approximately 30 days before and 30 days after a public meeting? Where should the public meetings be held? Should there be local, regional, and national meetings?

Discussion: By statute, a minimum of one public meeting on the draft EA or EIS is required. Karen Trevino noted that the public involvement that is needed to be successful may need to go beyond what is in the statute. Regarding the location and number of meetings, one NPOAG member suggested that the agencies take into account convenience of location and that this is the first public meeting ever for an ATMP.

NPOAG Recommendation: Put the draft EA and non-EA elements regarding transferability and enforcement in the Federal Register. Get public input on both EA and non-EA information from the ATMPs to help determine the preferred alternative.

NPOAG Q: When does the public comment on what the agencies choose to do?

R: James noted that NPS and FAA need to discuss what happens after the preferred alternative is chosen. FAA would like to brief the NPS Director on the draft plan and what should be in the ATMP.

Discussion: The group discussed whether to have public comment on the environmentally preferred alternative at the first public meeting and whether to have additional public comment on the selected agency alternative.

NPOAG Recommendation:

- Federal Register Notice leads to 30 day notice - leads to public meeting series within 30 days – leads to completion of public comment period within a total of 60 days.
- For MORU, conduct a local meeting, a regional meeting and a national meeting
- For the recommendations on public comment, these will be used as a template for future ATMPs with input from NPOAG.
- NOTE: NPOAG will not comment as a group. Individual members of NPOAG will comment as individuals or members of an organization.

NPOAG Q: Can you do a programmatic “boiler plate” for some of the issues including enforcement so that it is completed for future plans?

NPOAG Recommendation:

- Pursue a programmatic approach to the non-environmental portions of an ATMP (such as transferability, reporting, and competitive bidding) in a way that does not affect the implementation of the environmental portions of the ATMP. This will be completed concurrently with the MORU ATMP EA and will be applicable to future ATMPs. Some of these components will be open to public comment; some components will be included just for public notice.
- Circulate the previous language on these non-environmental items from the last version of the Lassen Volcanic National Park (LAVO) EA for NPOAG review and comment (with specific attention to inclusion of enforcement language for public information).

- For MORU be prepared to provide an overview of FAA enforcement for public information at the public meeting(s).
- Incorporate safety review of the environmental alternatives before they are provided to the public.

NPOAG Q: If FAA has to make a decision on the safety consequences, when does this happen as a part of the ATMP process?

R: Karen noted that safety representatives have been part of the development of the EA throughout the process. Dennis Pratte noted that if there are significant changes to the alternative then there will need to be a safety review (takes 120 days) but that the agencies might not go out for public comment again after this. Karen explained that the safety analysis needs to be done for every viable alternative. Dennis indicated that FAA only has the resources to review one or two alternatives. FAA and NPS agreed that alternatives that have been deemed unsafe would not be included in those that are reviewed and commented by the public.

Badlands NP (BADL) – Modeling of the new alternatives has been completed. The NEPA analysis is underway and the EA is being written.

NPOAG Q: What is the NPS jurisdiction for ATMPs outside of parks?

R: One half mile outside the park

Hawaii Volcanoes NP (HAVO) – FAA/NPS hope to release a matrix of the alternatives to the public soon. The Park is currently reviewing the alternatives. The agencies expect to provide the alternatives for public comment in early 2010. The agencies expect that the alternatives will need a higher level of internal review within the agencies.

NPOAG Q: Is this higher level of review taking place before the full alternatives are completed?

R: Yes, we need to make sure the main content of the alternatives is considered before the full EA analysis is conducted and presented.

Discussion of voluntary agreements: Voluntary agreements at parks (between operators and a park) were possible before NPATMA, for example at Haleakala as well as agreements at Hawaii Volcanoes (HAVO).⁵ The group discussed whether a voluntary agreement could be developed at HAVO and whether this was a good idea or even possible while an ATMP was being developed. HAVO should not be developing voluntary agreements now that an ATMP is being developed.

⁵ Note that a voluntary agreement was drafted but never approved by HAVO.

Haleakala NP (HALE) - A draft alternatives package (including a summary matrix, narrative text description, and figures of alternatives) has been developed for five alternatives. These include different elements for routes, operational elements, and factors such as no flights on days with ceremonial cultural practices. There is one issue remaining that requires a meeting with Bill Withycombe of FAA and Chris Shaver of NPS. The agencies differ with regard to having a range of alternatives that is more (NPS) or less (FAA) restrictive. There is one option where the Park wants a more restrictive approach and FAA wants one that is less restrictive with respect to quiet technology. FAA wants to add an alternative that NPS feels is already included in the alternatives.

Discussion: The group discussed how the Memorandum of Understanding (MOU) between the agencies outlines how to “elevate” an issue to reach resolution and the nature of the disagreement between the agencies.

NPOAG Recommendations:

- With regard to the HALE range of alternatives discussion and overview, NPOAG members cannot comment specifically as this has been presented as largely hypothetical and alternatives have not been reviewed by members. Generally, NPOAG recommends choosing a path forward that provides the members with more specific language on this and future alternatives that NPOAG is asked to comment on.
- Some members felt that the additional alternative of interest to FAA should be included in the EIS in the interest of moving this forward more quickly, others do not want it included because of the additional resources needed and the effect of “diluting” the analysis.

Death Valley (DEVA) - Scoping documents have been developed and are currently under review. A project plan (between FAA and NPS) is in process for being signed by each agency. A letter to initiate Section 106 consultation and invite the Timbisha Shoshone Tribe to be a cooperating agency will be sent out. The Tribe has in-holdings and has provided comments expressing their concerns; however the comments were related primarily to non air tour issues.

The ARC charter will be extended. Stakeholders were invited to be ARC members. A consolidated flight route (to consolidate current flight routes) was proposed by operators to avoid sensitive areas. Ninety-five percent of this park is designated wilderness. The complexity of this site (more than one or two alternatives) led to the decision to do a non-expedited plan.

Mount Rainier (MORA) – The kick off meeting for this ATMP took place on October 8th. There are up to 113 flights per year allowed per the existing IOA levels. There are also many other military flights and flights to and from other places that go over this park that are not air tours.

NPOAG Q: What is being considered as an environmental group?

R: There are several hiking, trails and other “end-user” groups that should be considered and included. Lelaina noted that at the kick-off meeting there was a discussion of stakeholders and groups that would be invited as environmental groups.

Wilderness Discussion (related to BADL MORA, DEVA and other parks): Karen noted that she was uncertain whether the Wilderness Act applied to ATMPs but noted that wilderness is considered under NPS management policies (recommended, proposed and designated wilderness are treated the same). Karen asked for input on how to treat wilderness and overflights across the range of parks, considering NEPA and the need for consistency across parks.

NPOAG comments and recommendations included:

- Recognize that there are a significant number of military flights over wilderness areas. Consider the real impact of air tours versus military and other flights.
- Consider where people use the parks. For example look at having air tours avoid specific areas where hikers are known to go.
- Quiet technology may be especially applicable to wilderness areas.
- NPS Management Policies need to be considered; for example NPS management policies outline a do no harm approach which needs to be considered in determining air tours and alternatives.
- Consider special times, dates and hours for air tours over wilderness areas.
- Consider if there are alternatives to flying over wilderness areas.
- Look at the management plans for each park for what it states about each park’s wilderness areas.
- Consider safety issues for air tours over remote wilderness areas.
- Consider using NPOAG to identify “end-user” and other environmental groups to participate in specific ATMPs.
- In contacting each of the Tribes, be sure to contact the right offices including Natural Resources representatives.

Statue of Liberty National Monument(NM) (STLI) and Governors Island NM (GOIS) - The kick off meeting for this ATMP was held on October 15th at Ellis Island. The agencies are currently collecting background information on park units including park boundaries and air tour operators. The central question was in determining whether to have one ATMP covering both parks or to have separate ATMPs. Noise is not the primary concern for STLI but safety (related to threat of terrorism) is. Matt Zuccaro explained that air tours are conducted to see STLI not GOIS, so there is a need to have two ATMPs. He was very concerned about a one ATMP scenario impacting the existing route structure that is layered and coordinated with other non-air tour flights in this harbor. Chip Dennerlien noted that this decision should be based on a principle of “safe operation of the aircraft” under one ATMP. Robert Hackman explained that changes to the routes will change the corridor for many flights not currently operating under the Act. James Whitlow suggested that perhaps the agencies should discuss first what routes are there currently, and then discuss whether this requires different ATMPs.

NPOAG comments and recommendations focus on the question of whether each park should have its own ATMP or whether there should be one ATMP for both parks:

- There are many airplanes and helicopters that do not currently fall under existing IOAs and would not be subject to ATMPs (as they are not considered air tours under NPATMA).
- None of the air tours currently fly to Governor’s Island.
- Concerns were expressed that those operators that are currently flying routes that do not include Governor’s Island would have to include this under a one ATMP scenario.
- This airspace has currently undergone a significant revision to achieve a safe airspace.
- Concerns were raised by some NPOAG members that under the one ATMP scenario an air tour operator would have to take account of the one-half mile restriction from Governor’s Island and therefore have to alter their route.
- Could an ATMP be developed that incorporates the ability to fly the routes that allow for the existing routes and the ability to opt out of Governor’s Island if they are flying to STLI?
- Consider the “prominent feature” component of the act in the development of ATMP scenarios.
- Consider “take off and landing” and “safe operation of the aircraft” as providing options within the ATMP, if this is not used here where else would this be applied?
- Concern was expressed that there are numerous parks that are next to each other (such as San Francisco) and that there needs to be an option to look at combining units under one ATMP where it makes sense even if this unit does not end up as one ATMP – although operators are advertising that they are flying over Governor’s Island.
- There is concern that this situation is an “anomaly” and this would be precedent setting to provide exceptions that may not be helpful in other situations – look for the development of an ATMP with multiple units under one ATMP that allows for flexibility.
- “Take off and Landing” exemption needs to be considered carefully in how this is applied and caution that it may not be applicable to other parks – should not set a precedent for other parks with airports nearby. Each park needs to be considered on a case by case basis.
- Agencies need to review the routes that may be offered at these park units and develop scenarios that consider whether or not this sets a precedent for other parks.
 - Consider whether operators have IOA for Governor’s Island and if an ATMP would be developed if not.
 - ATMPs can incorporate the complexity of what is needed by the pilots.
 - Need to look at impacts of the heliport changes.
 - Look at what is most efficient in terms of how many ATMPs and consider the uniqueness and purpose of each park unit, although the need for consolidation and efficiency must be balanced with this.
 - New Hudson River airspace operational requirements were already developed and go into force November 19th – can the agencies roll this existing planning for routes into the ATMP and can the act allow for this?

VI. DAY 1 PUBLIC COMMENT

Dick Hingson from the Sierra Club: Dick commented on what should be considered in prioritizing which parks should have ATMPs. He has done some research on what was considered important when this issue first went to Congress May 20, 1986. HR 4330 was the forerunner of NPATMA. Dick looked into what the environmental interests expressed concerned about at the first hearing on HR 4330. The Sierra Club representative that spoke is now 103. He indicated that Glacier, Bryce, Zion and Haleakala should be priorities. The other speaker was Destry Jarvis from the National Park Conservation Association. He is the brother of the recently appointed National Park Service Director Jon Jarvis. Destry indicated that Glacier, Bryce, Rushmore, Volcanoes, and Zion should be considered priorities. Dick brought this up to let NPOAG know who was first in line 24 years ago. Dick also suggested that flights per acre should also be considered. He noted that this should include not just per annual day, but also peak days.

Barry asked that Dick submit his full comments in writing and Dick agreed. These will be made available on the NPOAG website.

VII. PRIORITIZATION OF PARKS

The NPOAG agency and non-agency members discussed what criteria the agencies should consider in prioritizing parks for ATMPs. Based on this discussion **NPOAG recommends that the agencies:**

1. Push through “signature” parks that have had the most work invested to date (for example MORU, HAVO, HALE, BADL, DEVA, STLI/GOIS) and consider take-off and landing/safety/precedent setting.
2. Be disciplined and focus scarce resources: look for groupings or categories of parks that have similar attributes such as sites of military battlefields (Little Big Horn), cultural sites, national recreation areas; or sites that have similar sound attributes (for example Arches/Canyonlands). Develop ATMPs that can set a precedent for addressing attributes in these categories. Suggested categories include:
 - a. Quiet – Natural experience
 - b. National recreation areas (such as Golden Gate)
 - c. Cultural – for example Military Parks
 - d. Tribal – for example Mesa Verde
3. Consider that there has to be a resource protection benefit to opting out of developing an ATMP.
4. Refrain from starting and then stopping the development of an ATMP. Finish the ones that you have started.
5. Consider the number of parks on the list and consider taking some off the list to accomplish more in a short period of time.
6. Consider historical context for public and congressional interest.
7. Consider if the Park is “ready” (General Management Plan (GMP) completed, staffing capacity and monitoring capacity).
8. Consider if there is a GMP update getting underway at the park and if the ATMP process can be expedited by using public process for both.

Discussion topics included:

- Frank Turina provided an **overview of criteria that have been considered** by the agencies to-date and indicated an essential criterion is “is the park ready to move forward.”
- **How to take parks off the list, i.e. parks where an ATMP would not be needed?** Considering the Act, is it possible to make a no air tours decision without an ATMP? What about those parks that want to have a ban or have very low use? Can a list be developed and taken to FAA and NPS leadership and ask them to find a solution to say there will be no air tours here so take them off the list (reduce the workload). Can some be completed via an expedited process?
 - This is in the spirit of trying to address frustration that the law is not working and perhaps the list is too long.
 - While there are unresolved issues, there are many parks with air tour bans.
 - Legislative amendments may address the frustration about the ATMP planning process and the list of parks.
- **If there is a category of parks with no air tours currently, does this mean that there will not be future interest in air tours at some point?** If there is an IOA but no current flights (i.e. at Lassen Volcanic NP) would this be an opportunity to complete an ATMP?
 - The FAA indicated that the primary concern from their perspective would be directing limited resources to this park from parks that are experiencing adverse impacts. Also, FAA cannot assume that there are no entities interested in conducting air tours at a park. For FAA this is an issue of diversion of limited resources.
 - NPS asked about the ability to use categorical exclusions to address the resource issue at parks with unused IOAs or very low numbers via the ATMP/NEPA process.
- **Can a process other than ATMPs be used to ban air tours** (for example where a park GMP has indicated that it is not an appropriate activity)? The agencies indicated that the ATMP process must be used to establish a ban on air tours.
- **What is the interest level in combining units within ATMPs?** FAA indicated that there have been discussions with some parks where NPS chose not to do this. There have been discussions about combining units but no decision has been made.
- **How are Tribal Lands considered as part of the criteria?** There is recognition that this includes Tribal Government involvement, however, this is unresolved (for example flying over tribal lands that are adjacent to NPS units). Jurisdictions, economic opportunity and traditional cultural properties need to be considered as part of these criteria.
- **Have there been any new operators added or increases to IOAs approved since the Act was signed?** The Agencies indicated that there have been applications that have not be approved or

disapproved. There has not been a new entrant approved for IOA or increase granted since the Act was signed.

- Concern was expressed that the **IOA's are not intended as the management tool; ATMPs were intended for this purpose**. Without ATMPs the potential for increased flights under IOAs can be significant.⁶
- Concern was expressed that there is no **motivation for Superintendents to sign an ATMP**. This concern was expressed particularly for the first one to sign on. Although with the expected completion of MORU, this issue may be addressed. NPS indicated that Superintendents should not be assumed to be universally against air tours or in signing ATMPs. They manage and balance several uses, such as motorcycles, snowmobiles, cars, hikers, etc.
- Karen Trevino wondered if there needs to be a **selection of parks that are non-controversial** to get some ATMPs completed. Barry Brayer indicated that the original selection of parks by FAA was on the "low hanging fruit" as the parks had local agreements with operators.
- Karen asked if the House or Senate will pass **the FAA reauthorization with the NPATMA amendments**. James Whitlow indicated that this is not expected to happen this year (2009) in part due to health care issues in front of Congress. FAA explained that it needs reauthorization as an agency. For this recent round there have been several amendments for the air tour management act currently under consideration. This relates to exemptions and impacts on prioritization.
- **Conducting ATMPs for additional parks (not yet started)** is clearly a resource issue for the agency. The number of ATMPs underway in any one year needs to be determined by the agencies while considering the availability of funds.
- **The early completion list** should include the original parks considered as part of the original act including Bryce, Zion and Glacier.
- **What is the best return for the resources?** Look for where you can truly provide a return for investment toward the protection of the park, and specifically the impacts of air tours.
- Why have some parks started an ATMP and then stopped? Because of two reasons:
 - a. Expedited ARC process was started so an ATMP was stopped. For example, GRSM where an expedited process was proposed and then abandoned. Resources: Stopped because FAA staff was directed to not spend resources and therefore stop ATMPs on parks like Glacier and Yellowstone and instead work on where things can move forward.

⁶ Note that operators cannot exceed their IOA level, but some operators are flying at a much lower level than the IOA they were granted, hence they can increase flights up, but not exceeding their IOA.

FAA had operational resources for 5 years, but had to return \$1 million. After 2011, FAA may be looking to the NPS to provide a greater share of the program funding.

- How should parks with requests for new entrants be considered for priorities (RABR, ARCH, CANY, ZION, HAVO/HALE, STLI, CEBR)? Noting that all these have existing air tour operations:
 - These are not as high a priority as those parks where there is a new entrant in place and where previously there were not air tours.
 - Is promoting competition an important element to consider? What was the original intent? The original intent was to have more than one tour operator at a park to ensure competition.

VIII. JURISDICTIONAL ISSUES REGARDING ATMPs

Discussion topics included:

- The agencies explained that the Director and the Administrator are trying to schedule a meeting in the short term to discuss overall agency relations. FAA offered to meet with NPS policy folks and the NPS Director to review the status of MORU specifically.
- Regarding the MORU alternatives, FAA indicated that they could potentially live with any of the alternatives currently under consideration, since their determinations found no significant impacts.⁷ NPS has one alternative they can live with. Likely the agencies will come to agreement in a way that they will be able to agree under a Record of Decision (ROD).⁸
- James Whitlow stated it is important for the agencies to consider public input and the environmental analysis before they try to reach agreement between them on which alternative should be chosen.
- The agencies will keep NPOAG informed as this progresses.

IX. PLANNING FOR THE NEXT NPOAG MEETING

⁷ Note that the ATMP must justify and document the need for measures like maximum number of flights, time-of-day restrictions, etc.

⁸ Subsequent conversations between FAA and the NPS indicate that whether FAA could adopt the NPS' alternative in this manner still needs to be determined.

NPOAG Recommendation: Have two meetings in 2010 (and generally in future years) with the first meeting at a park location in the spring and in Washington D.C. in the late summer or early fall. For the fall meeting in DC, invite the Director of the NPS and the Administrator of FAA (perhaps for part of day to discuss what is available for funding, getting results, expediting planning, and informing them of NPOAG progress). Discussion topics included:

- Should congressional representatives and staff be invited to the Director/Administrator portion of the NPOAG meeting? It was generally thought that it would be better to focus on just the Director and Administrator to avoid a “three ring circus.” If there is a meeting in Washington DC, Matt Zuccaro offered the HAI offices including catering costs.
- It would be good timing to have this meeting in D.C. in the fall to tee up the budget issues for the 2012 budget cycle.
- Regarding spring and fall meetings: will this happen? With FAA budget currently under the continuing resolution there is uncertainty about available funding.
- If we are going to have only one meeting next year, maybe it is more important to focus on MORU if the timing is correct.
- NPOAG recommends going to parks where activity is present so the group can experience it, for example: New York City, Mount Rushmore or Death Valley.

X. Day 2 PUBLIC COMMENTS

Dick Hingson, representing the Sierra Club added to his statement from the previous day regarding testimony on the bill that preceded NPATMA. Dick provided two sentences from the original testimony on May 20 1986 “Members of the club have also experienced rising noise in many of the parks including Bryce, Zion, Glacier, Haleakala. It appears that this has gotten beyond the park service’s ability and FAA is not providing assistance.” Dick then reiterated the importance of the number of allocations of per acre per day as criteria for consideration for prioritization and managing air tours in general. Dick explained that under the IOA opportunity section of the Bill (Section 11 – 402) under requirements, issuance of an IOA is subject to the following:

- will promote the protection of NPS.
- will allow for modification if the modification improves park resources and tribal land.

XI. FINAL COMMENTS

James Whitlow noted the facilitator’s efforts during the meeting to make time for non-agency NPOAG members to have a discussion and develop recommendations. James wanted the facilitators and the non-agency members to know that NPOAG meetings are a valuable forum for the agencies to talk to each other as well.

Matt Zuccaro noted that there were a lot of information needs brought up by NPOAG members during the meeting. Matt suggested that it would help if the agencies and Triangle could think through what information to provide NPOAG prior to each meeting. Matt also asked if an e-mail can be distributed to indicate when new information is posted on the NPOAG website. FAA is looking into this and will let NPOAG members know.

Alan Stephen suggested that there should be fewer items on the agenda to allow for a more robust and complete discussion of a fewer number of topics.

Chip Dennerlien thanked Dick Hingson for the public comments. Chip also requested that for each meeting a map be available that shows the location of national parks and FAA regions to use as a reference. He also suggested that the agencies provide aerial maps of the parks that will be discussed at the meeting as handouts.

Ray Russell requested background information on ATMPs, NPATMA and IOAs.

Barry Brayer thanked the Superintendent for hosting the meeting, the facilitators, Karen and the NSP staff, and Keith Lusk for doing the work of several people. Barry also thanked NPOAG for their participation and time. He indicated that the meeting had included good discussions and the group provided good input even if they did not come to a conclusion on all the items. He also added that although the strategic plan took time, it is a good tool. Barry thanked FAA staff that travelled from Washington DC including Dennis Pratte and James Whitlow.

Karen thanked the Superintendent, the facilitators and the NPOAG group for their time and effort. Karen also thanked Carla Mattix and James Whitlow for their attendance and Dennis Pratte for the increase in responsiveness to NPS.

Bob Wheeler adjourned the meeting.

ATTACHMENT #1: MEETING PARTICIPANTS

National Parks Overflight Advisory (NPOAG) Group Members			
Last	First	Seat	In Attendance? ✓
Brengel	Kristen	National Parks Conservation Association	✓
Dennerlein	Chip	Environmental Interests	✓
Faehner	Bryan	National Parks Conservation Association	✓
Hackman	Robert	Regulatory Affairs, Aircraft Owners and Pilots Association	✓ - day 1
Becker	Hal	Alternate for Robert Hackman	✓
Halvorson	Elling	Papillon Airways	
Majenty	Rory	Hualapai Nation	
Miller	Gregory	American Hiking Society	✓
Russell	Ray	Navajo Parks and Recreation Department	✓
Stephen	Alan	Fixed-Wing Air Tour Operator Representative	✓
Zuccaro	Matthew	Helicopter Association International	✓
NPOAG Agency Rotating Chair Representatives			
Last	First	Organization	In Attendance?
Brayer	Barry	Federal Aviation Administration	✓
Trevino	Karen	National Park Service – Current NPOAG Chair	✓

Other Participants

Federal Aviation Administration (FAA) Staff			
Last	First	Title/Department	In Attendance?
Lusk	Keith	AWP Special Programs Office	✓
Pratte	Dennis	Manager, Part 135 Air Carrier Operations	✓
Withycombe	Bill	Regional Administrator	
Whitlow	James	Deputy Chief Counsel	✓

Federal Aviation Administration (FAA) Staff			
Herson-Jones	Lorrain	FAA attorney, Western-Pacific Region	✓Phone
Holden	Lisa	FAA attorney, Headquarters	✓Phone
Cohen	David	FAA attorney, Eastern Region	✓Phone
National Park Service (NPS) Staff			
Last	First	Title/Department	In Attendance?
McCusker	Vicki	Natural Sounds Program	✓
Marin	Lelaina	Natural Sounds Program	✓
Turina	Frank	Natural Sounds Program	✓
Mattix	Carla	Office of the Solicitor	✓