

**National Parks Over-flight Advisory Group (NPOAG) Meeting Minutes**  
**June 27-29, 2006**  
**8:00 AM to 5:00 PM**  
**Radisson Hotel Fisherman's Wharf**  
**San Francisco, CA**

Note taker Victor Globa

**NPOAG Members:**

- Heidi Williams - AOPA
- Richard Larew – Rainier - Heli-Lift
- Elling Halvorson - Papillon Airways, (Absent, substituted by John Dillon of Grand Canyon Airlines)
- Alan Stephen – Fixed Wing Air Tour Representative
- Chip Dennerlein – Siskiyou Project (Absent, no substitute)
- Charles Maynard – Friends of the Great Smoky Mountains (Absent, substituted by Gregory Miller PhD of the American Hiking Society)
- Don Barger – National Parks Conservation Association
- Mark Peterson – Audubon Society-Audubon Minnesota
- Richard Deertrack – Taos Pueblo
- Rory Majenty – Hualapai Tribe (Absent, no substitute)
- Barry Brayer (2006 Chair and FAA Ex-officio Member)
- Karen Trevino (NPS Ex-officio Member)

**Day 1, Tuesday, June 27, 2006**

The meeting called to order by Chairman Brayer at 8:00 a.m. Mr. Brayer announced that this NPOAG meeting is not a public meeting; however, it is open to the public. If time is available at the end of the first day the floor will be open for public comment. There is time on the Agenda scheduled for Public Comment on Wednesday and Thursday. Rory Majenty, Charles Maynard, Chip Dennerlein and Elling Halvorson will not be able to attend. John Dillon will be substituting for Elling Halvorson and Greg Miller will be substituting for Charles Maynard. There are no substitutes for Chip [Dennerlein] or Rory [Majenty]. Barry Brayer proceeded to introduce Ruth Leverenz, FAA's Assistant Administrator for Region and Center Operations (ARC), Bill Withycombe, Leah Yeager NTSB, Bill Dickinson Lake Mead Park Superintendent, and Kate Richardson, San Francisco Maritime Park Superintendent and John Roth, Chief Ranger at Lassen Volcanic National Park (LAVO). NPOAG has held meetings in the vicinity of parks throughout the country and this is the first NPOAG meeting being held near an urban park(s).

**Introductions**

Barry Brayer  
Karen Trevino  
Steve May  
Brian Armstrong  
Victor Globa

Gene Kirkendall  
Carly Hess  
Matt Metcalfe  
Scott Heefner  
Roland Mckee

James Whitlow  
Ruth Leverenz  
Bill Withycombe  
James Whitlow  
John Dillon  
John Roth  
Bill Dickinson  
Bill Shook  
Daphne Hatch  
Judy Rocchio  
Kate Richardson  
Dave Schirokauer  
Marilyn Parris

Dan Dougan  
Leah Yeager  
Neal Baseda  
Jerry Coleman  
Dick Hingson  
Tamara Williams  
Carla Mattix  
Jon Jarvis  
Vicki McCusker  
Kurt Frstrup  
Richard Deetrack

### **Opening Remarks**

Ruth Leverenz, FAA's Assistant Administrator for Region and Center Operations (ARC) opened the meeting with some initial welcoming remarks and expressed that every summer as a child she and her family would take a trip to visit a National Park. Ms. Leverenz also stressed that:

- The FAA's first priority is safe and efficient flight;
- The Air Tour Management Program is the first nationwide action solely for the purpose of environmental issues. It is very important that there is joint success.
- The ARC is performance based and the FAA Administrator has performance goals;
- The FAA has met one goal with the establishment of a charter for the ARC expedited ATMP process on March 31, 2006. The FAA's second goal is to complete one EA for a regional park and that has not yet been completed.

Additionally, Ms. Leverenz thanked Brian Armstrong who is leaving the ATMP program following this meeting for his participation and work on the ATMP program.

Bill Withycombe, FAA Regional Administrator, Western Pacific Region was pleased that Ruth Leverenz could make it to the meeting. Mr. Withycombe also congratulated Ms. Leverenz's efforts to support the ATMP program and indicated that ATMP program funding was attributed Ms. Leverenz. The FAA has a different program that Congress allows it to manage. It is performance based, and as a Regional Office the FAA is tightly tied to its goals. The FAA has worked with the NPS, Volpe Center and established a budget to work within. It is developing internal, enforcement and Interim Operating Authority (IOA) guidelines through Gene Kirkendall's office. It is working with the NPS on monitoring and noise standards. Many of the parks just have infrequent operations. Mr. Withycombe has also had the privilege of testifying before Congress and going through a GAO audit during this ATMP process. It is not cost effective to spend large sums of public money for a small number of operations. James Whitlow, FAA's, Deputy Chief Counsel has been invited to this meeting and could have some could ideas.

Jon Jarvis, NPS Regional Director, Pacific West Region, National Park Service welcomed the NPOAG attendees to the Bay area and Pacific West Region which is

home to 56 units of the NPS. The ATMP process has been interesting and a test of wills of two proud organizations. The FAA promotes safety and freedom of skies, while the NPS promotes natural and cultural resources. Mr. Jarvis gave a short story on the subjectivity of noise impacts where a military general out on horseback in a wilderness area was not irritated by aircraft noise, but irritated with a location bell on a horse. Mr. Jarvis expressed that he also testified before Congress regarding the ATMP Program. Over the last six months NPS has been in the news particularly about the rewrite of NPS policies. These policies are updated about once every ten years. Over 500,000 public comments were received when potential policy changes were published in the Federal Register. As a result of the public comments received to the Federal Register notice the document was returned and modified. Mr. Jarvis read an opinion piece from Fredericksburg (VA) Freelance Star that backs the management policies of the NPS to take steps to mitigate aircraft noise by using the natural ambient sound level as the baseline. Mr. Jarvis views people in helicopters and airplanes as legitimate visitors as long as those visitors do not affect the visitor experience of those on the ground. Quiet is hard to find and the national parks are one of the last places that you can go to get quiet.

Leah Yeager, Air Safety Investigator, National Transportation Safety Board (NTSB) described some concerns that the NTSB has with Part 135 operators since there is no particular requirement to report activity. If the agencies don't know how many air tour operations are out there, then it is not known how much oversight is necessary. There are also concerns with operators about the potential for mid-air collisions. Ms. Yeager is at the meeting to learn and get more information.

Bill Dickinson, Park Superintendent, Lake Mead National Recreation Area (LAME), there is a lot of traffic over LAME. Mr. Dickinson has somewhat of a unique idea to address the air tour overflights and thinks the FAA and NPS have a unique opportunity to improve the situation. Overflights are legitimate visitors and discussed the exemption in the ATMP law. When the ATMP is completed there will be a better situation in the air and on the ground.

Marilyn Parris, Park Superintendent, Haleakala National Park; indicated that the agencies have an opportunity to experience wilderness at Haleakala. The NPS has a good working relationship with the air tour operators and the park has an informal agreement they don't buzz the greater park area. Kipahulu gets the biggest impact. Haleakala will be in a better place when the agencies complete the ATMP process.

Mr. Brayer's Chair report provided a short summary of the ATMP projects and other ATMP related issues. The agencies are currently working on five parks Mount Rushmore National Monument (MORU), Badlands National Park (BADL), Haleakala National Park (HALE), Hawaii Volcanoes National Park (HAVO), and Lake Mead National Park (LAME). The last air tour operator has stopped flying over Kalaupapa so there are no air tour operators flying KALA. Additionally:

- The HALE EA is going to an EIS.
- The goal is to complete one EA (MORU) and it is expected that one will be done this fiscal year.

- Noise monitoring is being done at Great Smoky Mountain National Park. Even though, the agencies are losing equipment due to bears.
- There is an expedited ARC charter for Lassen Volcanic National Park (LAVO) and Mr. Brayer thanked Park Superintendent John Roth.
- The FAA's Executive Resource Staff which includes the ATMP program is taking on a greater role in the Grand Canyon Working Group (GCWG). The GCWG group is a subset of the NPOAG. A number of ATMP NPOAG members are also part of GCWG.
- A little over \$33 million has been committed to the ATMP program. Ruth Leverenz expressed that as a former CFO for the agency Ms. Leverenz is very passionate and concerned about costs and that both agencies have to be good stewards of the taxpayer's money.
- The FAA has agreed to the General Accountability Office (GAO) recommendations

Barry Brayer -discussed the upcoming turnover of six NPOAG members.

Alan Stephen believes that this topic should have further discussion regarding goals and objectives of these possible changes. Also, the timing is not good since there should be some institutional memory for the NPOAG. Lash Larew supports Mr. Stephen and has also been involved in the ATMP NPOAG for a long period of time. Some current NPOAG members have made a substantial time commitment to this process and the ATMP process is now at a point where substantive issues are starting to be addressed. It is important to keep as much continuity as possible. Richard Deertrack wanted to reaffirm that he does not represent all tribes as an NPOAG member. Don Barger agreed with Mr. Stephen and Mr. Larew. A working relationship has been developed and this relationship allows the committee to work well. Mr. Barger also thinks that the NPOAG should keep Chip Dennerlein. Marilyn Parris inquired as to why there haven't been any Native Hawaiian tribe members on the NPOAG due to the high number of operations over Hawaii parks. Karen Trevino believes we have flexibility under this charter although it is not actually in the law but under the spirit of the law, and that it would be beneficial to have a Hawaiian representative. Heidi Williams expressed that one challenge of turnover is the education process. If you don't understand the process initially, then there is a constant learning curve for the new additions and hard to make progress with turnover. Mr. Brayer indicated that there was not a rush to make a selection and that the NPOAG members comments will be taken into consideration. For aviation members the FAA selects the potential NPOAG member and gets concurrence from the NPS; for Environmental Members the NPS selects the potential member with concurrence from the FAA; for potential Native American tribes NPOAG members it is a joint decision between FAA and NPS.

Mr. Brayer advised the NPOAG that later in the meeting there will be an opportunity for NPOAG members to break out into subgroups to discuss a variety of issues. Alan Stephen indicated that the competitive process has not been addressed since the last meeting and that GAO indicated a flaw. James Whitlow mentioned that the competitive process does not require a limit in operations. Some parks, some of the time, don't need air tours. For FAA, when it comes to restrictions, there are regulatory requirements.

The FAA does have the framework and structure that is fairly well defined by statute. Frankly, how do you objectively justify restrictions at the park? Ms. Trevino indicated that NPS allocates all of the time and gave examples of river rafts in Colorado and cruise ships in Alaska.

Mr. Brayer recommended that the NPOAG prioritize which issues we will be addressed first, the get NPOAG's advice and guidance to move forward. This is the crux of the meetings not just the FAA and NPS giving reports.

Parking Lot Issues from the last meeting were distributed in the form of a hand out.

Following Mr. Brayer's opening comments NPOAG Co-chair Karen Trevino had some opening remarks. Ms. Trevino thanked all the representatives in attendance. Ms. Trevino's staff has also been busy and ambitious. Kurt Fristrup was introduced as the Senior Acoustician with Ms. Trevino's staff. Dave Schirokauer who is with the Point Reyes Natural Sounds Program was also introduced to the NPOAG. In March of this year, NPS held a Social Science workshop to focus in the impacts to visitor use. NPS is looking at the feasibility of using acoustic science into existing social science models. Participants at the meeting were extremely motivated. NPS has been working with Volpe staff and Volpe took some IOU's regarding some potential shortcomings identified with INM 6.2. One issue in particular is addressing the wind issue and how the agencies (FAA & NPS) address it differently. A second issue is the transferability of acoustic data in order to extrapolate data and potentially save funds. Mr. Fristrup has been working on signal identification and has also started to use 1/3 octave band spectrograph to show pictures. This data has been helpful and well received. Ms. Trevino also discussed some advancement in the NPS Palm pilot data software. Ms. Trevino thanked Gene Kirkendall for addressing IOA questions in the Intermountain region. Through the assistance of Mr. Kirkendall and Brian Armstrong NPS have developed forms that will help parks develop tools to report and address these issues. Ms. Trevino also brought up the overwhelming number of the comments to the NPS regarding the potential policy changes that were voiced particularly over concerns for natural and cultural sounds. There is new language on cultural soundscape management, recreational activities and visitor use. Ms. Trevino read the section on recreational activities and visitor use. There is also some new language as a result of Homeland Security that needs to be identified at seven iconic parks. At these parks, the Park Superintendent is required to go through a background check and top secret clearance. Four of the parks identified are ATMP parks. Ms. Trevino also thanked James Whitlow for his ARC Charter help and Brian Armstrong for his work on the programmatic approach. Ms. Trevino took a minute to congratulate Mr. Armstrong for his work on the ATMP program and wished him well in his new position. NPS has not been as successful in getting funding for the ATMP program. However, NPS has \$2.4 million sitting in Congress. This is not a lot compared to what FAA has provided. NPS has given a little of over \$1 million to Volpe. This funding is specific from user fees. It cannot be used on NEPA, however, it can be used for the technical aspects, therefore, this funding has been sent to Volpe.

Following Opening Comments Mr. Brayer did a quick review of the agenda moving James Whitlow's session to the second day and announcing that the first NPOAG breakout would be without the presence of FAA or NPS representatives. Public comment is not on the agenda today. Need to stick with the agenda. The visit of the San Francisco Maritime Park will be combined with a short lunch break.

## ATMP Update

Following the break, the ATMP program managers gave short presentations on the ongoing ATMP Projects in HALE, HAVO, LAME, LAVO (Brian Armstrong & Vicki McCusker), MORU and BADL (Steve May & Frank Turina (Frank was not available for the meeting)).

LAME – Still has got some IOA issues. About 80,000 operations have been identified in the IOA. Of those 80,000, about 12,000 are by 3 operators specifically for air tours of LAME. The other 68,000 are Grand Canyon related. Even with exemption FAA has approached operators for IOA clean-up. There needs to be clarification regarding which operations are exempt and what is covered by the ATMP. There is also a need to reconvene the Alternatives Development group from 2004 following clarification of exemptions given the complexity of the airspace, and the need to reconvene discussions on the LAME overflights. While the NPOAG is meeting in its breakout session the FAA and NPS will have a sidebar meeting later today. Bill Dickinson has a point of contention regarding the exempted operations being used solely for transportation purposes. NPS has a different perspective. Mr. Stephen suggested that the NPS invite the air tour industry to discuss what is going on with the transportation routes. Ms. Trevino was pleased to hear the air tour industry reach out to the NPS. The FAA should be on board with the way the exemption is interpreted. Mr. Brayer indicated that currently there is not a separate break out group or subgroup identified to address this issue of exempted overflights. Mr. Stephen indicated that the Hualapai tribe and helicopter groups need to be included as well. Operators do not want to give up IOA for fear of a new definition of what a “transportation route” is. Richard Deertrack asked what the definition of a transportation route is and does that apply to air carriers? Brian Armstrong responded that there is a difficulty in defining operations based on what is written in the act. Mr. Brayer mentioned that government-to-government consultations will be held outside of these forums based on Section 106 of the National Historic Preservation Act. Mr. Armstrong confirmed that tribal consultations have been held. 17 tribes were invited and only three showed up.

HAVO– Has been rescoped to an EIS. There are some outstanding issues. Additionally, HAVO has acquired a large section of property and has doubled in size. Kurt Frstrup is looking to see if current noise monitoring data can be applied to the land cover of the newly acquired land area. The agencies have consulted with Native Hawaiians and have held a number of meetings. Cultural analysis and cultural assessments are necessary. Mr. Armstrong has IOU to the NPS regarding cultural issues.

HALE is also moving towards an EIS. This request is based on Section 106 “Kipuna Groups” by Tribal elders. There are some similar IOA issues in the Hawaii parks. One of those is the collection of air tour fees by air tours that enter the park airspace and whether those air tour operators are exceeding their IOA or if there is a miscounting. Some of those operations are not within the park boundary since there is a difference in boundary. The ATMP half-mile buffer area is not included in the park boundary. Mr. Stephen inquired as to whether there is a statute requiring the collection of fees by NPS. Carla Mattix, NPS Solicitor indicated that it is going through the Arizona courts right now. Mr. Stephen believed that there is a question with the interpretation of the law that needs to be clarified. **IOU Karen Trevino will attempt to centralize fee management process for air tours.**

Vicki McCusker is working with Hawaii National Park Service staff to provide a noise briefing on the noise monitoring data that has been collected by Volpe. Kurt has been instrumental in helping out. Initial alternatives were developed based on the information provided. Park staff believes that the Alternatives Development process will get back on track.

Bill Withycombe inquired whether there is a timeline for the HAVO and HALE EIS's. Mr. Armstrong responded that up to this point the schedule was to complete these next fiscal year. The schedule will be re-baselined once the scope of the revised alternatives and cultural assessment are defined. Ms. Trevino extended an invitation to the NPOAG members to participate in a noise briefing that the Hawaii Park Service staff has received whether it is by internet or on the agenda for the next meeting. Ms. Parris indicated that the noise briefing was an "eye opening experience."

Mr. Armstrong continued his briefing regarding KALA. There were three operators from Honolulu that would tour the west Hawaii parks that were not flying within a ½ mile of these parks and realized that there was no reason to fly over KALA. One operator out of Maui ceased operations. While there are no air tours that fly within a ½ mile outside the park keep in mind that Kalaupapa does have an airport. Charter work, photography and government work will continue to operate.

LAVO was selected from five potential parks to initiate the expedited ATMP ARC process. Level of air tour activity and other issues were part of the criteria used in the selection process. Mr. Armstrong offered the criteria and selection process if any NPOAG member requests a copy. A charter was signed on March 31, 2006. FAA has received some significant comments on the charter from the NPS.

Steve May gave a presentation on the MORU ATMP. The timing of the NPOAG meeting was scheduled to have the MORU Draft EA completed, however that did not happen. Frank Turina is meeting with the NPS Regional Office staff and reviewing the draft document. The goal was to present to NPOAG what was going to be presented at the public meetings. Since the last meeting and completion of the Implementation Plan Volpe delivered a Draft MORU EA and Draft BADL EA. Both documents were returned back to Volpe. FAA and NPS decided that the document need to be reviewed collectively, thus "Tiger Teams" were formed. MORU is scheduled at this time to be completed by the end of the Fiscal Year (FY). BADL will not be finished in this FY. Since MORU will be completed first, the BADL Administrative draft will incorporate the MORU changes into the document. These Tiger Team sessions went 8 hours a day 5 times a week for a number of weeks, then to three times a week. The Tiger Team is still meeting periodically. Lynne Pickard has also been heavily involved in the review process. The most challenging thing is to have both agencies comfortable with presenting the data.

Mr. Larew inquired whether there were any pending issues that NPOAG could assist with. Steve May confirmed that a compressed schedule, quiet technology and competitive bidding are issues that the agencies are struggling with. Mr. Brayer indicated that the changes are very small for quiet technology and that this topic is very legitimate for a breakout session.

Don Barger inquired as to whether it would be appropriate for the NPOAG to look at and comment on the Draft MORU EA? Mr. Stephen also showed an interest in reviewing the MORU Draft EA. **IOU Barry Brayer will see if there is a way that the NPOAG can look at the MORU ATMP before it goes out.**

Kate Richardson, Park Superintendent, San Francisco Maritime National Historic Park (SAFR) introduced herself and gave a short description of the maritime park

SAFR Visit and Lunch Break

Following lunch and the SAFR visit Mr. Brayer asked the NPOAG how NPOAG can help us best out. Mr. Stephen recommended that the NPOAG work on one issue for one hour then to work on the other issues. The NPOAG should discuss Transferability issues first. Then for the next hour the group can address New Entrants and the Competitive process. Mark Peterson asked which issues were a priority for agencies.. Mr. Brayer responded Transferability. James Whitlow will be addressing that issue later today. Two other hot topics are Quiet Technology and Competitive Process. Both agencies need to discuss and come to an agreement on significant adverse impacts.

Jon Jarvis advised the group that the Record of Decision (ROD) has to carry both signatures and Mr. Jarvis won't sign anything that he feels uncomfortable with that is not unique to air tours. Legislative responsibilities are not lessened by this partnership. The decision in park resources is rested in the NPS. The decision will be based on what has been heard from the public and the courts. Is the NPS going to be comfortable with the decision? Ms. Trevino indicated that if the FAA and NPS don't agree, the agencies agree to work together to address those issues. Mr. Stephen indicated that there are some challenges to the operators with the turnover that exists in Park staff that changes the parameters. We are all here to mitigate adverse impacts.

### **Public Comment**

Tom Artell indicated that he is representing multiple environmental groups. His concerns are how the air tours impact safety, the animals and the people. Mr. Artell provided a variety of statistics and data that in his opinion the skies are a mess. The National Parks Air Tour Management Act (NPATMA) puts the law to the people. The risk of aircraft operations outweighs the risk of safety. Law enforcement and firefighting helicopters land in park areas without permission. Mr. Artell wants zero flights and is handing out petitions and is proposing that air tour flights be banned.

### **NPOAG Sub-Group Discussion.**

Don Barger, Greg Miller, Mark Peterson, Heidi Williams, Richard Deertrack, John Dillon, Lash Larew, Dave Schirokauer (Point Reyes National Seashore), James Whitlow, Alan Stephen

Don Barger expressed that the competitive process is going to be triggered with Mount Rushmore.

Some issues were brought up regarding the transferability of IOA

- FAA has addressed it but NPOAG has had no input. NPOAG has only discussed increased operations and new entrants but not transferability.
- Tribal leaders have expressed that the airspace is a commodity. Park superintendents need to speak with the tribal leaders and to address any overflights that fly over sensitive areas.
- Law does not adequately describe competitive bid process so that's why it should go to the NPOAG.
- Transferability before issuing an ATMP has not been addressed.
- IOA is the de facto plan for potentially many decades.
- Transferability is selling IOA not the selling of a business and its assets.

Some scenarios were brought up as to how they would be addressed:

Scenario 1:

During IOA Firm A has 1000 operations. It goes out of business. Those operations are no longer in place and are now gone forever.

Scenario 2:

Firm A sells 1000 operations to Firm B. Legal counsel for FAA has ruled that only a transfer of an entire business is legitimate. People have business plans in place and six years later can't get in. Current businesses that want to get in to air tour business can't get in. One operator (Operator B) has 1000 operations where the FAA has revoked its Part 135 certificate, and no one can acquire those flights, therefore, they are now gone. Yet, the demand still exists thus resulting in stranded tourists as a result of the loss. Another air tour operator (Operator C) would like to buy Operator B but does not want to take the liability of the penalty. As a result of the FAA action, Operator B can only fly 5 times a month as a Part 91 operator. Many other services can be impacted as well. What is wrong if the NPS and FAA are aware of the transfer since operations have been capped over the Grand Canyon in the 2000?

Scenario 3:

Park A has two air tour companies with 500 operations each. One goes out of business. Does the public have an opportunity to comment on whether somebody else gets the other 500?

Scenario 4:

A Lake Mead operator had IOA for 5,000 operations over LAME. The operator passed away and now the operations are gone. James volunteered his time tomorrow for the group. Here is a scenario where there is not a net increase in IOA but allows current operators to do something with that IOA.

Could the NPOAG develop a group to mediate these types of issues? The NPOAG has not accommodated nor addressed the new entrant applicant issues.

- Grand Canyon used to have 44 air tour operators now there are only nine. One recent operator went out of business with 14K flights. A new operator is coming in and will take over those operations. The new operator paid approximately \$1 million for those 14K flights. 100-91 is silent on caps and transferability. FAA has already indicated that transferability is desirable.
- There is a difference between IOA and OA and there has never been a question with Grand Canyon.
- IOA is not a property, it is a right given to an existing operator. There should be no IOA increases until the IOA number is addressed.
- There are concerns that operations could be lost.
- IOA transferability would not increase any additional impacts on a park. One of the fears is that this is a de facto way of eliminating operators. That's why there was an allowance for FAA and NPS to allow increases and not drag their feet for 20 years.
- The question is can an operator purchase another air tour business with IOA? The subgroup would like to have air tour operator's work with the NPS to determine operational requirements in a "White Paper".
- James Whitlow joined the sub-group at 2:45 p.m. and indicated that NPS has philosophical differences with the FAA, however, if there is an underutilized demand and the NPS agrees, let there be more flights.
- Some air tour operators believe that NPS wants to put a cap on whatever IOA is identified at the EIS process.
- 18 month timeframe was put into the law so that there was not a de facto cap put into place
- Small mom and pop business are going out of business through attrition. Active businesses cannot grow. Reduction should not be from attrition or inefficiency.
- Don Barger hopes that the IOA is not a de facto cap. He would like to see less total operations but not as a result of government bureaucracy.
- Alan Stephen described Global Group/Makarion Air an air tour operator that had IOA at multiple parks but sent a letter to the FAA saying that they went out of the air tour business. Numbers are inconsequential with 15 operations to 18 operations per park but that business is now gone for good.

### **Discussion of IOA issues and IOA Database Demonstration**

FSDO is working on issuing better guidance and establishing a procedure to report and track air tours, transferability and salability. The IOA portion will be in Federal register.

Gene advised the group that an Air Tour Operating Authority System (ATOA) has been developed. It is a web based system tracking IOA that can be updated either daily or weekly.

Matt Metcalfe of Booz-Allen gave a short presentation on the system. Some highlights include:

- ATOA integrates GIS to map parks and tribal lands that will allow you to track and sort data. It is web based. Access is controlled by password requirements.
- The site is GIS formatted and can be as detailed as the agencies want.
- ATOA can be used for reporting?
- Gene Kirkendall would prefer to have everything inputted electronically.
- Real time data will be available
- Flight tracks could be superimposed over NPS GIS data to see what sensitive areas aircraft may be flying. This is phase #3 of the update

Mr. Jarvis has some concerns as to how the data is inputted? Primarily, if the number is put in numerous times then it becomes real. Why can't the agencies verify the IOA data and go back. If there is a disputed record, how can the agencies confirm if it is accurate or not?

Mr. Kirkendall indicated that the current data is taken out of the Operations Specifications. There is no record keeping requirement or authority to get the data. Mr. Kirkendall tried to get language to get record keeping included but was denied since it was not safety related. The numbers have been questioned. This is a starting point. The next update of the site will allow active reporting. The ATOA system will have a tracking mechanism for all 388 parks. It will include transferability of IOA or OA operations, as well as, Grand Canyon allocations. When the ATMP is signed, 180 days afterwards, it would be identified as ATMP not IOA. The intent is to allow FAA and NPS to have access to the system.

Mr. Jarvis believes it's a Catch 22. There is an expectation by the general public as to how the agencies are going to manage the air tour flights. In the interim you'll manage some flights. Park staff believes the data is incorrect. GAO says the numbers are incorrect. The agencies should fix those numbers or base nothing in those numbers. There are operators that indicate that they flew over those parks that did not exist. Mr. Jarvis does not want to use current IOA numbers for the No Action Alternative. Ms. Williams expressed that the GAO did not say IOA was inaccurate. Only two of the 25 operators were inaccurate due to record keeping.

Mr. Whitlow indicated that nobody is questioning the reporting requirement for the ATMP. What is the consequence if an operator has certain IOA and is underutilizing the data? The final data will not be accurate as well. Mr. Larew suggested that part of the ATMP process should be verification. Initially this would be voluntary. Ms. Trevino agreed that the IOA data is less supportable and that getting to the ATMP data is not

helpful since it is not accurate. Who in FAA is responsible? Mr. Kirkendall responded that it is not the FAA but it would be Congress. Ms. Trevino believes that the FAA is currently working on re-authorization language and that IOA reporting could be part of it?

Brian Armstrong explained that air tour routes and historic numbers are important for forecasting and planning purposes. NTSB has been asking for this data for non scheduled Part 135 operators since this could pose a safety issue with no oversight. Carla Mattix indicated that there is no legal reason for reporting requirements for IOA. The act does not require it. Since the rulemaking does not allow a concrete safety tie, Office of Management and Budget (OMB) will not move forward with it. Overflights Act in 1996 requires it for Grand Canyon. Part 136 regurgitated the act. Gene Kirkendall needs legislative authority for record keeping, reporting authority and enforcement authority. When are they flying, where they are flying and how often? Mr. Jarvis does not want a couple of bad apples to affect the whole process and to pose that as legislation. Alan Stephen would like NPOAG to see any reauthorization language be seen by NPOAG prior to moving forward. Try to use same terminology that is used at the Grand Canyon. Barry Brayer agreed to show any reauthorization language on the ATMP or GCN to the NPOAG.

John Dillon requested a demonstration cd of the ATOA system to give FAA some feedback. Mr. Kirkendall indicated that it is not possible yet. However, when the system gets completed he will send it out to the NPOAG for a trial review. Barry Brayer volunteered to contact the NPOAG and NPS when a trial cd is available.

Brian Armstrong wanted to remind the NPOAG that you need to be careful with real time data since what is actually occurring on the screen may not be representative of the actual operation. Air tours can be confused with charter operations, general aviation operations or even park service operations.

Mr. Jarvis thanked the group prior to the end of the meeting.

Marilyn Parris encouraged an NPOAG meeting in Hawaii and thanked the group. Additionally, Ms. Parris encouraged the group that a native Hawaiian should also join the NPOAG.

Dick Hingson was surprised that a legislative package is going to Congress and he was not aware of it. Grand Canyon Working Group has not been notified. Barry Brayer advised the NPOAG that FAA reauthorization is not a legislative package. Karen Trevino agreed to pass on and information that the MPS may have.

## **DAY 2, Wednesday, June 28, 2006**

### **Call To Order**

Mr. Brayer thanked Brian for setting up the dinner the previous night and he discussed the upcoming park visits and introduced GOGA Superintendent Brian O'Neill.

Mr. O'Neill welcomed everyone to the SFO area. Eight units of the National Parks System are here in the Bay area. Alcatraz alone serves over 1.4 million visitors per

year. On average the tour operators are turning away 2000 people per day to Alcatraz. Alcatraz is also being turned into a wildlife refuge for birds. It was first built during the Civil War, and then used as a military prison with its most notorious period being from 1934-1963. Muir Woods is the location where the first redwoods grew in California. There are huge challenges with the numbers of people and the social science work necessary to get a better understanding of visitor expectations and needs. There is soundscape work being done as well. Golden Gate Recreation Area (GOGA) was established as a result of a citizen based initiative in the 1960's. GOGA has over 15,000 volunteers committing over 400,000 hours. The number of volunteers could double if there was the infrastructure available. Community involvement is extremely important. There are 10 military installations and 1,250 historic buildings with the only biosphere preserve. People are extremely passionate about the area. A small land trust raised \$200 million to preserve coastal areas and Congress added land to the GOGA.

Alan Stephen asked about the relationship that Mr. O'Neill had with the air tour operators. Mr. O'Neill indicated that he would like to work operators to preserve the parks resources yet allow for potential, business opportunity. He would like to work more proactively with the air tour operators and could achieve multiple objectives. Primarily limiting, eliminating or directing flights without diminishing the air tour experience. Judy Rocchio indicated that an operator claimed that they were flying over GOGA and other parks but did not go over other parks. Point Reyes and Muir Woods did not have air tours over these parks before IOA was issued.

Don Barger agreed with Mr. O'Neill that the NPS partnerships are unique. Mr. O'Neill advised the NPOAG that the Presidio Trust is able to borrow from the federal treasury and give loans. It is the only national park unit that has a mandate for self-sufficiency in a 15 year time frame. Barry Brayer mentioned that social science and soundscape are more applicable at Muir Woods, while people don't go to Alcatraz for quiet. Mr. O'Neill indicated that the capacity of cell house is limited in order not to have an impact on visitor experience at the island. Currently there are limits to the number of people and boats that come on the island. European visitors have a higher tolerance for more people. Rural American visitors have less of a tolerance for crowds. Alcatraz also has a wildlife area of nesting birds. Noise has a far greater impact on park guided ranger tours than those with headphones. Headphones had a superior experience with regards to noise. Air tour issue is disturbance to birds and people to some extent. With the number of nesting birds any disturbance is a major problem. Not just air tours and the competitive companies but with the tour boats as well. Alan Stephen indicated that GOGA would be a great example of why one ATMP could address a cluster of parks. GOGA works together as a network. The Park Superintendents agreed that there should be one ATMP rather than individual ATMPs. Lash Larew reminded the group that the original purpose of the island was a prison. Mr. O'Neill advised the NPOAG that although there are no unique or endangered species on Alcatraz, all of the species, and loss of island resources to development are becoming more important. NPS would like to enhance the island ability to provide a safe haven for nesting birds. Part of the island is for public the other is for nesting. Richard Deertrack asked about the NPS's relationship with Native Americans. Mr. O'Neill advised the group that the NPS has excellent relationships that they have built and will continue to build on. James Whitlow asked whether there were any conflicts with anti-park forces. Mr. O'Neill responded that the challenge is to have a comprehensive program on community outreach and to manage the park to diverse communities.

### **ATMP Implementation Plan**

Steve May gave a follow up status report on the Implementation Plan (IP) that was distributed and discussed at the Estes Park NPOAG meeting in November. IP has gone through FAA legal counsel. MORU tiger teams are a major test of the IP and changes will be made as a result. It is an active and living document. There have been no changes since its release. Mr. May requested that NPOAG members provide any comments on the document before their terms end. Most of the reviewers concerns will be in the analysis section Appendix SS that is 30-40 pages in length. Alan Stephen thought that someone was going to issue a white paper on management zones. Karen Trevino was to going develop a white paper discussing management zones. However, the GCN working group did not want to entertain five zones but three. Initially the agencies were going to address and make changes to the IP between MORU and BADL Draft EA's but once we got into MORU tiger teams the agencies ran out of time. Don Barger inquired as to whether the revisions would be made on a daily basis? Mr. May indicated that the changes would be made as a set.

### **Update on Mt. Rushmore ATMP**

Steve May presented the MORU EA schedule. The driving factor is the completion of one EA by the end of this Fiscal Year (September 30, 2006). FAA and NPS received preliminary edits in February. In March both agencies started going through the document with written comments and decided that both agencies and Volpe should come together and do Tiger Team meetings. There have been three schedule revisions since the beginning of the year. Tiger Teams were initially held five days a week all day long. Frank Turina is currently meeting with the regional NPS office this week. If the regional office has extensive comments we will have to address the schedule. Mr. Turina felt comfortable that there should only be minor comments. Ruth Leverenz questioned as to who are the signatories? Bill Withycombe responded that it would be the FAA's Great Lakes Regional Office and NPS Midwest Regional Director for the Park Service. Ms. Leverenz expressed that there was success at O'Hare due to keeping an up to date briefing of all the key players. The agencies need to think through who else could be included as part of this group. Karen Trevino volunteered to think through it and will talk to the regional office for any of the external partner/outside partners.

Don Barger mentioned that having goals and benchmarks for the agencies are important. Mr. Barger urged that because this is first EA is a template for all other ATMP's, and you look at the aggressiveness of the schedule; there is no room for NPOAG review and comment. Barry Brayer indicated that the NPOAG will be able to review the MORU EA once it is released to the public. There was never any intention that the NPOAG would review the MORU EA before the meeting. The NPOAG meeting was scheduled assuming that the MORU EA would be available to the public. Richard Deertrack inquired as to what was a tiger team? Steve May responded that it was a group of people getting and working together. Mr. Deertrack also inquired about the status of inviting the tribes. Mr. May responded that he will start initiating tribal meetings in the near future. If tribes are interested in meeting directly then a meeting will be scheduled. Mr. Deertrack highly recommend that Mr. May go to the tribal chairman or consortium. Mr. May reminded the group that the Superintendent at MORU is Gerard Baker who is a Native American and is tied to these tribes and is also volunteering to help. Karen Trevino indicated that NPS is run by advisory groups. NPS allows NEPA documents to be reviewed by advisory groups beforehand. James Whitlow advised the group that the FAA does not allow viewing of the NEPA documents prior to the general public. Don Barger is still interested in seeing the document. James Whitlow was not

aware of releasing the documents. Barry Brayer indicated that the GCWG group is developing proposals and the agencies are developing the alternatives. GCWG is providing input and ideas that will eventually become the preferred alternative. James Whitlow does not want to provide the NEPA document to the advisory group prior to the public. Alan Stephen is confused as to the role of an ARC vs. an advisory group. NEPA is a process that will go on and the working group will have a role in reviewing the documents. Barry Brayer indicated that we want the NPOAG's input and maybe we should have a "go to" internet conference call meeting concurrent with the release of the document. The agencies could take the NPOAG's input and put it into the final document. **James Whitlow took an IOU to take a look at ARC process vs. the NEPA process for releasing the review of documents to the NPOAG.**

Alan Stephen indicated that for Grand Canyon he would like to have an accurate portrayal of scoping comments. Barry Brayer indicated that there is an IOU to get the comments in their entirety. The summary was done in a rush to get them to the GCWG meeting. In scoping the agencies don't respond to comments, the agencies respond to the NEPA document.

Steve May advised the NPOAG that the MORU EA is scheduled to be released on July 24<sup>th</sup> and the public meeting is scheduled on August 22. There is not much time but Tiger Teams are really helping out. Bill Withycombe reminded the group that the FAA is a performance based organization and that the FAA staff is working on the projects proactively. There is money behind this program that if the FAA does not show results it is in danger of losing it. James Whitlow mentioned that if the FAA doesn't have a schedule it can't set the people power commitment to the project. Don Barger believes that such a short schedule for public comment gives the impression that the agencies don't care. Ruth Leverenz advised the NPOAG group that the FAA has done major projects in a short schedule. The agencies are not learning the issues for the first time with the Draft EA. The hiccups occur when there are disagreements between the agencies. If pending issues can be nailed down today there should not be an issue in completing the schedule. Karen Trevino cautioned the group that with National Parks projects there tends to be more public comments than with airport projects and that the agencies should not do a hasty job responding to those comments. Mark Peterson inquired as to whether this MORU EA is a template or is it going to be set in stone? Mr. May, responded that the document is not set in stone and the agencies will continue to learn. Volpe is not the cause for the delay since policy issues can't be addressed by Volpe. Mr. May continued his presentation on the MORU EA and described who has been participating on the Tiger Team panel. FAA representatives include Steve May, Lynne Pickard, Patrick Wells (Great Lakes counsel), and for the NPS Frank Turina and Vickie McCusker as well as Volpe staff. Karen Trevino and Barry Brayer are on the calls occasionally as well. The Tiger teams will continue to be used during the MORU EA process. They may not necessarily be used for all of the 100 EA/EIS's. Karen Trevino advised the group that the appearance of a larger number of FAA staff to NPS staff does not reflect an imbalance of staff since NPS does not have the regional staff.

### **Pending Issues**

Steve May discussed some potential pending issues associated with the MORU ATMP EA process.

Speech Interference Analysis – There are concerns with noise impacting interpretive sessions. Aircraft go over the pavilion disrupting interpretive speeches. Park staff does not want to be interrupted. The agencies will take the Lmax value and draw some conclusions based on some type of criteria for that interpretive speech going on. The method and conclusion and what level of analysis the NPS is looking for. How do we bridge the gap between aircraft noise and interpretive speech? Karen Trevino expressed that there are two issues. One is interpretive speech and the others are conversational issues. Alan Stephen indicated that previous park experiences have been interrupted by children. Karen Trevino indicated that the NPS has to balance competing resources. Social science surveys include the other noises. NPS needs to figure it out. James Whitlow inquired as to whether NPS has a track record with speech interference. Kurt Fristrup responded that the NPS is using models that have previously been used. Interference is one meter, as is 65 dBA. Management policy dictates that the NPS monitor activity outside of park boundaries. Don Barger reiterated that the NPS has a different mission than the FAA. Managers at parks are willing to do it. Bill Withycombe inquired as to whether the speech interference issue has been brought up before at Grand Canyon? Alan Stephen had real problems with the conversational element rather than the interpretive issues. Heidi Williams inquired as to whether thresholds are tied to management zones and that these thresholds seem very subjective? Karen Trevino mentioned that most of the complaints come from noise that persons experience with someone else not during the interpretive talk where the experience was diminished. The threshold that Mr. Fristrup is referring to is not an NPS number. How the threshold is applied, is based on NPS management zones and where it is located in the park. NPS does not apply the same threshold in every place. It will be zone specific. FAA and NPS are not in agreement with the analysis. Both agencies may not agree and the EA will have to give each agency's side. Lash Larew advised the group that this was the first time he's heard of speech interference. Karen Trevino indicated that the question that the NPS is trying to address is how much speech interference in a day makes sense. Social Surveys are being studied where the NPS wants to know what influences visitor behavior that allows them to have a good experience. Mr. Fristrup indicated that Muir Woods is adjusting its hiking paths as a result of conversational interference from other people. Alan Stephen questioned the NPS' use of incidental permits to bring in bus tours. People make lots of noise getting in and out. NPS is allowing a park superintendent to make a subjective decision not an objective decision. Ms. Trevino responded that decisions are not subjective and are not made on the fly. Existing regulations are not for protecting areas or visitor use. Mr. Larew mentioned that the regulations are to address safety and annoyance levels. Ms. Trevino indicated that society has looked at noise for an annoyance or impairment level.

Steve May questioned whether the Lmax metric is an appropriate metric to base the speech interference conclusions on. Barry Brayer was concerned that the NPS is applying a standard where the agencies have no standard and James Whitlow inquired as to what are the consequences based on a single event. The real problem is what action is someone going to take? Steve May had concerns that the NPS has started making decisions with a new requirement in the 11<sup>th</sup> hour of the EA since speech interference was not identified or included in the IP. Lash Larew inquired as to why the NPS not addressed this issue? Karen Trevino responded that with newly included language this is a new direction for the NPS. Bill Withycombe inquired as to what are the next steps? Mr. May responded that Lynne Pickard is taking a look at this speech interference and the major impact conclusions. Bill Withycombe inquired which metrics are proposed to be used and at what level does the number of events create a major

impact. Best case scenario is that a paragraph(s) will be included that there is an impact or not an impact. Karen Trevino indicated that it is incumbent that land management expertise is based on park expertise. Alan Stephen believed that this analysis is similar to dose response. Don Barger followed up that there are differences in approach between the two agencies. Mr. Barger urged that the two agencies get some clarity on what would resolve the issue. Ruth Leverenz commented on how long this ATMP program has been going and the agencies are without an ATMP.. The budgets are under pressure and are at great risk. If the agencies cannot complete one ATMP, there is no reason to spend \$33 million on this program. People are looking at this budget as to whether this is achievable or not. Karen Trevino committed to increase the comfort level in working together and reiterated that the agencies have very different cultures.

Steve May continued that another pending issue is Terrorist Threat Analysis. The root concern was raised at the very beginning about the potential of an aircraft coming into the monument or crowd of people. NPS has asked that the FAA do a terrorist threat analysis. This analysis is not included in environmental analysis. Karen Trevino referred back to her new policy that all plans at the seven iconic parks have to consider new security requirements where the NPS has to coordinate with Department of Interior. The NPS has to review alternatives based on professional judgment as to what would be considered a security threat and does not think that the FAA would be asked to do it. Lash Larew reiterated that this is not an environmental issue and if so, would the park service address all crimes. **IOU - Carla Mattix will get clarification on terrorist threat analysis requirements.** Steve May took an action item as to who in the FAA would do terrorist threat analysis since this is now the TSA's responsibility. The TSA has not been very helpful and is this the appropriate document to put the analysis in? Additionally, Frank Turina wants each alternative to be addressed as well. The opinion from FAA legal counsel is that this is not appropriate and that the FAA should get through the environmental process. Heidi Williams believes the only thing that would be addressed is the air component. It would be done by TSA for air transportation. Karen Trevino indicated that TSA is requiring that park superintendents do security planning but not for the air portion.

### **DAY 3, Thursday, June 29, 2006,**

Chairman Brayer started out the meeting by thanking NPS for the tours to Alcatraz and Muir Woods..

Karen Trevino wanted to clarify for the record regarding dose response that NPS does not reject dose response or dBA levels. NPS has acknowledged that dose response alone does not provide a fair representation. Alan Stephen believes that he may have been discussing the Volpe dose response report..

Barry Brayer also wanted to clarify his response to Dick Hingson regarding legislative proposals. For the Record, Mr. Brayer is not aware of any legislative proposals that the FAA might or might not be working on.

Karen Trevino volunteered to distribute the new NPS draft management policies to the NPOAG. These policies are still under internal review. They have undergone two revisions. Carla Mattix believes that the final policy will be published in the Federal Register. John Dillon inquired as to why the policies were not forwarded again to the

public. Ms. Trevino believes that these policies have already reviewed by the public and gave the [www.parkplanning.nps.gov/waso](http://www.parkplanning.nps.gov/waso) website where these changes can be reviewed.

### **Approval of Minutes**

Mark Peterson thought that the Estes Park, CO NPOAG minutes were fairly balanced and made a motion to approve. Lash Larew seconded the approval of minutes and also recommended that the NPOAG meeting audio be recorded. Alan Stephen recommended that the minutes be converted to third person rather than first person. The Estes Park, CO NPOAG minutes were passed. .

Steve May continued his discussion that was initiated yesterday afternoon regarding pending issues associated with the MORU ATMP EA process..

Viewshed Analysis – FAA and NPS are looking for software that includes elevation and vegetation and also can be used to determine foreground, middleground and background analysis. At MORU most everything is in the foreground since it is a smaller park. Alan Stephen inquired as to whether there has there been any changes to the viewshed analysis? Steve May responded that the concern at MORU is the visibility of aircraft flying behind the monument while sitting in the terrace. There are also a few points on the walkway where you can see the aircraft coming in from Keystone.

Bidding for Limited Capacity – James Whitlow outlined some procedures that that the FAA and NPS can take a look at. Mr. Whitlow did not know if there are any limitations since Bidding for Limited Capacity it is not on the critical path. At this time there is no new entrant problem. John Dillon indicated that Eagle Aviation was added. Steve May responded that Eagle Aviation presented its case regarding the transferring of the business and it got its Operations Specifications approval through FSDO. Mr. Whitlow indicated that the FAA wants the Bidding for Limited Capacity to be a competitive process. Determine the number of operations; determine the number of operators; determine the number of operations that are to be issued. Then, send out the notice. That is how the Department of Transportation addresses competitive bidding. The other process is the lottery. Alan Stephen gave a hypothetical situation where an existing operator has 500 operations out of an ATMP of 1000 operations. The existing operator wants to increase his operations to 750. However, a new entrant wants all 500 of the available operations. Which operator would have the priority to those operations and is there a conflict? Also, who is going to make that decision? There are a lot of questions that need to be answered. James Whitlow indicated that the existing operators and economic viability would need to be looked at. Then the FAA would look to the Regional Administrator. First the FAA needs to determine how many operations are up to bid and then it goes to a standard process. Plan and notice will go out to the public. Part of the determination is the economic viability of the operator as well. Once it is determined what is up for bid then give it 60 days. Alan Stephen inquired whether if the existing operator has old technology aircraft and new operator has quiet technology aircraft, is taken into account. Mr. Whitlow responded that it would be considered before the operations go out to bid. Bidding for limited capacity is part of the ATMP process not part of the EA.

Karen Trevino indicated that the FAA is still making it harder since it has to review the applicants and make a substantive decision based on six criteria. If there were 1200

slots and now these slots have to be reduced to 1000 slots and all carriers meet the criteria how are they divided? Mr. Whitlow responded that there should not be an absolute limit to test it. Give the operator a specific allocation before placing a cap and start off with a goal of 1,000 slots not a specific limit. The statute says "shall" and that's what the FAA will do. At times exemptions have to be granted since that is what differentiates one operator from the other. Ms. Trevino asked Mr. Whitlow to explain rational of economic viability. Ms. Trevino thought it meant that the FAA would consider that the air tour operator could withstand the numbers they were looking at, not that the FAA determines an operator to be viable. Mr. Whitlow responded that if there is a proposal from an air tour operator that the FAA does not believe will not be in business in a year, that operator would be put to the bottom of the list. With quiet technology the FAA may allow those operators to increase its operations. Karen Trevino indicated that the allocation process that the NPS uses has a different methodology for different issues, whereas, the FAA uses its own established standards.

Alan Stephen expressed that a park such as Hawaii Volcanoes with 14 operators and 30,000 operations is going to get complicated real fast. James Whitlow did not believe that 14 operators would be that complicated since most of the parks do not have those types of numbers. How the FAA implements this process and where the FAA implements this process is going to have to be consistent across regions but every ATMP is not necessarily going to have an absolute limit. Some plans can allow for growth. Ms. Trevino had some concerns that if this process is initiated it is far less likely that limits would be placed in the smaller parks. That's why the ATMP process was started in the biggest projects. Lash Larew indicated that this was a template for air tours and this process will sort itself out. It will be reviewed on a regular basis to see if there is room for growth or not.

James Whitlow indicated that he would need to look at the transferability of OA. Not a statutory limitation for OA's. Mr. Whitlow would like to get the NPOAG's input on this issue. Based on GAO recommendations Mr. Whitlow has until 2007. Barry Brayer expressed that the Competitive Bidding process will not be included in the EA and that there needs to be consistency in NPS policy between parks when dealing with limited capacity. Competitive bidding is different? Karen Trevino inquired as to where the Competitive Bidding process would go if it doesn't go in the EA, that is, if it is part of the management plan. Does it become part of ROD? James Whitlow responded that the statute requires that DRAFT ATMP be published and a public meeting be held. The Competitive Bidding process should be part of the Draft ATMP not in the environmental process. It will be put out as a policy in the Federal Register to get comments and will be implemented for all parks, especially if there is limited capacity. Alan Stephen questioned when is the decision on limited capacity going to be made? Barry Brayer responded that if the decision makers determine that there is a limitation then the limited capacity process kicks in. The EA is not a decision document. Ms. Trevino believes that the NEPA process can be folded into the ATMP process. The ATMP would include more information than just the environmental aspects. Barry Brayer agreed. For instance, the terrorist threat analysis is not included as part of NEPA. However, that could be factored as part of the ATMP. Mr. Stephen envisioned that the ATMP would provide a protocol for minimum altitudes, routes and operations specifications that the FAA could enforce. Additionally, the ATMP could be used to compare MORU and HAVO where one viewshed is in a fixed area and the other is constantly moving. Karen Trevino interjected that is why EA's need to have adaptive management. They need to be flexible.

Brian Armstrong explained that in the alternatives section at HAVO there is a process to respond to a new eruption and the initial need for aircraft operations from a scientific standpoint. Alan Stephen followed up that the decisions can't be random and arbitrary.

John Dillon questioned how many alternatives the MORU ATMP EA has and whether there is a preferred alternative; and whether there is a potential for new alternatives. Steve May outlined eight alternatives at MORU. All would have a restriction except the no restrictions alternative. The alternatives may start looking at mitigating and combining those alternatives. At this time the group is getting some ideas but they have not been flushed out. Future EA's are not anticipated to have eight alternatives.

Alan Stephen requested input from the subgroup on limited capacity. Barry Brayer recommended that the NPOAG review what has been submitted. Alan Stephen responded that the subgroup has not submitted anything and suggested that the NPOAG take what James Whitlow has offered and to put it to paper.

Richard Deertrack described a traditional pilgrimage to the top of a mountain where he was buzzed by a fixed wing aircraft 10 to 20 feet overhead and almost lost 45 horses. In areas of limited capacity, where the Native Americans are using the land for traditional and cultural usage the agencies should consider limiting or eliminating flights. Whether the agencies consult is not an issue. There needs to be more than just an effort. When Native Americans make a pilgrimage, the upper realm is considered just as sacred as the ground. No consideration has been made by the agencies. Unless that is recognized there will be a problem. Mr. Deertrack does not believe that traditional and cultural properties have been addressed. There are no "no fly days" where there are specific events in specific areas. Steve May explained that one component that is in place for all alternatives requires that on red letter days flights would stay outside the buffer area. If there is some specific event where Native Americans need a Temporary Flight Restriction then that event should be coordinated with the FAA. This issue will be discussed during the tribal consultation meetings. The reason that this issue was not in the presentation is because the two agencies are comfortable with traditional and cultural usage in the EA. Brian Armstrong explained that the Lake Mead alternatives have a process to prohibit air tours during those events as well.

Barry Brayer has explained that during the Grand Canyon work the FAA and NPS have met with the Navajo, the Hualapai and the Havasupai tribes and that based on some of the discussions, the agencies may be looking at banning flights over certain areas for religious reasons. The agencies do take these meetings seriously. Bill Withycombe explained that from an air tour perspective the FAA does take this into account. To communicate information with the general aviation community the FAA can go through the Flight Standards District Office. In Los Angeles, this has worked with the Hollywood Bowl concerts. However, the ATMP will regulate air tours not general aviation. Heidi Williams followed up that the Aircraft Owners & Pilot's Association also has a means to provide an outreach mechanism as well.

Karen Trevino thought that it would be inappropriate to provide a one page write-up to the FSDO's with the pertinent information. Roland McKee of the FAA's Flight Standard District Office (FSDO) requested that if it is a general statement then it could be a sensitivity statement. If it is scheduled with FSDO and Air Traffic Control then the two groups would need to work together. When the request is made by Native American

groups they would need to differentiate between a general sensitivity statement and or a request. Alan Stephen reminded the group to not assume that all low flying aircraft are air tours but could be recreational flyers. **IOU from Alan to discuss Limited Capacity in a larger context.**

Steve May continued his presentation. Speech Interference Analysis will be discussed on the Tiger Teams the following week. Karen Trevino will be checking with Park Superintendents regarding the requirements for including terrorist threats in an EA. Steve May is concerned with how the terrorist threats analysis may affect the alternatives. Lash Larew indicated that terrorist threat analysis is not appropriate in the EA. It should be viewed internally. For the next NPOAG meeting the two agencies should try to put together a rough outline for management components rather than an environmental component. There are concerns that a preferred alternative will be selected and the Park Superintendent says wait a minute this is going to create an additional security risk. Steve May indicated that if a Temporary Flight Restriction (TFR) was issued the restrictions would be placed by the TSA. Karen Trevino acknowledged that the FAA was correct in its original assessment. Barry Brayer asked whether the NPOAG could conclude that terrorist threats do not belong in the EA and Karen Trevino was 99% sure that it should not be in the EA but in the ATMP. Heidi Williams advised the group that NPS management at Devils Tower is trying to get flight restrictions at the park. Karen Trevino responded that she will work with Heidi to address this concern. Steve May requested a copy from Karen Trevino of the directive that identified the icon parks associated threat analysis requirements.

Barry Brayer requested that the NPOAG address speech interference. At this time there are two types of speech interruption. There is interrupted interpretive speech and conversation between two people that is interrupted. Alan Stephen requested that the NPS to give a position for the purposes of this issue under ATMP. The first time that Mr. Stephen heard about speech Interference was yesterday. Mark Peterson inquired as to where should the information be put into the document for the public to comment on. Alan Stephen expressed that the NPOAG needs to see the methodology behind it. Steve May explained that the methodology stems from the selected noise metrics and Lmax being used as the single event to determine conclusions of major impacts. Vicki McCusker explained that duration, intensity and context were also included since Lmax only gives a snap shot of the noise event. Karen Trevino indicated that it is not the role of the FAA to question the expertise of the park service and that this describes the different agencies different positions. Karen Trevino suggested that maybe the two agencies should go to the Department Of Justice for an opinion. James Whitlow agreed to have a meeting. There are areas where the agencies disagree. This issue may be one of those. The agencies are going to agree to disagree and jointly sign a document. Mark Peterson inquired whether both sides can't give its opinion. Karen Trevino responded that the EA is simply to tell the public where the agencies are going and let them give its comments. Jon Roth questioned whether the noise discussion was just about one value point or a series of data points. Kurt Frstrup would like to agree with Alan Stephen and John Roth. However, Lmax is being used because that is what the INM 6.2 gives us. NPS would not be using Lmax if it is accidental. The main point is that there has to be a clear recipe as to how and why it is being calculated. NPOAG will not pursue as a subgroup. NPS will issue a paper to NPOAG

Lash Larew expressed his frustration as an NPOAG member. Consider what Alan Stephen said in that NPOAG needs to understand the process. The NPOAG tries to

help with the input and is it not reasonable for the NPOAG to ask to see the information. Also, the terrorist threat analysis should not be in the EA. NPOAG made a recommendation that the Terrorist Threat analysis does not belong in the EA.

### **ARC Process**

James Whitlow sees a lot of benefit in the ARC process. LAVO Park Superintendent John Roth will get a response within three weeks. LAVO is a good candidate for an expedited ATMP process. The agencies would develop a stakeholders group for the process. Karen Trevino advised the NPOAG that the FAA has the ability to do a Categorical Exclusion (CATEX) with its environmental studies and NPS does not. How does that play out? Carla Mattix is also looking to see whether something expedited can be done. Alan Stephen recommended that since the IOA for LAVO only shows 89 flights the agencies need to pursue legislative change for parks that have minimal operations. Karen Trevino indicated that the NPS would not agree to that change and that is why the agencies are moving towards a programmatic review. There is also an issue with the IOA since the LAVO Park Superintendent believes that the IOA is closer to 15 operations. James Whitlow expressed that the agencies should concentrate spending taxpayer money where there are greater issues. If the park has more of an impact then the agencies can't use the EA process.

Alan Stephen discussed some issues that have dragged on for longer than anticipated, especially transferability of IOA. What do you do with those operators waiting in line and those that want to increase operations? Let the process and marketplaces include new entrants, otherwise, there is a de facto reduction by attrition. What incentive is there for the NPS to get an ATMP? It is a perfectly good strategy for the NPS to wait this out. Is there a way to get pass this? OA should be transferable. The Grand Canyon transferability may work fine. Transferability is better than NEPA or NEPA light process. Maybe the NPOAG should go for a legislative change that Congress convert IOA to OA with a caveat that through the ATMP process it can be adjusted or removed. The same goes for those operators with questionable operations. The market is the market. James Whitlow believes that the operators should not be able to sell fractional IOA. Lash Larew suggested that in the interim period maybe a subcommittee of NPOAG could be tasked to make recommendations on whether the agencies should grant approval for operators that wish to increase or decrease IOA. There is a very good potential that operators could be waiting a decade or more. Alan Stephen inquired as to whether the NPS could agree to the reallocation of operations without having to go through an EA. For instance where there are 1000 operations at a park and each operator has 500 operations and one operator drops out. Karen agrees with James Whitlow's opinion on transferability, however, does raise the question on whether it is appropriate for the operators to make the transfer or if the allocations should be transferred back to the agency for reallocation.

Lash Larew indicated that at the end of subgroup breakout discussion there was a feeling that transferability process has dragged on too long. One option to handle IOA and OA is to apply the Grand Canyon model to OA and to look at the Grand Canyon model as a template. Prior to the OA period, the NPOAG subgroup would like to figure out a solution. Mr. Larew has concerns that that his delay turns into a de facto restriction. It's a very complex issue. Did James Whitlow establish a docket for his Federal Register notice? James Whitlow responded that he did not and that he will receive the comments personally. Lash Larew continued discussing some issues that

were brought up before the SNPAOG subgroup. Regarding proposals on reallocation and conflict of interest the Subgroup did not come up with a recommendation. Regarding competitive bidding or a lottery process the question is does the NPOAG believe that because it is six years in to the ATMP process does the NPOAG want to take a position on that? There needs to be some sort of allocation procedure. If a company goes out of business with 500 flights over Glen Canyon can somebody apply for those flights? Karen Trevino indicated that the NPS would need to see something in writing and is uncomfortable with the transferability of IOA. Alan Stephen asked whether Carla Mattix has a different view on reallocation. Would the agencies have to go through the same ATMP process for 250 out of business operations? Carla Mattix responded that there still needs to be a verification process that those operations were being flown in the first place. There might in fact be an increase. Mark Peterson indicated that there is no hard accurate data to confirm that. James Whitlow indicated that there is no change in the interim process until the ATMP is implemented. If the FAA is getting an operations specification approval then the FAA needs to go through the NEPA process. James Whitlow will check with Gene Kirkendall regarding IOA numbers. Barry Brayer also brought up the potential dilemma that there have been allegations of IOA numbers that are inaccurate and that an operator could possibly be transferring or selling something that is potentially inaccurate. We don't have actual flights. We've got to establish the actual flights. We think we can do that. Carla Mattix indicated that it is the operator's best interest to keep track of those operations. For the Grand Canyon there are 92,000 flights available and that most operators were diligent in there operations.

### **Quiet Technology**

Brian Armstrong initiated the Quiet Technology discussion with a brief history of the Grand Canyon Rules and Section 803 of NPATMA.

Alan Stephen explained that although it is not necessarily true that a big aircraft is quieter overall the numbers of seats on the aircraft are incorporated into the noise level definition. In June 2005 NPOAG applied Grand Canyon Quiet Technology to ATMPs. In the first IOA notice there was a comment regarding use of quiet technology. The FAA has been trying to figure out which aircraft do meet the noise curves. It's a very complex process since some aircraft configurations meet the criteria and others do not. For instance there is a single Cessna 172N at MORU does not meet the noise criteria, whereas a Cessna 172R does meet the noise criteria. If there are no operators seeking IOA at a park with quiet technology aircraft the agencies may consider re-routing or looking at transitioning to a quiet technology aircraft. Brian Armstrong explained that he has been using surrogate aircraft to model some of the noise levels and that he has been working with Volpe. Carla Mattix asked what do appropriate incentives mean. Also, what about disincentives? Alan Stephen asked whether the US Government could provide tax incentives to purchase quiet technology. James Whitlow responded that FAA does not have authority to do that.

Brian continued with his presentation.

What kind of incentives is it going to take? A comparison of aircraft was provided showing which aircraft do not meet the Quiet Technology standards vs. those that do meet the standards. However, transitioning to those aircraft will see a considerable increase in costs.

**Does Not Meet QT**

Bell 47

Cessna 172N

Cessna U206

**Does Meet QT**

MD 520N

Cessna 172R

Cessna T206H or 208

Alan Stephen expressed that there is no benefit to be gained through Quiet Technology incentives at a park such as MORU. In larger parks it is different. Disincentives could also be considered. Quiet Technology is very expensive. Maverick sells its flights as an eco-tour for more money. Blue Hawaiian has converted to Quiet Technology aircraft and is competing against non-Quiet Technology aircraft. Brian Armstrong did explain that alternatives did look at alternative routes for Quiet Technology aircraft and or keeping non Quiet Technology aircraft at a higher altitude. John Roth commented that if Quiet Technology is based on number of seats than it can still be relatively loud in the park.

Alan Stephen advised the group that a Cessna 206 costs approximately \$140,000, whereas, a Quiet Technology Cessna 208 costs approximately \$1.5 million. How does the operator justify the cost? Currently in Grand Canyon 28% of the operations are Quiet Technology and 72% are non-Quiet Technology aircraft. If the operations were switched to 28% non-Quiet Technology and 72% Quiet Technology aircraft then there would be a 180 square mile improvement approximately 10% of the GCN. Barry Brayer advised the group that an operator is not going to fly 100 flights as a Cessna with more seats. The operator needs to have a highly desirable place to operate. Alan Stephen sees Grand Canyon as phasing out non Quiet Technology aircraft.

Karen Trevino believes that investment to turnover is different. How does this play out to create a meaningful incentive to warrant the incentive and create the noise reduction. Alan Stephen suggested the agencies consider a limitation on park overflights for non-Quiet Technology aircraft or allow Quiet Technology operators to fly within the half-mile. With low numbers at a park are the agencies are wasting the public's money. Barry Brayer indicated that the idea is to reduce the impact through Quiet Technology to the park. If you have to analyze that eight more times, are we being prudent with the public's money. How do you do this in a reasonable and prudent way? Greg Miller asked where quiet technology terminology came from since it comes across as disingenuous. Alan Stephen responded that it was in the 1987 Grand Canyon language sponsored by Senator John McCain.

Karen Trevino inquired as to whether there is a level, formula or methodology that can come up with threshold below for which it would not be justifiable to invest in Quiet Technology aircraft or a level above that could be used to invest in Quiet Technology aircraft. James Whitlow asked whether it is economically advantageous to have a Quiet Technology tour. To James Whitlow it sounds like the FAA's Capstone program. Lash Larew explained that more flights and or better air tours can get more people to use the air tour operator's services. The agencies could ask the air tour operators what incentives could be given to have the air tour operator change aircraft. The agencies don't need effective mandates to meet the statutory mandate. Karen Trevino liked Lash's idea as to what it would take and described the Green Marina program. This is

an NPS sponsored program where a boat operator goes above and beyond taking normal steps to benefit the environment. In return the operator gets a few little perks.

Richard Deertrack advised the group that as the noise level in the world increases noise will become a critical issue. More and more of the public are going to demand more quiet areas.

### **Programmatic ATMP (PATMP) Proposal**

Brian Armstrong and Kurt Frstrup gave a short presentation on where the agencies are considering a framework for a PATMP approach. Parameters are currently being set that take into consideration aircraft speed, tour route distance and activity level. There needs to be some sort of maximum noise levels. Parks that fall under the threshold level will be included in the PATMP. The PATMP will be a standardized one size fits all document that will be applied across the board to all eligible parks. The agencies may need to go back and do a site specific study or may find an extraordinary circumstance which would result in the park being taken out of the PATMP. The mere existence of a threatened and endangered species may not necessarily exclude a park from the PATMP.

The PATMP would:

- Have one rule to cover all parks
- Require regular reporting. FAA and NPS would be able to monitor activity for historic and future purposes
- Have an interim cap on air tour operations
- Allow Quiet Technology to grow (upwards of 5%)
- Not have additional restrictions
- Recommend use of quiet flying procedures
- May include recommendations of avoidance
- Allow NPS to pursue informal agreements with operators.

Brian Armstrong described some Time Audibility Guidelines that the NPS has used in the past. The agencies will need to collect a significant amount of data. NPS would also need to look for extraordinary circumstances. LAVO is a simple example of a programmatic approach, whereas, Badlands is a bit more challenging. Greg Miller expressed that the air tour operations could potentially be impacting someone throughout the park. Not whether the park visitor is hearing it, it is how big the impact is? Karen Trevino responded that If you look at the ATMP list about 40% of parks on the list have less than 50 air tours per year. Both agencies have been grappling as to how these operations can be addressed. The devil is in the detail. There are a lot of things that still need to be figured out and the agencies would prefer to error on the side of

caution and be adaptive with the specific site study. This PATMP could knockoff more than 40% of the parks.

The PATMP EIS is estimated to cost from \$500,000 to \$1 million. Currently, the NEPA analysis for each ATMP costs approximately \$405,000 per park. 50 to 60 parks may be eligible for the PATMP that could result in potential cost avoidance of \$20.2 to \$24.3 million. Noise is the basis for the PATMP and air quality impacts would be minimal. All elements of the EIS would be looked at with noise (time audible) being the primary indicator. New entrants for existing or new parks could be tiered into this process. Brian Armstrong then provided a schedule for completion of a PATMP. Karen Trevino indicated that the agencies could see the drafting of an EIS in less than a year if meetings with the NPS are started soon. NPS would be supportive since time commitment is very hard on staff. A priority listing of parks would need to be addressed. Alan Stephen advised the group that half of the operators at Death Valley have already gone out of business.

### **Public Comment**

Dick Hingson with the Sierra Club. Mr. Hingson was struck by discussion of transferability. The Grand Canyon Working Group and Zion have become aware of the “high flyer” elephant in the bedroom. Mr. Hingson referenced the cumulative noise in the St. George EIS, showing substantial cumulative noise impacts over Zion. The FEIS shows that the level of en route operations will be increasing through 2025. There thus will be an exponential deterioration of quiet. Mr. Hingson therefore does not believe there is any environmental basis for reallocating IOA. There is a need to bring the intrusions and volume down. At the Grand Canyon the allocations are retired when an operator goes out of business. NPS additionally might consider prioritizing a list of “quiet” parks. A ban on air tours may need to be expedited, since there are no ATMPs. This is something that the public can buy into.

Mark Peterson expressed that one of the limitations of % time audible is that the high fliers do not go over the ambient levels.

Dan Dougan – Inventor and manufacturer in San Francisco on behalf of the Nature Sounds Society [www.naturesounds.org](http://www.naturesounds.org). that integrates art and science. Members include biologists, musicians, radio producers, filmmakers etc. and are a sophisticated cadre of park users. In recent years the Nature Sounds Society has taken on a mission of inventorying and monitoring soundscapes. There are many things that volunteers can do. There is no reason why amateurs can't help save a lot of money and encouraged NPS to contact them for help and or volunteers. Mr. Dougan has recorded at many parks. The Noise Free Interval is shrinking and dBA is meaningless. Mr. Dougan referenced a quiet minute during the NPOAG tour of Muir Woods. That quiet was measured at around 40 dBA. 65 dBA standard has no relation to this quiet. At 65 dBA the group would have felt violated. Mr. Dougan is encouraging people to continue recording as a record of the loss of peace and quiet. Mr. Dougan knows that the NPS should control the sound environment in the park and believes that the largest polluter of natural quiet is aviation. It is not practical to have airspace control for NPS and would expect one branch of government to work with the other branch. The NPOAG is the forum where Mr. Dougan would expect this work to take place. That's my challenge to the NPOAG.

## **NPOAG Members**

Mark Peterson indicated that the NPOAG needs to think about the agenda. It's a full agenda and it may be necessary to meet more often. Another option would be for the NPOAG to prepare more before the meeting. The NPOAG needs to look at ways to address all of these things.

Greg Miller suggested that the NPOAG consider what issues should be addressed at the next meeting. That way the NPOAG would be more useful to the agencies. These are important meetings.

Alan Stephen commented that it was extremely valuable to have James Whitlow and Carla Mattix in attendance.

John Dillon had similar comments to review parking lot issues.

## **IOU's**

### **Barry Brayer**

- Will see about amending legal charter to get Native Hawaiian in the NPOAG charter
- Will try to look at how we can get NPOAG to look at MORU ATMP before it goes out.
- ATMP and Grand Canyon reauthorization language to the NPOAG

### **Karen Trevino**

- Will attempt to centralize fee management process for air tours
- Will be checking with the MORU Park Superintendent regarding the requirements of including a terrorist threat analysis in an EA
- Will provide a list of the seven iconic parks to Steve May
- NPS will issue a speech interference analysis white paper to paper to NPOAG regarding

### **James Whitlow**

- Take a look at ARC process vs. the NEPA process and the feasibility of providing the NEPA document to the advisory group prior to the public.

### Steve May

- Have a go to meeting with the NPOAG concurrent with the release of the document. And take the NPOAG's input into the final document.
- Hawaii Parks. Need to retool the schedule because of the money. Put some parameters and metrics that are current. We are going to have to rebuild those metrics and new work that is there. Microsoft Project charts. We do plan to get a replacement for Brian.

### Carla Mattix

- Will get clarification on terrorist threat analysis requirements.

### Alan Stephen

- Discuss Limited Capacity in a larger context.

### Final Comments

Barry mentioned that the next NPOAG meeting will be scheduled after October 9<sup>th</sup>. Governor's Island in New York may be a potential site.

Bill Withycombe discussed the sidebar meeting that was held while the subgroup was meeting. Some points that came out of the meeting included:

- **Jon Jarvis took the IOU that he would discuss the expedited ATMP process at LAVO. James Whitlow is the FAA sponsor.**
- NPS also brought up Lake Mead regarding the difference between tourist and transportation flights. NPS will talk with FSDO regarding specific routes. FSDO says it is not necessary NPS says is is. Maybe it is time to consider a special committee. The agencies will be going back to LAME and continuing the ATMP process.

Karen Trevino thanked everybody and reiterated that NPOAG is important to the agencies. Ms. Trevino also thanked the GOGA staff.

Bill Withycombe thanked the NPS/GOGA staff for hosting the meeting and their hospitality. The agencies appreciate everybody's support and participation in the NPOAG.

Barry Brayer – Thanked the NPS, NTSB and the public and reminded the NPOAG that its work does not end with the meeting. Brian Armstrong will be missed but Steve will help as part of the transition.

NPOAG meeting adjourned at 3:13 pm