

**National Parks Overflights Advisory Group (NPOAG) Draft Meeting Minutes  
November 28-30, 2006  
Zion National Park Lodge, Springdale, Utah**

Note taker: Keith Lusk (FAA Contractor)

**NPOAG Members:**

- Heidi Williams – AOPA (general aviation)
- Matthew Zuccaro – Helicopters Association International (commercial air tour operations)
- Elling Halvorson - Papillon Airways (commercial air tour operations)
- Alan Stephen – Fixed-Wing Air Tour Interests (commercial air tour operations)
- Chip Dennerlein – Independent (environmental interests)
- Dr. Gregory Miller (not available) replaced by Charles Maynard – Friends of Smokies and Friends of Blue Ridge (environmental interests)
- Don Barger – National Parks Conservation Association (environmental interests)
- Mark Peterson – National Audubon Society-Audubon Minnesota (environmental interests)
- Richard Deertrack (not available) – Taos Pueblo (Native American tribes)
- Rory Majenty (not available) – Hualapai Tribe (Native American tribes)
- Barry Brayer (2006 Chair and FAA Ex-officio Member)
- Karen Trevino (NPS Ex-officio Member)

**DAY 1, Tuesday, November 28, 2006**

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.

The meeting was called to order by Chairman Brayer at 8:10 a.m. Thanked people for making an effort to get here as it is a remote location. NPOAG is an advisory group to FAA and NPS under law of the Overflights Act of 2000 for implementation of the Act and chartered under FAA. Mr. Brayer announced that this NPOAG meeting is not a public meeting; however, it is open to the public. Glad to see the general public in attendance, time on agenda for them to speak. Interested in what the public thinks and welcomes their input and comments. Agenda is for 2 full days of meetings, wants most of the main issues discussed on those two days.

Not working on an ATMP for Zion, this is not a meeting specifically for Zion although there are applications from operators for flights over Zion. Also will be talking about Grand Canyon today, which falls under the NPOAG charter. That group falls under their charter but only provides advice.

Have National Park Service local staff, Denver Service Center staff, VOLPE, FAA people in attendance along with NPOAG members. Barry is chairman of NPOAG ARC, this is the last time he is chairing the meeting this year, next year gavel goes to Karen

Trevino at NPS and Barry would be vice-chair. Thanked Favi Garcia from FAA and Kezia Nielsen from NPS for setting up the meeting and venue.

Mr. Brayer introduced local NPS people who are hosting us at this location. Jock Whitworth is Superintendent of the park. Jock stated that he has been here as Superintendent for 3 years. He's worked at 10 different parks in a number of different states, Zion is his favorite. It's one of the most popular parks in the nation. His peers also think it is one of the best. He is also General Superintendent for 3 parks within 90 mile span (Cedar Breaks National Monument, Pipe Spring National Monument, and Zion). Get about 3.2M visitors a year (2.7M to Zion) from all over the world. Less than 1/8th the size of Grand Canyon with only 1M less visitors per year. Have people management issues. 90% of Cedar Breaks and Zion park land is recommended as wilderness management. Protected and managed as pristine area. Known for deep, narrow, colorful canyons. People come for rugged, strenuous hikes in the canyons. People also come for night skies, lots of stars on clear nights. Come for natural sounds, the Virgin River, waterfalls, wind through narrow canyons, rustling leaves, and wildlife and birds. California Condors common in north end of park now, mountain lions at night, turkeys. Hear people talking too, enjoying the site. Come for cultural history too, Native American tribes were around 6,000 years ago, then Mormons came into area. 100 years ago in 1909 this site was protected by Congress. In 1918 it was enlarged as Zion National Monument then a year later became Zion National Park. Park gets \$29M a year, this lodge generates \$10M a year. The 3 parks together generate about \$118M a year from visitors, jobs, etc. Park uses shuttle system, used to have 1,800 cars a day competing for about 120 parking spaces in the canyon. Shuttle started in 2000. Now one shuttle replaces 18 cars. Manage with minimum tools, least amount of helicopter use to manage park, without using chain saws, leaf blowers, etc. St. George EIS said about 600K annual overflights in Zion and adjacent areas, can hear non stop overflights over certain areas, can see 6 to 8 contrails in sky at any time, affects view, viewer experience.

Mr. Brayer thanked Mr. Whitworth for his hospitality and kind words. Agenda is flexible, to keep us on track. Thanked NPOAG members who have been here from the beginning. Mr. Brayer indicated that Bill Withycombe wanted to be here but had to go to Washington DC, but sends his regards.

### **Introductions**

Barry Brayer  
Mark Peterson  
Charles Maynard subbing for Greg Miller  
Alan Stephen  
Don Barger  
Ann Carroll  
Chris Shaver  
Karen Trevino  
Elly Brekke  
Elling Halvorson  
Heidi Williams  
Gene Kirkendall  
James Whitlow  
Lynne Pickard

Favi Garcia  
Keith Lusk  
Pete Ciesla  
Steve May  
Terry Flieger  
Frank Turina  
Vicki McCusker  
Cynthia Nelson  
John Dillon  
Cliff Langness  
John Bych  
Brian Brusa  
David Nimkin  
Kezia Nielsen  
Chip Dennerlein  
Jock Whitworth  
Matt Metcalfe

### **Opening Remarks/ Chair Report / Program Update**

Chairman Brayer indicated that there is a 3 year term on NPOAG membership. Chip Dennerlein and Alan Stephen are both back for 3 year terms, Matthew Zuccaro is new for a 3 year term, Heidi Williams is back for 3 year term. Thanked them for their dedication and loyalty. Rory Majenty had knee surgery couldn't attend, Barry made 3 attempts to find a substitute for Rory but couldn't find anyone, didn't hear from Richard Deertrack, but he is not in attendance today.

### **Opening Remarks / Vice Chair**

Chris Shaver from NPS thanked everyone for getting to this hard to reach place. This park has done amazing things for environmental management internally, lighting at night (night sky program) affected by light sources, change lighting so people can see stars. One of first parks to do a soundscape management program, good example of what all parks should be. Lots of interesting items on agenda, looking forward to hearing different perspectives on these issues and listening.

Chairman provided chair report with slide show. Substance portion of topics will be covered by NPS and FAA program managers. Policy people from Washington DC will talk about some of the topics in more detail too. There are issues on the table for further discussion today and tomorrow, values member advice and input and solicit their help. Working on several ATMPs for a long, long, long time but we are cutting new ground with 2 agencies having to come together. Congress was smart in providing this venue to get stakeholder input in this way. No facilitator here today but it would be good to have single discussions with a constructive tone. We need to go away from here feeling productive about the session.

Mr. Brayer provided status on outstanding items from the last meeting in San Francisco in June. One item was amending the legal charter to get Native Hawaiians on the list. Mr. Brayer went to FAA Legal staff but Overflight Act is very specific about which groups to be represented – Legal's interpretation is that Native Hawaiians are not Native

American representatives per the statute. Another item was in regards to the Mt Rushmore EA, whether NPOAG members could look at it first, Grand Canyon reauthorization language – Lynne will speak to it as it covers ATMP process too.

James Whitlow will talk about the ARC process, the expedited ATMP process, he will cover that in more detail late today. Steve May had some IOUs on Mt. Rushmore, Pete Ciesla will cover the Hawaii parks, Mr. Brayer also announced Mr. Ciesla was taking over for Brian Armstrong who was the previous ATMP program manager.

ATMP applications on FAA lists don't match NPS, FAA has 106 park units with operators applications.

Referenced the FAA Program Plan for FY 07 which is in the back of the handout packet provided to attendees. Mr. Brayer said the Program Plan references our goals, joint goals with NPS.

**Alan Stephen – wanted to see what's changed from original Federal Register publication versus what is on FAA's current list of 106 park units.** Mr. Stephen wants to know what has dropped out. Gene Kirkendall indicated that the discrepancy was due to some operators going out of business and some originally listed national parks were actually state parks or BLM lands. Mr. Kirkendall said he cleaned the original list up.

Mr. Brayer briefly touched on FAA financials – MOU calls for 60 / 40 percent cost sharing between FAA and NPS, ATMP's are expensive, we have spent about \$8M to date.

Karen Trevino – wants to make sure NPS and FAA are referencing the same numbers on park units and number of operators (she was talking about the GAO Effectiveness of Overflight Fees report).

Noise monitoring at all parks we are working on and have started some additional at a few others, listed separately because we haven't started ATMPs yet, taking advantage of resources and equipment while they are available. Make use of data already collected from other projects, working on a way to categorize foliage to map other parks, looking to do less noise modeling in the future.

Chris Dennerlein said there is an NPS database of 30 or so parks with noise monitoring database. Don Barger asked does the fact that Glacier, Acadia, Great Smoky, and other parks are listed mean they are in the queue to do an ATMP? Mr. Brayer stated we had high number of parks to do per year (25 / yr), issues arose, so we wanted to focus on completing one and working through the issues and get those first parks done.

Mr. Brayer went on to discuss the membership of NPOAG – Elling Halvorson is going to be next person to complete 3 year term. Charter says that 90 days before that term expires we solicit for a replacement for that position. People can serve more than one term. Appreciates that Mr. Halvorson is still a member until middle of May next year, then no more changes until the year after next. **FAA will send out Federal Register notice in February time frame to solicit backfill for Elling's position.**

Mr. Stephen concerned about being behind on the whole ATMP schedule, asked if we can talk about what we need to do to get back on track.

Mr. Brayer went on to discuss NPOAG subgroups – indicated that they have been successful in past, can convene at NPOAG meeting or on phone outside the meeting, have got good input from this, very productive, there is time on agenda to do the same at this meeting for subgroup issues. Touched on ongoing projects – Lake Mead, Hawaiian Volcanoes, Haleakala, Mt. Rushmore, Kalaupapa, Badlands, and Lassen Volcanic. Mr. Brayer then turned it over to Karen Trevino, NPS vice-chair

Karen Trevino – Met in San Francisco last June, similar discussion when she was chairing the NPOAG in Jackson Hole, heard same issues from Mr. Stephen about schedule issues. Used to hold 3 or 4 meetings a year. Money became an issue in regards to holding these meetings. Should we hold meetings 3 or 4 times a year? Other ways to do it – over the phone. Thanked Jock and Kezia (both worked on St. George EIS) for opportunity to work with them in past on soundscape management program. Thanked Ms. Shaver for being there, and FAA Washington DC staff, Charles Maynard for his service with the group, working with all new members as well. NPS has been busy since the San Francisco NPOAG, this Friday they have report due to Congress about what they've done. In San Francisco she reported they had new Secretary of the Interior and new management plan, plans which were draft at that time now are final. Director of Park Service is Mary Bomar, she is a Park Service veteran which is beneficial. NPS has done acoustic monitoring in 22 park units. ATMPs in 12 parks, military overflights at 5 parks. 15 parks for NEPA support. Assisted 17 parks in soundscapes plans. Have hired 3 college university research assistants. They are hiring new people. Have had parks requesting technical assistance. Some are ATMP parks but they are most concerned with managing park soundscapes, establishing baselines, assessing impacts that may come their way. They are interested in knowing what the ATMP process is before it comes down their way.

Ms. Trevino stated that the FAA has embarked on major capacity enhancements nationwide, even at regional airports. The soundscapes office gets request from local park units to assess these capacity enhancements. Looking forward to completing ATMPs. Environmentalists seen as litigators, but air tour people go straight to the top, directly to legislators. Wouldn't be surprised if there were not a 3<sup>rd</sup> oversight hearing at Congress on this program.

Heidi Williams asked for a snapshot of NPS's financial picture. Ms. Trevino indicated she was not asking for group (NPOAG) to lobby for funds at Congress, as it stands now for upcoming FY appropriation, there is \$620K in House and \$2.4M in Senate on this program. Senate zeroed it out, however, because Park Service hasn't collected fees owed it, NPS response – they don't have enforcement mechanism / jurisdictions, cited GAO report that they have done all they can, they are on and will remain on a Continuing Resolution for some time.

Alan Stephen – recounted a letter received from Dave Chevalier (Blue Hawaii) – not paying fees, goes into a separate account for overflight fees. What are NPS overflight fee recommendations? Thinks this group should be involved in solving this, legitimate operators are paying this, others are not, what is being done. So why should those that are faithfully paying continue paying?

Ms. Trevino looking for advice from NPOAG on this, internal discussion in NPS about what can be done, their ability to budget ATMP is critically affected by their inability to collect fees. GAO indicated that they were looking at expanding fee collection to other park units. Mr. Chevalier's letter indicated he wanted to waive retroactive fees if they employed quiet technology, NPS lawyers looked at it, it was not an option. NPS came up with a form that they worked on with FAA to enforce operators to pay.

GAO report showed that \$16M has been paid. Mr. Stephen asked about looking at getting credits for new technology in lieu of fees, asked what has Park Service done with the overflight fees – its' not monies appropriated by Congress. How is money used, earmarked by Congress or not? That equates to roughly \$1M a year over a 12 year period, concerned that money is being used appropriately.

Ms. Trevino indicated that Department of Justice has enforcement mechanism, NPS does not. Grand Canyon alternative dispute resolution is using some of the monies / fees to that end, which has been very expensive. Ms. Trevino said those monies are controlled by Grand Canyon Superintendent.

Elling Halvorson – Departures can be monitored by ATC, but don't know where that flight goes. Needs to be some other mechanism to find out where they go.

Mr. Brayer – Fee legislation is separate from Grand Canyon and Overflight legislation. Act specifies what mission is, 5 or 6 things specifically, fees not mentioned so that's why it's not on agenda. Enforcement of ATMP is one thing, enforcement of fee collection is something separate though. Doesn't' mind if separate subgroup is set up to talk about it.

Ms. Trevino – disagrees, at Volpe Program Review meetings in October 2006, she said she wanted it indoctrinated and incorporated into rule making or ops spec in ATMP process to get park units their fees. Grand Canyon as well.

Lynne Pickard – Grand Canyon is not ATMP, its separate legislation. Different issue with similarities. Mr. Dennerlein – this is a theoretical discussion, NPS has fee legislation on its books, you must act within your authority, how do you enforce it – always go to DOJ , talk to FAA, this is a very serious issue. Suggests from this day forward, that no operator paying is considered not in good standing, NPS should not agree with any IOA, that would get their attention. Should have Act on table at every meeting so people know what charter says. Ms. Trevino – suggests references be available in a big book at NPOAG.

Don Barger – should not be two tiers of operators, agreed, but who is the cop? Mr. Stephen – FAA cannot be enforcer. Ms. Trevino – NPS has no authority. James Whitlow - FAA tried very hard to lay out process to collect fees to GAO so it could submit ideas to NPS. Not an enforcement issue, it's a collection issue. Doesn't know what NPS position is since it doesn't appear GAO presented FAA's ideas. Was there a substantive rejection of what FAA suggested to GAO? It was a clear course of action. Mr. Whitlow wants to know who to talk to at NPS, wants to know where they stand. **Ms. Trevino will get someone to talk to Mr. Whitlow. FAA will provide recommendation to entire NPOAG, Mr. Whitlow will supply the recommendations.**

Ms. Trevino asked Alan Stephen what would impel an operator not paying fees to pay fees. What could NPS do? Mr. Stephen – Allocations should go to operators paying

fees, those that don't can't fly. Elling Halvorson – Supports use of a breakout group to bring back a recommendation, asked we move on to next agenda item.

### **Review of Agenda**

Agenda – Favi Garcia said times are flexible. Day 2 agenda item – “Expedited NEPA Process” should really be “Expedited ATMP Process” – Mr. Whitlow cleared that up. Mr. Dennerlein – suggested tomorrow agenda item #18 “NPOAG Breakout on Day 1 Items”, one of those issues should be fees, won't be cleared up between NPS and FAA but we should track it. Fees goes to inequities in the program, so people take it seriously, everyone needs to take it seriously. Suggest initial discussion be on agenda for Day 2.

### **Approval of Minutes and IOUs from June '06 NPOAG Meeting**

Mr. Brayer indicated that a copy of the draft meeting minutes from San Francisco is in back of the handout packet folder, asked NPOAG members to look through them and let us know if they are OK. Mr. Barger – liked the sentence fragment format of the meeting minutes, likes it short in terms of flow of thoughts, found some grammatical errors but liked that style. Alan Stephens moved and Mark Peterson 2nded the approval of the meeting minutes from the San Francisco NPOAG. [Subsequently, Dick Hingson from the Sierra Club, provided a written correction to the record for the San Francisco NPOAG meeting minutes. Upon approval from the chair, Mr. Hingson's submittal was incorporated into the final meeting minutes report.]

Mr. Brayer indicated that a dinner had been set up for the group in Springdale for tomorrow night (Wednesday). Stated that Mr. Kirkendall is only in today, so if you need to discuss anything with him, talk to him today.

### **Update on Ongoing ATMP Projects**

Steve May - Copy of the presentation was in the handout package. Mr. May stated he has reference material book with tabs having Act, notices, final rule, other items next to Mr. Brayer if anyone needs to reference it. Chip Dennerlein – Wants that reproduced to all NPOAG members, Mr. May indicated that CD was given previously, but Chip would like hard copy too. Heidi had received hard copy, but others (including new members) don't have it. **FAA will email .pdf files of selected references to NPOAG members.**

Mr. May went through the major ATMP projects currently underway. Mt. Rushmore and Badlands will be covered first, Pete Ciesla will then go over the Hawaii ATMPs (Hawaii Volcanoes, Haleakala, and Kalaupapa) and Lake Mead, then Mr. May will do Lassen Volcanic, Acadia, and Great Smoky Mountains.

Mt. Rushmore was started in 2004, April / May a scoping meeting was held. In San Francisco we were trying to get Draft EA published by August of this year. Didn't make publication due to a number of reasons, but work done through January and June had a lot of changes to Preliminary Draft EA so Volpe updated that with all new agency incorporations which resulted in Preliminary Draft EA Version 2 in September 2006. We have conducted Tiger team meetings from September until now. Tiger teams are a focused group, use phone and internet tool to do realtime changes and edits to the document. Tiger teams still ongoing, next Tuesday another one will be held. Mr. May –

we are about 95% done with the work needed to get to a Draft EA but at an impasse, same ones as raised at San Francisco meeting – terrorist issue and speech interference to climbers. We are in the process of elevating them, have done the best we can at staff level. Talked to TSA and FAA staff, NPS has also talked to TSA and DHS but we are at an impasse. Lynne Pickard is looking to get Associate Administrator with NPS equivalent to resolve that issue. Ms. Pickard will try to brief her Associate Administrator next week to get that going.

Ms. Trevino – NPS has already briefed that up to top level Associate Director for Natural Science and Resources. Alan Stephen – threat assessment was ground based for NPS and air based for FAA, why would you put it in a public document. Why is it not resolved? Ms. Trevino – NPS sees it as a NEPA Document issue, don't need to characterize as terrorist assessment but could call it visitor safety assessment. Precedent level setting issues seen by both agencies.

Also agreed to elevate speech interference issue. Alan Stephen – wasn't there a white paper to be given, climber interference is a whole new thing, now a lower level dB threshold is being used. Why now an issue? Ms. Trevino stated that at Mt. Rushmore there are 10K annual climbing permits a year, so it's a big issue for NPS to protect climbers. It was raised earlier at Rapid City NPOAG. **White paper is being vetted internally for comments, Ms. Trevino will see about getting that distributed.** Mr. May – it was discussed at time of Volpe program review meeting in October 2006 – Volpe had a staff person who was experienced in climbing and wrote a paper. We may include it as reference in the EA. Mt. Rushmore climbers are mainly experienced, not novice climbers. Experienced climbers have protocols to communicate without voice, use rope signals for advanced climbers. Ms. Trevino – this hasn't changed NPS's position. Thought impasse between agencies wasn't whether the threshold was significant or not and we could disagree, but whether FAA thought it should be included at all.

Lynne Pickard – this is a big issue because of the nexus between noise levels and safety of people on ground, that's an integral concern of the FAA. Wants harder evidence that there is a nexus between aircraft noise and safety issues. Doesn't matter if this is included in NEPA document or any other document.

Alan Stephen – lead agency should determine the impact per the IP. Chris Shaver – NPS has to sign the ROD, too. Lynne Pickard – we note in documents where the agencies disagree on some of these critical safety issues / concerns. Don Barger – NPS is providing safety oversight to recreational users that the NPS is providing opportunities to. Chip Dennerlein – what are parameters regarding number of aircraft and routes at Mt. Rushmore. **Steve May and Frank Turina will meet offline with Mr. Dennerlein to give him a brief on full issue (Elling Halvorson wants to get that briefing too).**

Elling Halvorson sees FAA view that this opens Pandora box, that this would open them up to environmental issues but also sees NPS's view as well. Lynne Pickard stated that she is not closed to this issue, but where is the 44dB threshold coming from, we've asked for reports, literature, etc. but FAA unable to take this next step without seeing the information. Mark Peterson – why not include more information from the climbing community to make an assessment on this, let each agency make a statement. Chip Dennerlein – if we are into safety, we are beyond the realm of enjoyment and experience (a person climbing on a cliffside can't enjoy it if exposed to aircraft noise). Frank Turina

– not just visitor safety but also visitor experience. Will amount of noise from air tours impact their experience as well as safety. They take holistic approach. Chris Shaver – where is FAA in terms of releasing Mt. Rushmore Draft EA to NPOAG? James Whitlow said it (Draft EA) would be a general public release according to FAA attorneys. NPOAG can't do their own review before the public. Karen Trevino / Chris Shaver - their USDA / NPS have precedent of releasing it first to advisory groups. Mr. Whitlow – does it then become a public release document? Ms. Trevino – put it on members web site page. Chip Dennerlein – it could be a public release document but it may not be the one that you comment on as the agency's record put forward for comment. That is an important distinction. Lynne Pickard – we don't do this as a matter of course because there would be competing documents in the public arena that may cause confusion / unnecessary work to respond to public comments no longer in the Draft version. **James Whitlow stated that Lynne Pickard will go back as policy person to see if it can be released.**

Mr. May went on that we are working on verification for visual analysis – NPS has raised some concerns about verifying the analysis already in there. GIS/ photos analysis could be expensive, FAA and NPS have agreed to look at visual analysis to check those assumptions when we go out there for the public hearing on the Draft EA.

Mr. May went over the most recent schedule for Mt. Rushmore – trying to get Draft EA done by December, public meeting in January, Final EA in late February time frame, but we're not going to make that schedule. Contingent upon elevation meetings taking place, best guess is we are 1 to 2 months off that schedule.

Alan Stephen asked about quiet technology incentives. Mr. May indicated we are adopting Grand Canyon rule on quiet technology. When we get to preferred alternative we will take a look at quiet technology at that point, then at that point we will start applying the quiet technology incentives. Both agencies have worked hard on this document. This is a disappointment to both agencies, this is the first one, some of the others are following suit in terms of analysis and presentation. Mr. May thanked Frank, Chris, Vicki, and Karen and VOLPE staff for their hard work.

Mr. May continued on with a report on Badlands ATMP – Scoping in April / May 2004 jointly with the Mt. Rushmore scoping. Badlands schedule is dependent upon Mt. Rushmore issues being resolved. VOLPE Center is updating Badlands EA based on current Mt. Rushmore status. March Preliminary Draft EA due, we will refocus our efforts to Badlands when Mt. Rushmore is resolved.

Mr. Brayer thanked Steve May for all his good work on the program, not just technical analysis but financial and program management duties as well. Wished him well on his new Washington DC position. Stated he will be greatly missed, leaving in late January 2007.

Pete Ciesla gave an overview of the Hawaii parks and Lake Mead ATMPs. On the Hawaii parks ATMPs, he is working with Vicki McCusker from NPS, at Lake Mead with assistance from Frank Turina from NPS. Hawaii Volcanoes and Haleakala started in February 2004. As a result of scoping, both documents changed to EIS's. For Hawaii Volcanoes, scoping of EIS started in August / September 2005. For Haleakala, scoping for the EIS is November – January 2007. Currently looking at alternatives development – developing resource matrix, constraints, concerns about IOA numbers that we started

with 28k and 26K for parks that may be inflated versus what is really occurring. Shouldn't baseline of no action alternative be reflective of existing operations? Anticipating alternatives development process complete by March 2007 and Draft EIS by early 2008.

Alan Stephen – at a recent meeting from operators in Hawaii, they said there was no enforcement of IOA out there.

Mr. Ciesla continued with Kalaupapa – started with EA in February 2004. 5 tour operators have backed out after expressing original intent to do tours of the historic park. We've updated 4 out of 5 ops spec to reflect that. Since we are going to get all 5, then we are looking at shelving the ATMP process. Updated ops spec would show that they are no longer allowed to fly over the park.

Mr. Ciesla addressed the status of the Lake Mead ATMP – started EA scoping in April 2004. ATMA indicates that Lake Mead overflights are exempt from ATMP program. Air tours are exempt. NPS has asked that a SFAR apply to Lake Mead (80K per year overfly Lake Mead, but only 8K to 12K are considered air tours). NPS says we need that resolved first and therefore need to finish Grand Canyon Overflights EIS first.

Alan Stephen – FAA has given ops specs for air tours and transportation flights. Operators will not give those up until they know what FAA will do. Alan Stephen – NPS request for SFAR is it just for air tours is it for general aviation too? Is it a safety issue? Mr. Brayer – right now no SFAR. Gene Kirkendall - creating a SFAR to separate air tour traffic from general aviation would be a long way off, it would need to be identified in ATMP process, we would need to identify transit versus air tour routes / numbers. Karen Trevino – a lady at the last NPOAG meeting from NTSB raised safety issue at Lake Mead. Mr. Brayer – report being drafted on this issue, not released to FAA yet. Ann Carroll – heard that draft would come out in the form of recommendations to FAA in Spring. Karen Trevino – what type of agency is NTSB? James Whitlow – NTSB investigates accidents when there are fatalities but also make safety recommendations too. They are an independent agency. Alan Stephen – Bill Dickenson expressed concern over the randomness of the air tour routes. Talked about routes changing with access points at Hualapai lands. They have already internally addressed the safety issues via voluntary action among air tour operators to some extent.

Mr. May continued with the status on Lassen Volcanic. NPS has agreed to initiate the ARC expedited process. NPS is requesting some noise monitoring as part of that effort, however. We still need to resolve that, FAA thought no need for additional noise monitoring, just pull together stakeholders, get agreement on route structure, then do categorical exclusion for NEPA document. Acadia - Completed preliminary noise analysis. Great Smoky Mountains – same status as well.

Mr. May stated that in September 2005 passed out the IP, asked for comments at San Francisco NPOAG meeting, Alan Stephen had comments on it, Mr. May asked NPOAG members have another chance to review it. Mr. Stephen said everyone should review it, its what an ATMP will look like. Mr. May indicated we are making a list based on the Mt. Rushmore experience of all the things to change in the IP, we will update it later on.

Chip Dennerlein – asked Mr. May what worked what didn't in original IP, wants a debrief from Mr. May as to magnitude given his history with the ATMP program. Mr. May said to

take a look at Appendix SS of the IP, look at noise section (FAA and NPS agreed on 2 noise ambients and a selection of noise metrics) at Mt. Rushmore we have 8 alternatives. Given that we have a mass of analyses that is incomprehensible, how do we present that to the public. We want to give Mt. Rushmore to a NEPA consultant to run with. Presenting that enormous amount of data in a format understandable to public is a challenge.

Chip Dennerlein – needs to be comprehensible to public who have limited noise background. All parks are different, there are indicator parks, we can't be able to do this at all the parks. Glad to hear that we can possibly use acoustic environment to map similar topographies from one site to another. He thinks public would understand similarities of noise between parks given similar type topographies / vegetative covers versus 25 pages of charts and tables and other forms of data.

Vicki McCusker – we didn't have a process to whittle down the alternatives that all required noise modeling. What is coming out of process, at Hawaii we are doing preliminary modeling to look at alternatives. Now looking at a spreadsheet process to look at number of flights and other parameters on routes / different aircraft to get a better initial sense of what alternatives look like (instead of waiting 6 weeks to get modeling results and not liking the alternative, need to know up front). By next NPOAG meeting maybe we could show how we are going to be able to implement this screening technique.

Karen Trevino – Alan Stephen had raised this issue about the INM 6.2 model – it overstates overflights. Was an issue with St. George, issue as well at Grand Canyon. Kurt Fristrup got with Volpe to develop a compression algorithm so it does not include overlapping flights, it can now distinguish between them. It may not be exact, but it is much more precise. Doesn't change percent time audible, INM computes audibility of each flight but if two flights happening in study area at same time it would add them together which increases percent time audible for those on ground. This algorithm corrects for this issue.

### **FAA Reauthorization: Potential Legislative Amendments to Air Tour Management Act**

Lynne Pickard – Current authorization expires September 2007. We are proposing certain changes to Congress as to what FAA is doing. It (Administration bill) will be going to Congress in March 2007. Meanwhile House and Senate develop their own – they may take bits and pieces of Administration bill, then do conference committee and develop their own. We are in beginning phases of developing our own bill (FAA internally looking at it with DOT) then it goes to OMB who circulates it to other Federal agencies. FAA forms work group that looks at different chunks of it (air traffic, finances, environment, etc.) Lynne heads up environmental work group. There are a number of concepts that FAA is interested in with this re-authorization. Leading issues have to do with strengthening R&D with aeronautic field (NASA getting out of this field, just doing space, and foundational research – long term 50 years down the road). NASA has done aeronautics environment research that can go to commercial viability for development in mid-range. Debate on proper role of government versus commercial R&D. FAA thinks they may have to pick up some portion of that R&D. 90% of gains in noise / air emissions reductions came from NASA R&D. Proposing to work with center of

excellence with consortium of various universities (e.g. MIT) work with researchers and others. FAA looking to expand this role. Looking to expand fuel efficiency (reduce NOx by 50%) by 2015 versus 1990s levels. Reduce noise by 10dB versus 1990 levels.

Concerned about putting all eggs in one basket. Looking to expand airport cooperative research program for a few items, currently has about \$10M / year (increases to \$15M / year) for funding. The new \$5m / year would be for environmental mitigation programs. Demonstrations for new air traffic departure /arrival procedures to reduce noise / air emissions.

We need institutional authority as well as funding authority to take on this old NASA R&D role. Looking to bring next generation (2025), demonstrate new technology that would be certified in 2010-2015 timeframe. Need to be ready in that time frame so they can be produced and bought and brought into fleet mix to make difference in 2025 time frame.

ATMP – specifically in context of our (FAA with some informal NPS talks with Karen Trevino) own and GAO experience. Contemplating 3 areas. #1- exemption capability for air tours for some parks having the need for one. #2- voluntary agreements to allow some parks to have air tours via a voluntary agreement. #3- add some flexibility to way FAA Administrator and NPS Director to modify IOA levels.

#1 – Envision adding new section in 40128. GAO noted that every park needed an ATMP, even number with very few operations. During GAO interviews with some parks, the parks indicated that they may not need them. FAA proposing parks having less than some level of operations would be exempt from having an ATMP initially. Numbers aren't everything, may still have some resource concerns by parks. Should be proviso, under certain level unless NPS Director overrides that exemption without any further hoops to run through. They can do that at any time to protect park, resources, visitor experience. NPS Director would inform FAA formally with this override of the exemption. FAA and NPS would publish the list annually on any changes. Parks could later on get their exemption, it may change. What is right number, 200 initially? Most are seasonal in summer season. Few daily operations at these parks. NPS wants 100 or fewer (maybe 1 or a few a day).

#2 – GAO found that some parks told them they were already operating with voluntary agreements. Act does not allow us to do this without an ATMP. Proposing that the NPS Director may enter into a voluntary agreement with any new entrants or IOA operators. FAA would be party to the agreement. Voluntary agreement would address management issues and visitor use without compromising safety. Could provide for fees, the implementation of an ATMP. Envisions NPS Director offering opportunity for public review and tribal input. Could be implemented without any formal administrative or NEPA review. Voluntary exemption could not be implemented if FAA raised narrow issue regarding FAA statutes or concerns. Voluntary agreement could be cancelled at any time, even by operators, then would go back to IOA status.

#3) Would ease ability to change IOA agreements if NPS and FAA agreed that change would have no adverse effect on resources / visitor experience. Ann Carroll– would this negate how IOA allocations are figured out? Ms. Pickard said for example if you have an initial IOA and seek an increase (someone goes out of business for example) you supply information on changes / modifications to routes etc. Could apply to new entrants as well. Information supplied to NPS and FAA on what they (operators) are proposing,

FAA does safety review, NPS does discretionary environmental review. Chris Shaver - wants to see actual language on these. Could they go beyond the discretionary review - if they wanted to have some form of public review. Ms. Pickard - NPS would not be prohibited from doing NEPA review but there would be no legal obligation. But you lose advantages of this new language if you go for same ATMP procedures in terms of NEPA review. **Ms. Pickard could not provide the proposed language at this time but will supply language to NPOAG as early as she can.**

Don Barger - scared about flexible IOA and new entrants. This proposal would just make it an administrative exercise. Political pressure would be put on decision makers, it eviscerates entire Act without the need for environmental review.

Elling Halvorson - center of excellence concept is excellent idea. Believes aircraft noise can be reduced by 10% and helicopters by 100%. Don't know if it would happen with manufacturers being only driving force. In regards to exempting certain parks - it seems inconceivable about writing ATMP for a park with less than 100 flights annually. Thinks numbers should be some multiple of 100, not worth the analysis, no noticeable change in value.

Lynne Pickard - GAO says parks with 100 or fewer operators there are 56. Going up to 200 annual operations you pick up 11 more park units. Between 200 and 1,000 operations you pick up 7 more park units. Over 1,000 annual operations you pick up 20 more.

Mr. Halvorson said that the NPS Director, however, could unilaterally say you need one for park with less than 100 operations if they wanted to and had the prerogative. Karen Trevino - don't base it on numbers alone, especially if numbers are unreliable. Should be based on a resource, maybe time audible. But the numbers could be seasonal and high weekend use could be a problem.

Mr. Halvorson - if that's a problem find another solution, not an expensive ATMP. Voluntary agreement is great idea. Less formality for certain situations could be good.

Charles Maynard - why is number important. If exemptions are possible and both agencies agree, then it should be OK. Does there need to be a trigger? Karen Trevino - wants it to say "may" not "will" so the trigger does not require an ATMP. Lynne Pickard - trigger is default, it happens unless exemption is overridden. If its just authority not it happens unless, then agencies build a big process that requires extensive analysis with zero exemptions. Exemption shouldn't be a choice, it is automatically triggered. Mr. Brayer - that's why no operations increases have occurred to this point, even though it's an option.

Don Barger - Clarification on exemption, agrees on need to not do an ATMP for certain parks, but it should be cooperative process. If park X is agreed no ATMP needed and meets exemption, is it true then that those 60 annual operations can now become 90 or 120 that may then be a big deal. Can either agency re-address it? Lynne Pickard - Yes, NPS could do this. Don Barger - who monitors the number of flights? Then park superintendent would say there is a problem on resources, we now want ATMP. Lynne Pickard- that's why we are giving NPS that authority to rescind the exemption and go back into the ATMP process. On voluntary agreement, NPS and operator would sit down without FAA (regardless of number of flights) but there wouldn't be NEPA review,

just a review of the voluntary agreement. #3 IOA flexibility – entirely based on unverified IOA, needs to be record keeping, shouldn't be flexibility on unverified numbers.

Chip Dennerlein – likes some of the concepts of flexibility. Number shouldn't be the determinative. Why can't we exempt a lot more – for example 900 flights a season, 10 / day, if it kept operator on good routes out of conflicts with any resources, why spend lots of dollars if it's the best agreement that they can get. If voluntary agreement is violated or out of place then go to an ATMP. Voluntary agreement can be used as tool to address resource issues. Flexibility and modification issue is different than other two because it's the principal of the act. Don't think that agencies should make that decision without public input, that's not the intent of the Act. Air tour bans over Rocky Mt. Park would have never happened without public input by League of Women voters.

Chris Shaver – likes idea of combining exemption with voluntary agreement. But if voluntary agreement isn't being followed then 6 or 8 years from now we will have ATMP, so not much of threat to the operator. Ms. Shaver would say if voluntary agreement is violated then a mandatory trigger comes in (i.e., if violated then right away your flights are cut 10%).

Lynne Pickard – whatever the number is set at, it's a floating trigger, if operations increase over time, then that park is no longer exempt if they go over 100 (if that's the number).

Chip Dennerlein – double edged sword for operator – if operator gets 10 new quiet technology planes and you reward with increased flights that triggers over a 100 annual operations it shouldn't mean they lose the exemption.

Lynne Pickard – Voluntary agreement is additional provision regardless of numbers. However, exemption means no ATMP or voluntary agreement.

Alan Stephen – Likes the provisions, however, language is everything. Problem with voluntary agreement, its only for responsible operators, someone could come in and do what they want. What is enforcement mechanism to keep out bad business operators. How do you get real numbers for IOA, businesses want certainty to plan for future operations.

Karen Trevino – introduced Park Superintendent Jeff Bradybaugh of Parashant National Monument. Parashant National Monument is part of Lake Mead Recreational Area its BLM owned with dual management. Formerly chief of resources at Zion, involved in St George EIS. Jeff wants to know if park has less than 100 operations annually and does not need ATMP and uncomfortable with exemption (then can go route of ATMP or voluntary agreement per Lynne Pickard), then can park enter into voluntary agreement with operator. Karen Trevino – on voluntary agreement, wasn't FAA party on first go arounds? Lynne Pickard does not remember, but FAA does not need to be party to it. FAA still has objecting privileges for safety issues that would preclude voluntary agreement if FAA objected for reasons of aviation safety or other adverse impacts to national aviation system. Mr. Brayer - If voluntary agreement is not working go back to ATMP which is enforceable.

Don Barger - exemptions and voluntary agreements – enforcement done by NPS to know how many flights to know if voluntary agreement is being complied with. Flexibility with IOA opens door to not doing ATMP, IOA becomes de facto ATMP. Lynne Pickard assumes NPS would prefer ATMP to IOA. Don Barger - Eviscerates one essential element of Air Tour Management Act – public involvement. If two agencies agree, public be damned.

Chip Dennerlein – Voluntary agreement has to be for tribal lands too, if you are going to amend Act. If 100 operations are during corn ceremony then you have a problem. Lynne Pickard – consultation with tribes is built in to the voluntary agreement process. Mr. Dennerlein – if IOA modified it has to produce a net gain for the environment under plain language of act. The resources need to get better. Need to have checks and balances with public input otherwise it's a loss to resources in parks. This shouldn't be lost to issue of competition (IOA re-assessed by new entrant for competition purposes). Don't know what competition means – so it should be put out for public input and review.

Elling Halvorson – Lynne doing good things with her work. When it's put down in writing we need to look at this again for NPOAG review.

### **Aviation Safety Update**

- **Interim Operating Authority**
- **IOA Interpretation and Enforcement Issues**

Gene Kirkendall – His organization structure has changed, his office is now under AVS (Aviation Safety) line of business, the AVS Environmental Policy Office was created into the new division, which includes Environmental Management Systems, NEPA, and National Parks (air tours). In interim he is performing a dual role, continuing to represent Flight Standards Service (AFS) for all environmental issues.

IOAs – last year he had 16 contractors to do data analysis and number crunching. Contracts expired and couldn't get anything new with GSA contract vehicle. So things on hold since San Francisco NPOAG meeting, where they saw demonstration for database for tracking ATMPs and IOA. Grand Canyon legislation has reporting and record keeping requirements so FAA has provided overflight information to NPS on a quarterly basis since 1979. Want to be able to do same things with ATMPs under ATMA. Can put reporting requirement in ATMP on a 30 day basis (with 10 day grace period for operators to get data to FAA, goes to FAA first then NPS). Have to rethink information technology issues (over \$250K value on information technology contracts and Congress gets involved) about IT development. May instead do it on CDs as opposed to web based reporting. Problems with reporting on IOA issues, tribal lands being overflowed /not overflowed. Issue letter of agreement rather than ops spec. Will order mandatory rollover of B057s by March to all air tour operators including part 91 operators.

IOA Interpretation and Enforcement issues – Alan Stephen – IOA has been issued and has certain conditions. To be qualified had to be Part 135, no deadline for 135 issuance. [James Whitlow left room due to his recusal issue on enforcement (ongoing operator had 135 revoked but was allowed to fly under Part 91 unlimited flights)]. Needs to be deadline for completion of Part 135. This part 91 operator can provide sightseeing tours

if they stay within 25 miles and don't land somewhere else. This one is going farther and landing elsewhere. He has 500 in IOA ops spec and 150 in another, Cliff has shown he has exceeded this number. FSDO was involved. Alan Stephen – is there a reporting requirement, is IOA violatable? Mr. Kirkendall stated that his concern is national picture not one park one operator. Since the law was not well written and lack of verification and enforcement measures in it. Mr. Kirkendall stated he will fix them on national basis – asking for record keeping and reporting requirements. He will write national policy to tell inspectors how to interpret law. Mr. Kirkendall stated he won't shut people down on hearsay, needs hard evidence (re: Hawaii). He has received information from NPS, this will not shut them (operators) down, but he can start investigation. They are actively working this issue.

Federal Register says if FAA gets credible evidence on violations they will begin investigation. Mr. Kirkendall says it needs to be airtight. Everything done for IOA was based on honor system, ATMPs will flesh those numbers out (since ATMP will require reporting) If our proposals now have option for getting rid of need for ATMPs then shouldn't we still put in reporting requirements? Counsels Office said they already have existing legislative authority, need rulemaking capabilities to support that. Just because you have authority doesn't mean you can do it. Mr. Kirkendall was asking for Congress to tell him that FAA needed to do this. James Whitlow – limited resources for FAA to throw on this type of rulemaking.

Karen Trevino – felt strongly on reporting requirement, NPS told they didn't have reporting requirement. Rulemaking may take 3 years for safety rules, environmental rules would take longer. James Whitlow – FAA has limited resources, shouldn't go to something NPS gains benefits on, no safety benefits being derived. If we apply resources to a rule that has no safety benefits, why are we championing it? Karen Trevino – you are putting onus on NPS, but Congress indicates that both agencies should work together on this. Mr. Whitlow – rulemaking only an issue with IOA, not ATMP OAs. Alan Stephen – how long after EA ROD would ATMP come into being? Good operators would be penalized by playing by rules, reporting requirements should happen early to weed out bad operators. Mr. Whitlow – last estimate was a 2 year period to get ATMP into place for non-controversial projects.

James Whitlow – enforcement of IOAs and ATMPs would involve Flight Standards for reporting requirements. Lynne Pickard – IOA suffers because it's a temporary system and it's not a safety issue. Don Barger – The Act suffers due to ongoing inequities. Mr. Whitlow – when we sent up Federal Register request for operators to refile their IOA we got letter from Jarvis requesting 2 Hawaii parks be reviewed. Mr. Whitlow's office took lead (not Flight Standards) to look into this to address allegations of IOA overstatements. Mr. Whitlow said problem is the proof, you must establish that person knew that their IOA was incorrect at the time they reported it. GAO did not have proof either. Alan Stephen – what happens when there is a violation of an existing IOA limit? Mr. Whitlow – we can take civil action, we can take certificates. Process starts with FSDO. IOAs are enforceable and revocable.

James Whitlow – if operators have no IOA and are flying flights FSDO should be all over them and it is an enforceable act. It's harder to prove operators are flying above their IOA limits since there is no reporting requirements. If you start with FSDO and don't get response, copy FAA regional counsel and Peter Lynch about that. Gene Kirkendall –

once he gets legal interpretation on how it is enforced he will send out letters to air tour operators.

James Whitlow – if what comes out of revisiting IOA is real numbers with some increase allowed for growth, what does that do to that concern about revisiting IOA numbers.  
Frank Turina – it gives us better baseline number for NEPA purposes.

Don Barger – how will you know if someone is flying beyond their initial IOA. James Whitlow – that's hard to prove, give us some type of proof.

Karen Trevino – Chris Shaver has an idea to consider parks with IOA reliability issues being bumped to the top of priority list. Needs to be immediate enforcement for violations to deter this.

Lynne Pickard – as part of voluntary agreement you can also put in disincentives.

Chris Shaver – Concern about people like Alan now having no need to follow IOA.

Alan Stephen – Need good record keeping / reporting system, there is no reason for a company to comply.

James Whitlow provided handout on expedited ATMP process. James drafted up what an expedited ATMP would look like with standard provisions.

Karen Trevino – Asked Gene Kirkendall what was his sense of getting support from parent organization to address these NPOAG issues. Gene Kirkendall – organization in a state of flux, everyone's an actor, no full blown managers. To early to tell the level of support, we are in a growing period.

Mr. Brayer – NPOAG subgroup of modification to IOA will be covered tomorrow.

Ann Carroll – talks to a lot of tour operators who have spent money on quiet technology, lots of operators questioning why they need to invest in this technology, has seen operators double their costs, but not much in way of benefits.

Mr. Brayer – wants to make incentives meaningful in terms of quiet technology. What's in the Mt. Rushmore EA in terms of quiet technology? Frank Turina – we will wait until preferred alternative is chosen and then address the quiet technology issue. Mr. Brayer – will public be able to comment on this? It needs to be in the EA. Chris Shaver – say some percentage of flights would be quiet technology. Karen Trevino – NPS would reduce fees collected if quiet technology used.

### **1<sup>st</sup> Public Comment Opportunity**

Cliff Langness owner of Westwind Aviation - when legislation came out they converted 60 seats to quiet technology cost \$3 to \$4M, it made sense when looking at competition. But another operator came in taking business. Only way to compete is to go back to noisier airplanes.

John Bych from Maverick Helicopters – in May converted helicopters at \$2M apiece, got rid of old aircraft converted A Stars to EC 130s in Las Vegas fleet. Core client is Las Vegas hotels. Have the additional costs but no incentives on the plus side. Bigger separation between competition now, price wise.

Jeff Bradybaugh from NPS asked what does limited capacity mean. This implies this is a limited event, but that may not be correct. May come up more frequently than thought.

Dave Nimkin from National Parks Conservation Association – In allocation process, IOA or ATMP, where does market demand play into this?

Brian Brusa from Maverick Airstar – purchased existing company (Air Star) at Grand Canyon, they've had to scale back operations because they would have run out of their allocation by November. They had expanded their international marketing efforts, looks like they will run out of their allocations even earlier next year – maybe September. Can they get any additional operations with quiet technology? At Grand Canyon there is transferability between operators to maintain flexibility for businesses.

Chip Dennerlein – capture James Whitlow's phrase on "the limit on the number of flights over a specified period of time". Distinguish between peak times and shoulder seasons and days or short periods. Businesses may see limits if we don't want them all operating in the good periods or on weekends, etc.

John Bych from Maverick Helicopters – trying to schedule things on and off hard to do for selected events. Not always flexibility there.

### Legal Update

- **Discussion of the IOA Transferability Policy**

Alan Stephen – Requested update on status. James Whitlow wanted to wait until after NPOAG meeting. FAA committed to do this by GAO by March 2007, James wants to beat that date. **James will check on to make sure it was transferred to Congress making it a public document so it could be released to NPOAG. James came back and indicated that the Overflights Fee Report is still with OMB and has not been cleared for distribution yet.**

- **FAA Draft "Straw Man" for Bidding for OA Under ATMPs at National Parks with Limitations on the number of Air Tour Flights Permitted**

James Whitlow– provision in Act, unclear whether it applies to all parts, the FAA Administrator in conjunction with the NPS Director shall look at allowing competitive bidding for limited capacity parks. Look first at who current operators are, what are circumstances where you would look at proposals. Look at ones currently operating and who has expressed interest as new entrants. First assign numbers to operator first. Don't do a lottery (like slots at airports). In this case statute says we need operator to discuss finances, safety, proposal, responsiveness, experience, etc. Then we put out Federal Register notice that at this park we would have limited operations and that those entities interested could file proposals addressing those factors and then decide the allocation of limited operations.

Chip Dennerlein – you establish qualified bidder first, what happens during bidding, is it money? Mr. Whitlow – no, you require the operators to tell you why they should get it due to their finances, safety record, use of quiet technology, etc.

Chris Shaver – is NPS involved in this decision or just FAA? James Whitlow - yes they (NPS) are consulted.

Karen Trevino – Other factors for consideration operators in limited capacity situations that NPS and FAA jointly consider a number of items including ground based concerns.

Chip Dennerlein – if bidding is competitive it could include on the ground issues but could it also include interpretive program as part of tour operations. Pilots go to NPS sessions with interpretive staff to learn park message, geology, history, etc. James Whitlow - if NPS wanted it and it was articulated in the Federal Register then this could be part of a matrix.

Elling Halvorson – Are we opening this up as an issue of government taking. James Whitlow – IOA goes away 180 days after ATMP is implemented so taking is not an issue.

Mark Peterson – Can NPS and FAA determine / choose who is financially viable?

Karen Trevino – NPS has experience with cruise ships in Alaska, and river raftings on Colorado River. She has invited NPS people with experience on this to next NPOAG meeting to see if there is something of use that we can apply to limited capacity parks.

Alan Stephen – cruise ships can go to other places. Air tours may not have other locations. River rafting does not have large capital investments, air tours does.

James Whitlow – No preference for new entrants. What happens when we set absolute limitations and down the road another new entrant wants to come in?

Mr. Brayer – proposing two new subgroups for tomorrow – discussion about fees today that's one and a lot of suggestions about legislative proposals. The latter would be short term (tomorrow) group because Lynne Pickard needs input tomorrow. The other two are modifications to IOA, and subgroup on competitive process as well.

Meeting was adjourned at 5:15 p.m.

## **DAY 2, Wednesday, November 29, 2006**

Chairman Brayer called the meeting to order at 8:10 a.m. Introduced newest member Matthew Zuccaro President of Helicopter Association International. Mr. Zuccaro indicated that HAI is largest trade association in world, 2,800 members mostly organizations (largest concentration in U.S.) Since 1948, have safety and community relations programs ongoing.

### **Expedited ATMP Process**

James Whitlow– Park Service had issue defining what type of environmental review they would have to do for an expedited ATMP. James made a straw man expedited ATMP so he could give to NPS so they could determine their NEPA needs. Karen Trevino – issue is whether they can piggyback on FAA CATEX. James went through his straw man, came from FAA Order and the IP. Term he is using for parks to do this for is ‘low complexity’ not “low activity” because this term captures some of the collateral issues. Elements include low operations levels, no tribal lands or issues, no other resource issues, and you are starting with the status quo in terms of what you are putting in there operations wise. Lassen Volcanic had one route and one operator, but other parks may have more routes and operators and still be available under expedited NEPA review.

Karen Trevino – From Park Service standpoint, there are no park units with low complexity or not controversial, they all are.

James Whitlow went on to discuss Section 4 of Straw Man – Describes status quo so when you put in actual plan you know what you are working to. There are no new entrants here. If during preparation of expedited ATMP and two new entrants come in you need to look at what they are doing and still see if it’s low complexity and you can do expedited ATMP process. NPS and FAA would make this determination jointly. New entrant issue may not always work under low complexity case.

Mr. Brayer provided background on how we got to this point for Lassen Volcanic. Stated that James had proposed this at Estes Park NPOAG, subgroup brainstormed parks this process may be applicable to, NPOAG narrowed to 5 potential parks, these 5 brought to entire NPOAG and they kept all 5, subsequent analysis identified Lassen Volcanic as the least complex park to study.

Karen Trevino – There are at least 30 or so parks with under 100 operations annually, with current cost of analysis for conducting ATMPs, we were all looking for a way of expediting the process. Lynne Pickard said number is 56 (park units on ATMP list having under 100 annual operations).

James Whitlow – Section 6.0 of the Straw Man describes what to describe in ATMP. Route – in this case only one. Minimum Flight Altitudes – This is not status quo section (currently fly at 2,000’ not 500’). Karen Trevino wants to talk to park superintendent at Lassen Volcanic to get his input.

Karen Trevino – in Section 4.0 you don’t say how long in minutes the tours are. Good thing to know, this will determine shortness of noise free intervals.

Chip Dennerlein – In minimum altitude section, in general, don’t want to change any minimum altitudes, public outcry would ensue, guidance should be to extent that status quo is working don’t change it.

James Whitlow – Section 7.0 tells operator what they can do. This paragraph tells operator exactly what they can do. If more than one operator you have more than one paragraph. Goal is to describe status quo. Stick in the limitation as to what operator’s current maximum is. Karen Trevino / Chris Shaver – don’t like the word “current”, say no more than 89 period.

Karen Trevino – if this becomes operational by rulemaking or ops spec it should reference Organic Act or enabling park legislation. Put under Section 3.0. Doesn't feel it's prudent to put business name in it (i.e. Section 7.0), what happens if this transfers, have to update if something changes. Karen Trevino – put specificity in ops spec not in the ATMP. When it transfers is transferability would have to follow the same specifications. It's in Section 8.0. Have to use same routes, minimum altitudes, and aircraft as quiet as current operators. Karen Trevino – can the ops be divvied up between 3 or 4 new operators? NPS says this may cause more confusion in keeping track of what operators are doing. James Whitlow – because we have a reporting requirement.

James Whitlow – termination of operating authority (Section 9.0). Don't want someone sitting on the operation allocation, they have to use it. What's a reasonable period of time? If it's seasonal, 180 days may not cut it, however, 360 is better. Section 10.0 procedure to allow increases by existing commercial air tour operator. Which would be subject to environmental review.

Chris Shaver – Under Section 10 wants that NPS can request information as well. Karen Trevino – Since they still have to do NEPA, there may be indirect effects from requested increase in operations. Park superintendent would be able to tell them better.

James Whitlow – under new entrant, new entrants NEPA review may differ from someone who has existing operations and wants to increase. Mr. Brayer – concerned that the purpose of this is to streamline NEPA and do a categorical exclusion. Don Barger – said he has seen adequate EAs at 15 pages in length.

James Whitlow – reporting requirement, it's established in part of ATMP, no rulemaking is necessary.

Section 13.0 Enforcement – outlines how it is enforced. Don Barger - Monthly reporting, if there was a question on numbers, we need to have some level of detailed information, specify what is being required to be kept and what is to be reported. That puts teeth into the enforcement. Alan Stephen – small operators are not going to be able to punch a number on a computer and get this information spit out. Flight plans will not suffice. Maintenance record is extremely important.

Karen Trevino – Vicki McCusker worked with FSDO and park superintendents to come up with forms that they could supply to local FSDO to take action with enough information given. In Section 12.0 shouldn't there be a start date (each commercial tour operator upon receipt of operating authority must submit in writing to the CHDO and park superintendent). This information should go to park superintendent as well (not just through FAA later).

At Grand Canyon, park superintendent was not coordinated with by local FSDO on 7711 SFAR waivers. Need to facilitate coordination with FSDO and park unit. Mr. Brayer – it didn't go over the park.

Don Barger – its nice to have a good template, based on the review it looks like there is a workable abbreviated process. But it also says it doesn't necessarily avoid all the pitfalls of doing an ATMP. How does NPS initiate the amendment process if they find

that something new makes the 89 operations per year a problem. James Whitlow – foresees a petition to the FAA Administrator to amend the ATMP and then we restart the process. Mr. Brayer – FAA Administrator and NPS Director may make amendments to any ATMP, needs to be published in Federal Register.

Karen Trevino – under Section 14.0 change to “shall”, no amendment shall be permitted that diminishes the protection of the park resources and values. Concern that NPS cannot initiate the amendment process. Lynne Pickard – the expedited ATMP is not the place for details on the amendment process, it should go into the Implementation Plan.

James Whitlow – amendment language should not deviate from the language in the Act. Wants to get to the next step which is to involve public and stakeholders in developing an ATMP. Chris Shaver - language in Section 14.0 eviscerates everything else.

Chip Dennerlein – no increases without a demonstrated benefit to park (have that with IOA why would they accept less), if park superintendent identifies environmental crisis, the FAA would close down the skies over the park (like 911). James Whitlow – the FAA close down of park airspace is not something that goes into ATMP.

Chris Shaver – Is there a time period we can comment on this Straw Man?

**James Whitlow - in next 30 days, wants changes back from Ms. Shaver, and draft public notice in Federal Register and public meeting to get public involved. We can put this out as draft, invite public comment, and see if the assumptions we are putting out are accurate.** With public notice we are talking about March 2007 timeframe. If everyone accepts it, we would put it in Federal Register as proposed rule and that would make it final.

Karen Trevino – Regarding the date for public hearing, needs to check with superintendent to make sure the date is good. In Section 13.0, “...FAA will monitor through periodic and random surveillance of operators, add in “or through other appropriate measures” NPS may monitor with noise systems. James – That doesn't go in here, goes in implementation plan.

Elling Halvorson – Would each park under 100 operations annually require a public meeting? James Whitlow – yes and a Federal Register notice.

James Whitlow – There are three outcomes with the meeting: it goes well; new issues arise we go to ARC and modify after Draft; or at public meeting issues so great we can't go this route. Quiet technology is addressed only in the transferability language (not an incentive – though). Mr. Brayer – you could put in provision for increased frequency or lower altitudes as an incentive.

Lynne Pickard – concerned about giving short shrift to quiet technology, statutorily required to include it, but we haven't figured out how to use this, its self defeating if we don't provide incentives, operators aren't going to pony up the money for the investment. Mr. Brayer – they need to be meaningful to the operator to induce the quiet technology purchase. Alan Stephen – 172s are quietest planes available nothing is going to beat it, with 200 annual flights no one is going to buy it, if someone is operating 182x which is louder (172 would be the substitute). Moreover, other aviation activity and ground noises making more noise than airplanes. Alan Stephen – NPS is delaying mitigation, just have status quo now, with ATMP expedited process.

Chip Dennerlein – if this is real plan for Lassen Volcanic, then we need to look at real numbers. The paragraph on increases should be subject to same ones as transferability paragraph jargon. The only difference would be the number of operations. It should state the quietest aircraft used would be at least as quiet as those currently being flown. Implementation plan needs to be modified prior to moving forward with Lassen Volcanic.

Mr. Brayer – can NPOAG and NPS provide comments to James on his plan. James Whitlow – stated he was not a member of NPOAG, just here to provide them with guidance and recommendations. James wants to get one started so OMB gets used to seeing an actual plan, with the expedited process he can do this quicker until we get to the ATMPs that are more of concern.

Chris Shaver – Thinks NPS may need more of an environmental assessment. May need more information from operator as to what is being done. Can she approach the operator to get information? She should coordinate with James Whitlow. **Get (email) to Favi Garcia by Jan. 15th 1<sup>st</sup> for comments and changes and information requests on straw man.**

Karen Trevino – noise monitoring would take same amount of time. James Whitlow – no need to hold off on public meeting, noise monitoring can run concurrently.

Matthew Zuccaro – Has Lassen Volcanic operator been doing this for years, any complaints? Unknown. Does operator know about this discussion? No, just in general terms. Mr. Brayer – ARC process has stakeholders in the process. Chris Shaver – DOI cannot do CATEX option (very limited list). **Karen Trevino will look into the possibility of doing categorical exclusion under DOI / NPS orders. Karen will check with Lassen Volcanic superintendent to confirm the expedited ATMP schedule.** FAA has *de minimis* levels to do categorical exclusion. Mr. Brayer – if statute says FAA is lead on NEPA document, technically can't NPS agree to the categorical exclusion. James Whitlow – this would be categorically excluded under insignificant rulemaking for FAA. Karen Trevino – from a Park Service perspective they don't like categorical exclusions because it precludes public involvement.

Karen Trevino – the straw man would have to be signed off on by NPS solicitors as well since it would be rulemaking.

Group photo taken at 10:35 a.m.

### **Status of NPOAG Subgroup Assignments**

Barry - Talked about 4 potential breakout groups from yesterday's discussions. Asked if there were any other carryover breakout group meetings conducted from the time of the last San Francisco NPOAG. No one answered in the affirmative. 4 possible areas from yesterday (5th would be expedited ATMP process). Might have been good to have 2 agencies talked about some of these issues prior to NPOAG so they didn't have to listen to the banter. It was good to have NPOAG hear this discussion to hear both sides of the aisles.

Charles Maynard – thought this was the case, could have agreed on some items, focused on disagreements, NPS would have had chance to talk to Lassen superintendent first, so time might have been better served, maybe agencies should have a half day together prior to start of NPOAG meetings. As advisory members would have been better able to serve in their capacity if the agencies had gotten together.

Mr. Brayer – we want to make NPOAG members time most efficient and productive. Open to constructive comments.

James Whitlow – didn't want NPOAG to feel bypassed, had advantage of real time feedback. We've been doing this as NPOAG for some time. Wants to be clear he doesn't want to get agreement or finality today.

Matthew Zuccaro – found it beneficial. Thought it would be better if document was put out in advance to review.

Don Barger – 2nded Charles Maynard's comments. Identify agreements and disagreements, so NPOAG can provide guidance and be more productive.

Alan Stephen – healthy to see this type of dialogue.

Chris Shaver – Best use of NPOAG time is to advise FAA and NPS, dialogue created impression there was a lot of disagreement, but not really. Not major rift. They were just airing concerns at first review of some of the materials.

Karen Trevino – at next NPOAG start at midday, agencies meet in morning and go over agenda. Get info distributed out early. Identify better reachable locations to make it easier for NPOAG members, don't have to meet at parks necessarily.

Chip Dennerlein – would like to know that FAA and NPS know each agency's processes (i.e. whether they have categorical exclusion or not). They (NPOAG) can't advise us on that.

Mr. Brayer – meetings set up with experiential learning as part of the process, otherwise these sessions could be handled via telcons.

Heidi Williams – wants to meet a little more often, once a year at a more convenient location. Takes time to do coast to coast meetings. Lots of NPOAG members on Grand Canyon too, see about combining or setting up NPOAG / Grand Canyon back to back.

Alan Stephen – we should meet again in March since contractor for Grand Canyon would be coming on board for a meeting in that time frame. Phoenix is good location.

Karen Trevino – Next Grand Canyon meeting may be longer than 1-1/2 days due to going over new things. Denver is another good option for meeting location.

### **NPOAG Breakouts Based on Issues from Day 1**

Mr. Brayer – Identified the four potential breakout groups as: Fees appropriate as part of an ATMP; Legislative proposals - Lynne Pickard needs info ASAP; modifications to IOA; and competitive process.

Mark Peterson – what is strategic question that agencies want answered, needs more guidance.

Mr. Brayer – could do it that way or get group to say what they want. Barry does not want to put parameter around / or structure NPOAG discussions.

James Whitlow wants to talk to NPS first, that may change how the fee discussion may take place so let's put that potential breakout group item on hold.

Mr. Brayer – put down on paper something else that Lynne Pickard didn't say if you want that in the legislative proposals, now is the time. Competitive process, we'll need something for Mt. Rushmore since likely to include limitations.

Alan Stephen – thought competitive bidding discussion was good, not sure what else is necessary. Bidding depends on limitation or not, if greater than currently flown, equal to, or below. Need to get through that process first and then things shake out.

Chip Dennerlein – bidding process should include step forward on quiet technology and air tour visitors being park visitors (park experience). Not comfortable with when you decide whether you need competition.

Mr. Brayer – quiet technology needs to be in Mt. Rushmore. Stated that Steve May and Frank Turina indicated that it would be after Draft EA, may not work that way. Is it meaningful for Mt. Rushmore? This should be a breakout as we need it soon.

Don Barger – Legislative process – if he hasn't seen anything in writing from Lynne Pickard and the group is supposed to supply something in writing he's uncomfortable with that. Ms. Pickard – not expecting to see anything in writing, just looking for additional amendments to air tour act if they would be helpful. Brainstorm these issues, she would get a better feel of where people stand.

Mr. Brayer asked the NPOAG members to vote for 2 of 5 as most important today

- 1 – modification to IOA
- 2 – quiet technology
- 3 – competitive process
- 4 – fees
- 5 – legislative proposals

Vote cast on quiet technology and legislative proposals. Matthew Zuccaro - don't have subgroup breakout, just have whole groups take one then the other. Mr. Brayer – there are some advantages to having a small group.

Lynne Pickard went through the background on the 3 suggested legislative proposals.

### **#1 - Exemption**

Ms. Pickard – looking at ways to streamline processes in Act while remaining true to spirit and intent of act. Looking also at GAO reports that had findings and recommendations. GAO report indicated number of parks with low activity levels and park superintendent say have no issues. But Act doesn't exempt us from ATMP process. Of 106 park units, 56 have 100 or fewer air tour operations per year. Even if seasonal, daily operations are very small. Proposal is to exempt park units with less than 100 to have to prepare ATMP. Numbers aren't entire story so NPS Director can override exemption on park by park basis. We would make that override easy for NPS Director to do at any time. They would notify FAA Administrator, Administrator and Director would annually publish list of exempted parks.

### **#2 – Voluntary Agreement**

GAO also said number of parks operating well under voluntary agreements that everyone is OK with, but no provision for voluntary agreement in the Act. Have a park unit that is not exempt - could go to ATMP (only one currently available) or now a voluntary agreement. Voluntary agreement is strictly up to NPS, NPS could work out internal process on voluntary agreements. Would have to be voluntary to all parties. Could include any number of provisions, could include ATMP stuff as to what is allowed where, when, how many, provisions to insure integrity, compliance of voluntary agreement, penalties to people not adhering to voluntary agreement, could include fees since its discretionary. Would be requirement for consultation with any Native American tribes being overflowed and the opportunity for public comments, then could be implemented without any further process. FAA not party to it but could for safety reasons or adverse impacts to national airspace system effects object to the voluntary agreement. If no FAA objection, parties could agree on voluntary agreement. If voluntary agreement in place it could be rescinded at any time. If rescinded you would convert to IOA until ATMP could be implemented.

### **#3 – IOA Flexibility**

More flexible provisions for IOA and new entrants. IOA has been in place longer than Congress thought. In all this time no modifications to IOA have taken place or no new entrants. Getting more awkward as IOA goes on and on. Not trying to bypass any protections, but there are a number of tests in there that almost make it tantamount to an ATMP. Propose to take out specific tests – for FAA take out the competition analysis (the need to look at competition) there were other ones for the NPS. As a substitute require adequate information from the operator to be given to NPS and FAA as to what the operator is requesting then both agencies would have to agree: FAA based on aviation safety and NPS on harming park values, then move forward.

Karen Trevino – procedural request for Chairman, for Grand Canyon subgroup experts to sit in on discussion. No one had a problem with that.

Don Barger – Are we going to rehash yesterday's discussions, do I need to restake my ground? Lynne Pickard – she has those issues down, give her suggestions.

Elling Halvorson - take issues one at a time see if there is a basis for consensus. #1 - exempt low activity parks. There's a process for NPS to take into account peculiar circumstances and still do an ATMP.

Lynne Pickard – way it is envisioned is you don't have to keep to grandfathered capabilities, if exempt operator could grow to 40 or 50, only if it went above 100 which would automatically kick it out of exemption or new entrants kick it over or NPS director says rescind.

Alan Stephen – Part 91 operators can fly sightseeing within 25 miles. FAA does not know what is occurring by operators out there currently. If Part 91 or Part 135 and over an exempt park you got to local FSDO and report what number of operations they are flying. If exempted how do you track operations to show that it is still under threshold?

Don Barger – proposal exempts park from ATMP but not Act.

James Whitlow – If amended wrongly, then the 91 flights only allowed by agreement with NPS superintendent would be allowed.

Elling Halvorson – as a matter of practicalness, with less than a 100 operations in park currently not really a danger that number would dramatically increase.

Bryan Faehner, NPCA or Brian Brusa (Maverick)? – Is issue of enforcement and accountability addressed in this legislation? GAO reports says lack of information regarding what is occurring at the parks. Is that built in to ATMPs (reporting requirements). Legislation will look at outstanding GAO issues and get this resolved. Status of effects of fees on operators, his group needs as much info as possible and as soon as possible.

John Bych (Maverick Helicopters) – FAA says IOA is enforceable but respectfully disagrees. IOA is being circumvented but it is not verifiable. Whose counting, is burden on park, airport, honor system. Agrees with Don Barger on enforceability issue.

Lynne Pickard – practical issues with trying to verify IOA numbers. Some can be solved, some can't.

Heidi Williams – Letter of Agreement may not be best, some reporting requirement needed however. Part 91 operator needs authorization between FAA and NPS to fly over park.

Chip Dennerlein – we are going to live under IOA for a long time, no IOA enforcement now, FAA said there are problems that may or may not be solvable, GAO in two reports said this is main thing to be cleared up. Why is this not in legislative process.

Lynne Pickard – Do we have legislative authority already. On environmental proposals, program office said we already had legal authority on it. So we are not going to Congress to ask for something we already have. To make it work we need to get rulemaking not legislative authority. Priority wise, FAA's rulemaking calendar is hard to get space on that calendar, environmental is not high priority, this is not going to make the cut. Don't need rulemaking for IOA enforcement.

Karen Trevino – Doesn't see reporting as silver bullet but it would help. Philosophically FAA chooses not to over-regulate industry. Environment falls below safety. Doesn't regulate because of burden to industry. FAA needs to understand that by not regulating it's having a perverse effect on this industry by hurting good operators. You have

environmentalists and air tour operators saying they want reporting requirements and enforcement.

James Whitlow – FAA resources are limited.

Lynne Pickard – for this provision and we add in new category called exemption so maybe we can tinker with this to provide enforcement.

Elling Halvorson – is part 136 going to become reality soon. 136 is new part of air tours. When 136 comes out in next few weeks does it require those identified by 136 to also be 135 operators? Alan Stephen - sightseeing is being done under Part 91, these operators are barnstormers who got vociferous on the proposed legislation.

Lunch break at 12:20 to 1:30 p.m.

Chip Dennerlein – exemption should include reporting, he can go with it, can't come from another place.

Matthew Zuccaro – People overflying their allotment - how is that known? Air tour operators have indicated as such.

#2) – voluntary agreement concept. Elling Halvorson likes it, Chip Dennerlein likes it. Better to cooperate it than regulate it (like safety issues for FAA, better success, compliance rate since its voluntary).

Charles Maynard – If everybody agrees to it all, then why wouldn't that be an expedited ATMP with enforcement ability after that? This was the Hawaii model, but it's breaking down because there is no ATMP. Then write the plan up according to what everyone has agreed on.

Karen Trevino - Like it in concept but doesn't go far enough, when it doesn't work in some areas that's a problem.

Lynne Pickard – There is public involvement in voluntary agreement. Voluntary agreement differs from expedited process by taking FAA further out of process, only 1 agency involved primarily so it is quicker. Less procedural / administrative processes.

Mr. Brayer made a side comment, prefaced that this is not negative but an observation, the reason we selected the parks that we did to start with is because they had voluntary agreements at Hawaii and Mt. Rushmore. Expected this would be a piece of cake and now the voluntary agreements are almost out the window.

Elling Halvorson – Part of initial Hawaii voluntary agreement was that if ATMP was written around that voluntary agreement, that would have hung together better. New operators in / old ones out, it's lost its effectiveness

Alan Stephen – As superintendents change, they may not like the voluntary agreement. Businesses need permanence of the voluntary agreement not just left to the whim of a new superintendent. Lynne Pickard - If voluntary agreement falls apart, then it reverts to IOA.

Don Barger – Perspective that voluntary agreements are in place that predate ATMPs it should be a cakewalk. Saying having public input does not take place of NEPA. Can identify bad management decisions without NEPA process and just a public comment period.

Alan Stephen – should there be a period of performance for the voluntary agreement so the park superintendent can't change it on a dime. Lynne Pickard – new superintendent could also ask for an amendment to an ATMP so that is still a problem.

Chip Dennerlein – Best way to do business is to establish working relationship with the park superintendent. Incentive is to have them craft a preferred alternative and use in an expedited ATMP. There should be some way to bind the NPS and operators for some period of time without the superintendent switch issue. Will this only work with single operators? Lynne Pickard - could see this working with multiple operators. Shouldn't be held up if only 1 out of 4 operators agreed to sign on to voluntary agreement. Chip – put in bidding criteria that the operator would have signed on to a voluntary agreement.

Frank Turina – With Mt. Rushmore, there was an agreement on routes but not on numbers. Over the 20 to 25 years that original voluntary agreement was signed, the numbers grew a lot so park was unhappy. Vicki McCusker - said this is the same thing that might have happened in Hawaii, and a gap between IOA reporting numbers and what park was collecting in fees.

Elling Halvorson – Needs to be some stability when a new superintendent comes to a park. Should be a regional (NPS) approval can't be done on a whim (by park superintendent). Chris Shaver – ATMPs are signed by regional director not superintendents.

Karen Trevino – People don't sit down and enter into voluntary agreements against their interests, however, if given choice between something that won't be enforced versus what would be enforced, they would move toward the non-enforcement choice – voluntary agreement. Lynne Pickard – NPS could opt out with sword of having an ATMP established over the operators head.

Charles Maynard – NPS may not like voluntary agreement if it doesn't have enforcement like an ATMP due to the lack of enforcement issue. So why not write it into the voluntary agreement.

Lynne Pickard – one thing the NPS may like in the proposed legislation is that park can put in fees. Chris Shaver – can we ensure it goes to park and not Treasury?

James Whitlow – is there a park with a comprehensive voluntary agreement that we could use as a test case. No.

John Bych (or John Dillon?)– has talked to park superintendents about entering into a voluntary agreement. They have been ecstatic that John met with them. They have low IOA, about 20. He goes to Montezuma Castle and a few other parks in a geographically clustered area.

Frank Turina – look at literature on what works what doesn't for self regulation (re: voluntary agreement). Research has been done on fisheries in the northwest.

Chip Dennerlein – Go forward with voluntary agreement for a number of reasons. It is a vehicle with an end result, not just let's talk. Benefits to craft alternatives legitimately. In future it will give Alaska superintendents a model to follow as it evolves. Promising tool to use in whole or in part.

Terry Flieger – in Mt. Rushmore there are other stakeholders as well, if we go buffer zone alternative then US Forest Service is affected. Lynne Pickard – envisioned as part of public review of voluntary agreement opportunity for public comment, not however being a party to the agreement.

Chris Shaver – likes voluntary agreement but needs consequences if not followed to be explicit. Doesn't want to revert to IOA which has no enforcement or consequences.

Lynne Pickard – add something in legislation itself as to what are consequences, voluntary agreement is pretty vague so NPS could write in what they want for consequences. **NPS to send input to Lynne Pickard in writing re: consequences. No deadline given.**

Matthew Zuccaro – if its IOA, VA, or ATMP whatever its called, NPS not going to be comfortable with it without the consequences / enforcement. You have inadvertent events sometimes, blatant violations are something different. From association perspective, voluntary agreements get better results and quicker response from industry. Voluntary agreement need to be monitored, surveilled, and an ongoing relationship established.

Karen Trevino – with FAA out of voluntary agreement loop, burden falls on NPS, agency with less resources.

Lynne Pickard – we did voluntary agreements so NPS and FAA don't spend time and resources arguing over impacts. NPS can write their concerns into voluntary agreement.

Don Barger – Given FAA concerns with putting name on documents about park protection decisions, why not just say these are NPS decisions. Lynne Pickard – Under NEPA, FAA is lead, we will not defer to NPS about what impacts are. Consequences for air tour operators are that flights limited or banned. Don – FAA determines the impact, but NPS has on ground jurisdiction they make that decision. Lynne – Act says we sign the decision and FAA can be sued on it.

Karen Trevino – How are PFCs collected by airports with FAA approval different than collecting air tour fees for overflight impacts to parks. Alan Stephen – don't go blindly into putting fee language in the proposed legislation without talking to the operators or else a fight will ensue.

#3 – IOA flexibility. Lynne Pickard went on - thinking of removing some of the tests that seem to carry the administrative baggage process with less info supplied to NPS and FAA. This is an existing operator or new entrant (there is no ATMP or voluntary agreement in place) just IOA. 6 years into the Act and someone wants to modify IOA, we don't know if it can be approved or not. Can't be done unless there is a shown net

benefit to park resources, tribal lands, or something and for new entrants if needed to ensure competition.

Chip Dennerlein – Lynne's' 1<sup>st</sup> two proposals implement James Whitlow's expedited process. Exempt small parks or go to voluntary agreement. Then we go to an expedited ATMP.

Heidi Williams – Talked about parks where operators are not using their full IOA operations. Couldn't you allow new entrants without going over the cap and harming park resources.

Lynne Pickard – IOA is not necessarily an agreed upon good threshold bought into by park and others. May require more environmental analysis to see if that number is something they would be comfortable with.

Karen Trevino – for voluntary agreements, say there are 5 or 10 operators flying and we're shooting for a voluntary agreement, superintendent could have an independent voluntary agreement with each operator or one voluntary agreement. Could industry work together? Alan Stephen – yes, they are doing it at Grand Canyon with west end and east end issue, they are a cohesive group. Chris Shaver - asked Elling Halvorson was there public process involved, Elling yes.

Chip Dennerlein – don't have any way to modify IOAs without complex process. Can't you adjust a route for protection of resources (to benefit park) like not overflying a breeding area / campground then they could get more operations. Don't think we can move forward IOA legislation because we don't have good IOA numbers and people are violating them so how can we go to Congress to say we need to ask for more flights.

Heidi Williams – applications for new entrants or more IOA how many are there and where. How many are on the table? Steve May – approximately 50 park units with applications for new entrants, and 6 to 10 for IOA increases. Heidi - Appalled that there are 50 operators waiting in the wind on this for 5 plus years. They should be given a status indicating not to expect any movement for years.

Lynne Pickard – next step is to propose the voluntary agreement legislation with FAA and DOT as part of President's reauthorization process then goes to OMB for circulation to all federal agencies, then becomes Administration bill in March 2007 timeframe, then there are House and Senate bills then go to committee hopefully reauthorization in October 2007.

### **Quiet Technology Group discussion**

Mr. Brayer – Quiet technology has been a discussion under numerous agenda items over last 2 days and we've had subgroup discussions on this as well. Now we are at last hour before Draft EA on Mt. Rushmore goes out, so we need input sooner rather than later. Law says we need to have quiet technology incentives, doesn't say to what degree. We'd like to make the incentives meaningful. Spoke to Maverick Helicopter about some of their investments in quiet technology recently as to what they are doing without revealing some of the company confidential information – let them provide some discussion.

John Bych with Maverick Helicopters - in Las Vegas had EC-130 (ecostar), was an issue in downtown Las Vegas and was going to be an issue down the road in Grand Canyon. Did noise test downtown and liked it so much in terms of noise reduction they switched out 100% of fleet to this model, costs about doubled. Still no real incentive to do the switch, was talk of additional routes or flights above cap. Looked at starting their operations later in the morning, increase operations later in the day. At Grand Canyon they'll be 100% quiet technology soon and at Sedona as well, so they are committed to it. There are additional costs, and problems with debugging (windows get cold, they crack, copters down for 3 or 4 days to repair). Modifications have been done over time so they have 2 or 3 different versions of the model. Vibration issue in back seat. On backend for operators there are a lot of issues and costs associated with this switchover. Hoping one day there will be a benefit down the road to recoup there investments with tax benefits or route additions, etc. If you could lift curfews you could get visitors to stay overnight and spend money locally.

Mr. Brayer – At Grand Canyon, people are talking about making quiet technology mandatory. There would be a sunset for older aircraft.

Don Barger – do they advertise to customer they use quiet technology? Yes. What feedback have they gotten from patrons – can't say because they are eco-friendly they get more business. South Rim visitors want budget, some Las Vegas customers want best of best, cost immaterial.

Alan Stephen – letter from Chevalier ecostar operations over A-stars, cost one operator \$3M more to operate over 4 years. At Grand Canyon same thing, no recouping of costs. Grand Canyon coalition says only incentive needed is the ability to continue to operate. With incentives, quiet technology gets in faster. Ask for longer operating hours, no caps, overflight fee should be an incentive (does not pay for it over long term, just gives you incentive to get it). Need to get more utilization to amortize the quiet technology costs to pay off the investment, maybe just do it over amortization life of aircraft. Under IRS regulations over 6,000 pounds weight of aircraft you pay fuel and tax surcharges and federal excise taxes. Under 6,000 pounds weight - fuel tax only – its only \$.70 per passenger. Want to see some equity in excise tax for level playing field. Healthy air tour industry can invest in quiet technology. Knows there won't be two separate routes for conventional and quiet technology aircraft since that would double the noise footprint.

Mr. Brayer – ATMP couldn't include excise tax. But reauthorization might be the vehicle.

Karen Trevino – Got tax break for buying Prius, DOT had tax breaks for trucks and other vehicles. Can DOT do it for aircraft too? James Whitlow / Lynne Pickard not aware of any FAA incentives. Explore those options with agencies for grant monies.

Matthew Zuccaro – Quiet technology is one of the things they lobby government and industry manufacturers too since noise reduction is one of their biggest concerns. Now NASA getting out of the business. For original certification of aircraft there is a noise threshold to meet.

Chris Shaver – come up with average across fleet for corporate average on quietness, those above buy credits from those below. These are tradeable credits. Tax breaks don't provide disincentive to those not on board with the program.

Elling Halvorson – Cost of that aircraft (the 130) has gone up about \$400K over last 4 years and operating costs are much greater. When warranties are over, the costs are very high to overhaul the engines. Use overflight fee reductions to recoup costs. Or add routes / flights as incentives. Takes a long time to bring quiet technology aircraft online versus snowmobile example Karen had. Industry more concerned with military, tour operators small portion of the industry segments.

Alan Stephen – FAA has exempted float planes over 6,000 pounds so FAA should get this for air tour operations as well.

Lynne Pickard – For this reauthorization it is in two pieces – finances and programmatic (environmental is in programmatic). Finances is on earlier faster track, already at OMB so we may have missed the boat on influencing the bill inhouse.

James Whitlow – what's normal replacement process for operator – no answer. 30 years more or less– Elling Halvorson – preponderance of aircraft sold in last 8 to 10 years is French aircraft and we're responsive to them as operators.

May be ability to piggyback on DOD contracts to get noise reductions from manufacturers since DOD is biggest customer in market. If military puts it in specifications then it ultimately ends up in commercial fleet too.

John Bych from Maverick Helicopters – EC130s limited in distribution, corporate clients are trying to leapfrog waiting time by offering money for their slot for purchase.

Karen Trevino – in terms of incentives DARPA is interested in quiet technology. Park Service just got \$3M from DARPA for research. Is quiet technology cleaner? Matthew Zuccaro – not on air quality side, just aerodynamically. No gas savings.

Don Barger– does this stuff meet the ATMP incentives definition.

Ann Carroll – excise tax issue, this group needs to find incentives, fixed wing and large helicopters have issues with excise tax, so have NPOAG group make a recommendation to correct this language, Ann can send this language to the group, Joint Committee on Tax feared over 6,000 pound criteria would theoretically, for example, apply to UAL flying to Hawaii saying they were on an air tour. Needs to come as recommendation from NPOAG. **Ann will email the reference to that in the bill and email to Lynne re: under 6K exemption on excise tax.**

Chip Dennerlein – Is quiet technology leading edge technology or using existing technology to make things quieter? Lynne Pickard – FAA listed rule for quiet technology at Grand Canyon, NPOAG accepted this for ATMPs at other parks. Lynne's office put out Advisory Circular that lists specific aircraft that are quiet technology or that are not.

Frank Turina – On Mt. Rushmore, from here on out when we do alternative developments we will consider quiet technology incentives. For ongoing ATMPs we haven't included the quiet technology. Our IP says we will come up with agency preferred alternative, for that alternative we will come up with incentives. Run some limited technology comparisons using quiet technology versus conventional aircraft to see benefits.

Steve May – Provided information from the previously released public scoping information packet indicating that Mt. Rushmore had 3 operators, 1 has IOA of 5,200 operations using a Bell 47, 1 has IOA of 365 operations use a Bell 47 and 206, last has IOA of 60 operations using fixed wing Cessna 172 and 206. Steve identified the current route structure at Mt. Rushmore. Interest at Mt. Rushmore is the sculpture. Their standoff from sculpture is ¼ mile away. In alternatives we have no action (IOA), no limitations, others with mitigations regarding restrictions. Part 136 says incentives need to be in ATMP not NEPA document. Fleet mix at Mt. Rushmore is right at or close to the noise curve for meeting quiet technology definition.

Elling Halvorson – if they purchased new quiet technology aircraft, any new quiet technology aircraft would cut a couple 1,000 flights off main operator due to additional seating.

Steve May – if we ban tours at Mt. Rushmore, your at ½ mile from statue versus ¼ mile with new quiet technology - is that incentive enough? No big altitude or time of day restrictions in alternatives that would prod them to invest in quiet technology.

Chris Shaver – as opposed to loosening restrictions you could gradually tighten restrictions. Make it a disincentive.

James Whitlow – statute requires incentives for adoption of quiet technology aircraft for tour operators. We can meet statute if other operators want to pick up operations from main operator, then we say that the incentive is the other two can pick up those operations with quiet technology. Part of ATMP incentive is to seek increases in operations with quiet technology. Incentives are independent of operators.

Chip Dennerlein – fact is fixed wing has 60 operations and wants more he has to fly his 172 quiet airplane.

Matthew Zuccaro – Two Bell 47s operator has 5,200 operations. Where did noise curve data come from? This aircraft was manufactured before noise certifications were even issued.

Heidi Williams – Concept of the incentive for one operator hurts the one guy who is in compliance. If he is already at quiet technology, give it to the guy with quiet technology.

Steve May – What can we do to get that person with 5,200 operations to buy the new aircraft to double his passengers and reduce his operations?

Karen Trevino – Quiet technology incentives should not have perverse effect on noise limits over current levels.

## **2<sup>nd</sup> Public Comment Opportunity**

Dick Hingson from the Sierra Club – Asked if we had passed the San Francisco NPOAG meeting minutes yet? Yes. He wants to provide written correction to the draft meeting minute notes prepared for the San Francisco NPOAG. Chairman allowed it. Mr. Hingson provided staff with written corrections to the meeting minutes which were incorporated into the final version.

Bryan Faehner from the National Parks Conservation Association – thought it was great that common ground was found on reporting and record keeping and enforcement. But another common ground piece was the need for quiet technology. Wants to know about how to change the excise tax rule. Can we pursue this in the reauthorization process?

John Bych from Maverick Helicopters – appreciates the opportunity for input.

Meeting adjourned at 5:30 p.m.

## **DAY 3, Thursday, November 30, 2006**

Chairman Brayer called the meeting to order at 8:15 a.m. Thanked Kezia from NPS for the nice dinner venue last night. There is language in the NPOAG charter regarding what constitutes a quorum, indicated that the record should show there is no quorum for this morning's meeting, so no consensus will be achieved but we will still meet.

Steve May continued on with the quiet technology discussion from yesterday – had discussions with James Whitlow / Matthew Zuccaro / Elling Halvorson about using an incentive for any growth that would occur at park assuming limitations were placed that would require the use of quiet technology aircraft.

James Whitlow – Knows at Mt. Rushmore that the smaller 2 operators will want to grow, and that new entrants and increases in operations will require quiet technology. That would meet statutory standard with those 2 things. Operational growth comes from the bigger operator.

Chris Shaver – at Mt. Rushmore with disagreements over impacts between 2 agencies and NPS saying there are impacts, increases even with quiet technology would be bad. But new entrants with quiet technology would displace existing noisier ones.

Karen Trevino – If at a park with 6 small ma and pa operators, would we be shutting out the opportunity with these limited businesses.

Matthew Zuccaro – make sure any incentive will get you to the benefit you want.

Steve May – big Mt. Rushmore operator didn't fly this season but is still in business.

Chip Dennerlein – Hesitant to focus quiet technology on growth, should be on limits.

James Whitlow – Means a growth by an operator not a growth at a park (if operator disappears the other picks it up, maybe at an overall reduced level of operations). The

provisions of the increased operations to that specific operator would include quiet technology requirements.

Frank Turina – That's a reasonable approach.

Don Barger – If only small operators that may not be a meaningful incentive, but would be meaningful within the industry. Need to be careful that quiet technology acquisition should not presume growth from the operator's perspective.

Chip Dennerlein – in competitive bidding situation, does the operator have to have the quiet technology in hand or does that business operator bid contingent upon getting quiet technology. The latter. Is the goal to get operators to use leading edge quiet technology or just something quieter (improvement over existing levels but not leading edge).

Mr. Brayer – operators already have quiet technology, he should get some level of increase since he's already made that purchase. Whatever the incentive should be, increases in operations or closer routes or lower altitudes, they should be able to get that since they've already made that commitment.

Chris Shaver – if any limits are to be made, the initial allotment should go to those with quiet technology already.

Karen Trevino - asked Matthew Zuccaro if there is a benefit to an operator to use quiet technology. Matthew - No other benefit in terms of less cost or other factors, only benefit is less noise. Quiet technology aircraft are more costly to insure.

Don Barger – Need a systemic incentive so we don't have to look at this at each park with collateral problems. Since we look at parks with receptors we want to reduce noise to park so we don't want to dis-incentivize a person who has gone out with the quiet technology. Like for air quality you use best available control technology (BACT), you look at list as to what constitutes quiet technology and that list changes over time with technology advancements.

Frank Turina – Limiting flights at Mt. Rushmore assumed allocations are going to stay the same as they are now. Do we have to open Mt. Rushmore up to a competitive bid operation.

Mr. Brayer – if impacts justify limitations they must be justified.

James Whitlow – primary operator may not continue his 5,200 operations allocation. Give lower two operators what they've got and give the bigger one a reduced number which is below the existing overall level for the park. How much is he going to reasonably operate? This way big operator does not get to dispose of unused operations that he wouldn't fly anyway.

Frank Turina – There is a comfort level in knowing there is an operational limit number (5,608) at Mt. Rushmore.

James Whitlow – Do not establish that limit, need to identify what can we tolerate at that park. If we start preserving current levels of operations then we avoid problems.

Chip Dennerlein – You need a number, public did not decide the number at O'Hare, but at Mt. Rushmore they will inform through the NEPA process as to what that number is. You need to tell people what the real number is. At Mt. Rushmore and other parks, it is not flights but an asset. They will care if we reduce those numbers to reflect operational reality.

Karen Trevino – process wise, in terms of putting quiet technology incentives into management plans or alternatives, one of the incentives is more plans or other routes, we are saying that impacts could rise but not above a threshold level, does that mean we have to do that modeling as part of the Draft EA. Yes.

Steve May – with James Whitlow's option, we wouldn't have to model anything since it's a zero sum game.

James Whitlow – Get as close to preserving current levels as possible to avoid litigation over the operators' abilities to keep their businesses operating.

For operating authority (OA) we would have to do NEPA process for an increase. If the original analysis was at 5,200 and we allocate only 4,800 would we have to do NEPA again if someone comes in later for 400 ops. No, do a written reevaluation of EA.

Don Barger – if we've established a number based on a threshold level of significance, it's our intention to view that as a cap, we are managing minimally acceptable parks. That is not the mission of national parks. The process for considering increases is a mutual process between the agencies and the park service fully accepts that mission.

Steve May – Discussion yesterday talked about “tangible” incentives, struggling to translate that into an incentive for the business operator. Chris Shaver – at Mt. Rushmore there is only one feature so you can't change routes, altitudes, etc. Steve May – bring in a consultant to see if they can relate a tangible benefit to the operator for buying quiet technology.

James Whitlow – are there things we can do for operators outside the park overflight arena to benefit the operator (like the excise tax issue).

Mr. Brayer – have consultant look at all options.

Chip Dennerlein – if FAA wants to provide real incentives for quiet technology aircraft, but with respect to the direct issue of this Act, the reality of quiet technology is going to be in the built-in incentive of continued business of operating in a National Park. Lots of people selling their businesses to other operators. Apply quiet technology to those transfers.

Matthew Zuccaro – Change in ownership shouldn't trigger the need for quiet technology if you were flying it that way before. Hold them to same criteria as previous owner.

Chris Shaver – NPS was never party to allowing overflights in the first place. Now trying to ratchet down those impacts.

Lynne Pickard – heard increases and new entrants using quiet technology as an incentive not as across the board implementation.

Karen Trevino - Who is going to buy the business if it is not transferable?

Mr. Brayer – FAA, via Volpe, will be hiring a consultant to study quiet technology incentives.

Chris Shaver – increase the scope of the study to go beyond Mt. Rushmore in terms of study.

Frank Turina – need to do some modeling to find difference between quiet technology and existing technology.

### **Open Agenda Items**

Chris Shaver – at Mt. Rushmore we did IOA and zero but nothing inbetween. That is causing heartburn in terms of determining level of impacts. Chip Dennerlein – if so, that means we don't have a full range of alternatives. Don Barger – the final decision would include a reduction in operations as part of a mitigation in the final document. The responsibility to determine a full range of alternatives in the decision has not been met. Steve May – don't just look at operations, we had 8 alternatives with different routes, altitudes, restrictions on time of day. Karen Trevino – now that we have analysis conducted on the alternatives we are doing some retooling / hybrids that may be developed now. Chip – have an alternative in park that achieves natural quiet. Advises that we use nothing and restoration levels (like at Grand Canyon). Lynne Pickard – put this on agenda for next meeting. Chris – when we have soundscape management plans in place we will in the future be able to gage the affects these plans would have on the parks. Chip – if we use 0 and status quo (IOA) and we agree IOA numbers are inflated then we need something less.

### **Final Public Comment**

Dick Hingson from the Sierra Club – Speaking for Sierra Club policy on air tours. Policy refers to full restoration of natural quiet in parks. The Act of 2000 goal was for relief and improvement, which included bans as an option. That was contemplated by Congress. In 1994 report to Congress, NPS had list that identified parks in “Resolution of Airspace Issues” and “Protection of Natural Quiet”.

Recommendation to NPS that they should review those lists to develop priority list for short term bans like the one at Rocky Mountain National Park that was in place since 1996. Perhaps for starters Zion should be the next one added and then Glacier. A reasonable goal by 2010 that there would be 10 parks with bans in place / or pending by the 10<sup>th</sup> anniversary of the Act. With 1 more annually by the 100<sup>th</sup> anniversary of the Organic Act in 2016.

NPOAG's role potentially useful in ratifying any list and timeline which NPS could initially develop and prioritize. The list would in any case represent NPS's desired conditions, with or without NPOAG. Without NPOAG, means potential for looking at this again in

Congress or Executive Directive. Advantages of having bans means no longer having to look at these things, like at Rocky Mountain National Park, it's a public benefit. Gives the public something to show in recognition of intent behind Act of 2000.

Bryan Faehner from National Parks Conservation Association– Used to work at North Cascades National Park, a group of Seattle kids from the inner city came to camp overnight and it was their first time in a park. It was an amazing experience for them, one of the things they noticed was how quiet it was, the city kids never experienced it before and were amazed by how quiet it was. The Skadgett River that flows through the park means place of escape. Indians left Puget Sound area and went upriver (place of escape). Why do people visit national parks? It's to escape. Zion Canyon means place of refuge. People escape to be rid of noise, watching TVs, you can only get this in a few places, like a park. Parks are places of spiritual refuge. Hearing birds, leaves, rivers are natural experiences increasingly rare in today's world. In a poll conducted a half year ago, people were surveyed about what government agencies / services are most important – national parks came out high on list, above Social Security and others, our national park system is being copied throughout the world.

Bryan indicated that it was clear that role of the two agencies differ and are unique, they should agree on the common thread that they serve the people and work for the general trust. Interested in looking at Mt. Rushmore EA, that FAA is responsible for safety above the park and NPS is responsible for park resources, why does it have to be so complicated? Why are there two separate sections regarding noise / sound measurements on the ground? How does that affect safety in the sky? Answer is to use the NPS scale. How does having 2 sound measurements help the public, make it understandable? Before document reaches public, it should be 1 measurement and it should be NPS since it's affecting resources on the ground. FAA reauthorization – hope that FAA consider the two GAO documents in terms of fixing overflights of parks. Opportunity to include increased incentives for quiet technology, it's a low hanging fruit. Record keeping and reporting should also be considered in reauthorization.

Mr. Brayer – thanked Volpe, NPS, and FAA staff and DC staff for being there.  
James Whitlow– asked if NPOAG were adopting a park priority list if IOA numbers were in question? Chris Shaver – it may be a factor.

Chris Shaver – can we show consensus of NPOAG on need for enforcement and record keeping.

### **Closing Remarks by NPOAG – ARC Members**

Don Barger – Country divided into two political groups, called political parties. The public is being asked to ascribe to one of two different realities. It's not working in the country or in this meeting. NPOAG members feeling liking moderate Republicans and blue dog Democrats unable to get together.

He's made this speech before at every NPOAG meeting. It usually shows up in meeting minutes as "Don stated there are differences in approach between the two agencies and urged the agencies to get some clarity on what would resolve the issue".

Characterized this issue as the 2<sup>nd</sup> of two answers necessary to complete an ATMP – answering the "what" question and answering the "so what" question. For NPS, the "so

what” question has to be answered in relation to its mission in terms of protecting the park and visitor experiences, leaving them unimpaired. The Organic Act mandates protection of park. Answering the “so what” question in relation to national parks is precisely what Congress created NPS for.

From FAA perspective, their report to Congress on the effects of fees on the industry states 182K annual air tours conducted over parks and predict that will increase at rate close to commercial flights over next 10 years. FAA sees the expansion of air tours over national parks as part of their mission, then the only answer they have to “so what” question is – so what.

Congress stated in accompanying language to the Act how these differences were to be resolved in a cooperative process. “The Committee agrees with the National Parks Overflights Working Group and recognizes that the natural sounds are an inherent component of the scenery and the natural and historic objects and the wildlife within national parks that the NPS was charged to protect in its organic legislation. “The Committee intends that the development of ATMPs pursuant to this legislation be a fully cooperative process between the FAA and the NPS, which preserves the essential responsibilities of each agency.”

FAA has articulated that they believe they have a NEPA problem with following this intent of Congress. Disagrees, this is really about implementing decision-making structure Congress intended. This will not work out if NPS tries to tell the FAA how to fly planes or if the FAA tries to tell the NPS how to protect parks.

Elly Brekke – Stated she did not participate but was here on behalf of Bill Withycombe. She has been briefing him on the daily events and will do so in more detail upon return to regional office.

Chip Dennerlein – Was told it was an important time to do 1 more tour of duty on NPOAG. Now at moment of truth time, must produce a plan and a result or people will go for bans. Rocky Mountain Park was banned in 1996. It takes a long time to get Congress to do something, but it only took them 10 years to get ban. After 10 years we’ve got nothing to show. We’ve to face that issue and cut bait or fish. Otherwise we tell people there is only one model: all or nothing like Rocky Mountain Park. We had sustained, substantive discussions on important issues. James’ work was very good on the expedited ATMP process. That looks hopeful. Lynne’s two exemptions looked good also. Voluntary agreement discussion was good, significant common ground among NPOAG on making this work.

Haven’t, however, faced realities, dancing around, need to tell public it’s about numbers and limits. Public understands that there are this many trips and this many routes we have to be ready for that. We have to be ready for the bidding. Americans have an extraordinary sense of ownership of public lands. FAA and NPS – worried about two sound measurements, if you measure differently doubt you can agree on impacts. Worries there will be a parallel series of what NPS thinks and FAA thinks.

Concerned about IOA. After all this time we can’t count IOAs, after all this time don’t have ATMP, but we are looking at amending Act to put more flights and operators into park. Public may perceive that as unconscionable. FAA should accept that people on the ground can make decisions that don’t affect the skies. If not, then we will take the skies away a la Rocky Mountain Park. Your method for sound doesn’t have to be the

one, your level of impact doesn't have to be the one, you can say that you understand the others persons perspective. Now there are only 2 choices.

Charles Maynard – 10 years ago 9 people met in a room, he felt at that time that this would be a hopeless endeavor. At the end of the day everyone agreed that national parks were important, everyone agreed to that and Chip said sometimes its inappropriate to fly across certain areas of national parks. Alan said give me an example were it is inappropriate – Chip replied hovering over the cemetery at Gettysburg. That's were the moment broke where there was agreement that things needed to be protected. It's not about natural quiet but natural sounds which are different things. It's about connecting and hearing what is out there. It doesn't matter when sitting in his house with his daughter how loud the phone rings and whether it is an interruption. It's about our relationship to the place we are living in. Relationships drive this process too. They will ultimately carry us through. Been in this a long time, started not knowing anyone in the room, now leaving with friends. Keep pressing on, there are solutions, but it's in the relationships with others that solutions will be found. Last word – thanks for the relationships you've had with me and I've had with you.

Matthew Zuccaro – As the new kid on the block thanks for the warm welcome. Looking forward to working with the group. Everyone's passionate. He is personally committed to it, with his agency and staff and members committed. Likes to work with real facts and standards and understood definitions. Get parameters and standards in place so you know when you get there. Need to have real expectations when you walk into the room. You cannot have realistic expectations, you cannot accomplish anything unless you move toward center. Everyone needs to be adaptable, need tangible understanding of what real problem is. Been doing this for 30 years for industry, was told at one point the goal from one opponent was to put them out of business, 7 years later he received a Christmas card from that same person. Thinks anything is possible.

Karen Trevino - Thanked Kezia, and Matthew, and Steve, and Charles (stay involved), Steve – congratulations, Kezia for setting up, impressed with Matthew and looking forward to working together. Thanked James and Lynne for their tremendous amount of work and their efforts. After getting to know them, she knows they fully understand the Act and the intent of the legislation.

She is both optimistic and troubled. Approach to implementing the Act – decision made that we do the ATMP and NEPA as one. They are really not one. There should be an ATMP that is supported by NEPA document. We don't manage parks for just a hair under a significant impact – if we managed that way no one would visit parks. Congress was articulate in the original Act and talked about natural quiet and protecting parks. Thought it was muddled thinking to say that “not a significant impact” is protecting national parks. She will look forward to getting back to doing the original intent Congress had in mind, not just doing a NEPA document. Air tours appropriate at some parks at some times and not appropriate at some parks at some times.

Mr. Brayer – Echoed Karen's comments on appreciation of what everyone has done. It's good that we have meetings and legislation that we have NPOAG. We sit in our offices doing modeling, drawing maps, looking over scientific data, it's good coming to a place to discuss what this is really all about. Thanks to each and every one for their time and energy and what they had to leave behind to spend time with us. Thanks for James and Lynne for doing all this work, and his staff for all they do, to Jock and Kezia for

setting up this great venue, for the public for showing up and providing input. Karen and her staff and Chris – we're talking several times a week, there's a lot going on to move this program forward as expeditiously as possible. FAA is committed not just to what law says but to the spirit of the law. We have had the experiences of walking in the parks and flying over the parks, not everyone can walk in a park. Both are appropriate and I think people agree. Welcomes discussion from Karen about how we got to where we are. Congress was clear in act: objective of any ATMP shall be to develop acceptable and effective measures to mitigate or prevent significant adverse impacts, if any, of commercial air tour operations upon the natural and cultural resources, visitor experiences, and tribal lands. That has been our objective. Wished Steve all the best. Thanked Charles, Chip entertains as well as informs, appreciates Don's passion. Met Matthew yesterday for the first time, thinks he made good selection, thanked Matthew for bringing his experience and knowledge to the group.

Karen Trevino – For next meeting, make announcement as soon as possible, 1<sup>st</sup> or 2<sup>nd</sup> week in April. She will try to do 3 meetings this year. She will choose easy city for people to get to like Phoenix, Las Vegas, Denver, etc.

Chairman Brayer – Closed by thanking everyone.

### **Meeting Adjourned**

Meeting adjourned at 10:40 a.m.

### **Walking Field Trip – Emerald Pools**

### **Walking / Hiking Field Trip – Zion Canyon**

### **Action Items**

#### **FAA**

- FAA will post the Final San Francisco NPOAG meeting minutes on the ATMP web site, incorporating corrections to the record from Dick Hingson of the Sierra Club.
- Per Alan Stephen's request, FAA will see what has changed from original Federal Register listing versus what is on our current list of 106 national park units needing ATMPs.
- FAA will send out Federal Register notice in February 2007 announcing NPOAG opening for Elling Halvorson's expiring position.

- FAA will email or mail CD with .pdf files of main ATMP reference documents to NPOAG members.
- Steve May and Frank Turina will brief Chip Dennerlein and Elling Halvorson on Mt. Rushmore mountain climbing issue.
- Lynne Pickard will go back through FAA channels as a policy person to see if Mt. Rushmore Draft EA can be released to NPOAG members prior to public review.
- Lynne Pickard will supply language on legislative changes to NPOAG members when she could.
- James Whitlow will check to make sure park overflight fees report was transferred to Congress, making it a public document that would allow it to be released to NPOAG.

### **NPS**

- NPS to send input to Lynne Pickard regarding suggested language on consequences of violating voluntary agreement. No deadline given.
- Karen Trevino will get someone to talk to James Whitlow about NPS's position on FAA's previously submitted air tour fee recommendations. FAA will provide to entire NPOAG, James will supply the recommendations.
- Mountain climbing white paper is being vetted internally for comments, Karen Trevino will see about getting that distributed to everyone.
- NPS and NPOAG to get email to Favi Garcia by Jan. 15th for comments and changes and information requests on expedited ATMP process straw man for Lassen Volcanic National Park.
- Karen Trevino will look into the possibility of doing Categorical Exclusions under DOI / NPS orders for the expedited ATMP process.
- Karen Trevino will check with Lassen Volcanic National Park Superintendent to confirm the expedited ATMP schedule that James Whitlow had laid out.
- Frank Turina and Steve May will brief Chip Dennerlein and Elling Halvorson on Mt. Rushmore mountain climbing issue.

### **NPOAG**

- Ann Carroll will email to Lynne Pickard the reference to the 6,000 pound exemption on excise tax that was in the bill.

- NPS and NPOAG to get email to Favi Garcia by Jan. 15th for comments and changes and information requests on expedited ATMP process straw man for Lassen Volcanic National Park.

**VOLPE**

- Terry Flieger VOLPE will look at identifying quiet technology consultant with experience in determining whether investment makes sense from a business perspective.