

VOLUME 11 FLIGHT STANDARDS PROGRAMS

CHAPTER 9 AIR TOUR MANAGEMENT PLANS

Section 3 Air Tour Management Plans and Interim Operating Authority For New Entrant or Existing Commercial Air Tour Operators Over National Park Units

11-438 GENERAL. The Federal Aviation Administration (FAA) Administrator, in cooperation with the National Park Service (NPS) Director, may grant interim operating authority (IOA) to an air tour operator for a national park or tribal lands for which that operator is a new entrant air tour operator if *all* of the following conditions are met:

- The FAA Air Transportation Division, AFS-200, determines the authority is necessary to ensure competition in the provision of commercial air tour operations over the park or abutting tribal lands;
- The FAA Administrator (delegated to the National Air Tour Safety Office (NATSO)) determines a safety problem would not be created at the park or abutting tribal lands;
- The NPS Director (or other delegated authority) has determined it would not create a noise problem at the park or abutting tribal lands; and
- An air tour management plan (ATMP) has not been developed for the park or abutting tribal lands prior to April 5, 2002.

NOTE: The certificate-holding district office (CHDO) must notify the NATSO (located in the Western Pacific Region's (AWP) Flight Standards division, AWP-230) when an operator submits an application for a new or revised IOA allocation, or requests to begin a new air tour operation over a national park, national park unit, or tribal land abutting the same. Such application must be coordinated through the NATSO, to AFS-200, and concurred by the NPS Natural Sounds Program Office. The operator may not initiate the proposed air tour operations until the NATSO, AFS-200, and the NPS all concur on the proposed operation, the CHDO and operator receive such concurrence, and the CHDO issues the operator a new or revised operation specification (OpSpec) B057, National Parks Air Tour Management Operations Under Title 14 CFR Part 136, or applicable letter of authorization (LOA).

11-439 DEFINITION OF COMMERCIAL AIR TOUR. As defined by Title 14 of the Code of Federal Regulations (14 CFR) part 136, § 136.1, a commercial air tour is a flight conducted for compensation or hire in an airplane or helicopter where a purpose of the flight is sightseeing. The FAA may consider the following factors in determining whether a flight is a commercial air tour:

- Whether there was a holding out to the public of willingness to conduct a sightseeing flight for compensation or hire;
- Whether the person offering the flight provided a narrative that referred to areas or points of interest on the surface below the route of the flight;
- The area of operation;

- How often the person offering the flight conducts such flights;
- The route of the flight;
- The inclusion of sightseeing flights as part of any travel arrangement package;
- Whether the flight in question would have been canceled based on poor visibility of the surface below the route of the flight; and
- Any other factors that the FAA considers appropriate.

11-440 APPLICATION FOR NEW ENTRANT AIR TOUR OPERATIONS (REQUESTING NATIONAL PARK/UNIT OVERFLIGHT) OR REQUEST FOR REVISED IOA.

Only commercial air tours, as defined in the above paragraph, requesting to conduct tours over national parks/park units need to request IOA. Exception: Notwithstanding the previous paragraph, commercial air tour operators may conduct commercial air tours over a national park under 14 CFR part 91 if:

- Such activity is permitted under 14 CFR part 119;
- The operator secures a LOA from the Administrator, and written concurrence from the superintendent for that park, describing the conditions under which the operations will be conducted; and
- The number of operations under this exception is limited to not more than a total of five flights by all operators in any 30-day period over a particular park.

A. Application Contents. Operators making applications are required to submit the following information, in the order listed, as part of their application package:

- 1) Name, mailing address, and phone numbers of the company;
- 2) Address of principal base where operations will be conducted;
- 3) The operator's certificate number (if the applicant is a certificated 14 CFR part 135 single pilot, basic, full, or commuter operator status; or 14 CFR part 121 operator);
- 4) A letter of concurrence from the superintendent for each national park unit requested. This step is highly recommended, but not required, for initial application submission since the final approval will be issued by FAA only after concurrence from the NPS Director or authorized delegate. If the letter is not included in the application, the Flight Standards District Office (FSDO) will contact the local park superintendent, review the proposed operation, and document any feedback before forwarding the application to the NATSO;
- 5) The national park unit(s) and/or abutting tribal land(s) over which tours are requested and the number of flights per park requested;
- 6) Type and number of aircraft to be used for the commercial air tour operations;
- 7) Type of engines and whether the aircraft are quiet technology aircraft;
- 8) The proposed startup date;

- 9) Management personnel names, titles, and telephone numbers;
- 10) Maps/charts of proposed or actual routes (general area to be flown over the park) and altitudes;
- 11) Frequency (number of daily, weekly, monthly, and annual flights) and proposed time of flights, if known, and if it will be seasonal, the months of operation;
- 12) The safety history of the operator;
- 13) An original and two copies of the IOA application that includes the total number of requested IOAs;
- 14) Impact of any potential restrictions on an operator's commercial air tour operations;
- 15) A statement describing how the proposed air tour operations would aid or promote competition;
- 16) The advantages of the operator's air tours for its customers and the national parks and/or tribal lands they visit;
- 17) The number of air tour visitors the operator intends to serve on an annual or seasonal basis;
- 18) Written statement from the air tour operators regarding their efforts to mitigate adverse impacts on, or promote protection of, national park resources (natural, cultural, and historical resources of the park such as wildlife, historic structures and settings) and visitor experience;
- 19) Written statement from the air tour operator regarding communication the air tour operator has had with park staff in an effort to learn about noise sensitive and other ecologically sensitive areas in the park; and
- 20) Any data or additional information that might provide the FAA or the NPS with a better understanding of the proposed operation.

B. Application Filing Locations. Operators will be directed to file their applications as follows:

- 1) Certificated part 121 or 135 operators file with their respective CHDOs.
- 2) Part 91 operators file with the Geographic Flight Standards District Office (GEO FSDO) whose district boundaries contain the specific unit or units of the NPS.

C. Initial Review of Application. Upon receiving the application, the FAA will make an initial review for completeness. If the application is incomplete, the FAA will reject the entire application and return it to the applicant with a letter stating the reasons for the rejection and

encouraging the applicant to reapply. The CHDO or FSDO should retain a copy for future reference if the operator reapplies.

D. Application Processing.

1) The CHDO or FSDO will retain the original application and forward both copies, along with the CHDO or FSDO recommendation, to the NATSO located within AWP-200. The NATSO will review the application and proposed operation, then conduct a safety analysis if deemed necessary, before forwarding the application package, along with its recommendations to AFS-200. If the NATSO denies the application package for a safety reason, a copy of the denial will be submitted to the operator, the CHDO, and AFS-200.

2) Once the NATSO has determined that there is not a safety problem, the NATSO will forward the application to AFS-200 to review. After completing its review, AFS-200 will forward the application to the NPS for review. For new entrants, the NPS will determine if the operations will cause a noise problem. For increase or modification of the IOA, the NPS will determine if the operations promote protection of park resources. Once the necessary determination has been made, the NPS will submit its determination in writing to AFS-200. If approved, AFS-200 will then publish a notice in the Federal Register (FR) of the agencies' intent to approve the request. When comments from the public have been mitigated to the mutual approval of both the FAA and the NPS, AFS-200 will send notice to the operator, the CHDO, the NATSO, and the NPS that the request has been approved. If denied, AFS-200 will advise the NATSO, the CHDO and the FSDO. The FSDO will advise the operator of the denial and the reasons for the denial.

3) If the proposed operation is approved, the CHDO or FSDO will issue the initial or revised OpSpec B057 or LOA to the operator. The operator may not conduct operations until the LOA or OpSpec B057 has been issued.

NOTE: See Volume 3, Chapter 18, Section 4, Part B Operations Specifications—
En Route Authorizations and Limitations, for guidance on the issuance of
OpSpec B057.

RESERVED. Paragraphs 11-441 through 11-454.