

**NPOAG Meeting September 25 & 26, 2007**  
**Fort Collins, Colorado, National Park Service Office**  
**Summary of Minutes**

Chair Karen Trevino  
Co-Chair Barry Brayer

Counsel James Whitlow were unable to attend

Members present:  
Matthew Zuccaro (HAI)  
Alan Stephen  
Chip Dennerlein  
Don Barger (NPCA)  
Mark Peterson (Audubon Society)  
John Dillon represented Elling Halvorson (Papillon)

Staff members present:  
FAA:  
Pete Ciesla  
Keith Lusk  
Roland McKee  
Paul Joly

No tribal representatives were present.

NPS:  
Chris Shaver  
Kurt Fristrup  
Vicki McCusker  
Randy Stanley  
Frank Turina  
Carla Mattix

FAA Regional Administrator Bill Withycombe and Deputy General

Day One:

Meeting Called to order at 8:35 AM by Karen Trevino

A Federal Register notice will be posted by the end of November to announce that Don Barger & Mark Peterson's terms as NPOAG members will expire in May 2008 and need to be refilled.

Chris Shaver noted a recent interagency meeting in order to resolve some of the issues in advance of this meeting and focus the discussion topics.

Bary Brayer gave an ATMP program update:

- Mount Rushmore EA is moving forward
- Version 2 of the Draft Implementation Plan nearly ready, with thresholds of significance being the major remaining issue
- FAA reauthorization is still pending with some language regarding IOA/OA reporting requirements.
- Flight standards – Gene Kirkendall is no longer involved. Roland McKee and Paul Joly will be the key people for all of the ATMPs: IOA, and flight safety, while Norm Elrod will be handling the database and operation accounting.
- Web-based system for air tour reporting is on hold until reporting requirements are finalized.

There was discussion regarding the problem of incomplete information for quantification of impacts to park resources, mentioning the Precautionary Principle and the Organic

Act. Questions regarding impact topics, appropriate metrics & threshold parameters which signify significant impacts were raised.

Don Barger noted that ATMP funding will no longer be available after 370 days which should be a factor in setting immediate priorities.

Vicki McCusker & Pete Ciesla gave a presentation of Version 2 of the ATMP Implementation Plan. There was a discussion about the difference in management styles between NPS and FAA which may cause issues, but while it was agreed that different guidance exists there would be clear documentation of how decisions were formed noting each agency's perspective. A Compact Disk containing a copy of the Implementation Plan was provided to the NPOAG members at the meeting,

Karen Trevino and Lynne Pickard will be meeting with TSA and DHS personnel to discuss security issues.

There was extensive discussion regarding climber safety issues in parks, specifically Mount Rushmore, based on speech interference and distraction from aircraft noise. Major action items from the ensuing discussion are as follows:

- Karen Trevino will draft the NPS response to the climber safety letter.
- Keith Lusk will distribute electronic or hardcopies of the climber safety letter to requesting NPOAG members.
- Frank Turina will remove language specifically referring to climber safety from the Mount Rushmore ATMP.

Frank Turina and Keith Lusk gave a presentation updating members on the Mount Rushmore ATMP.

- Keith Lusk and Frank Turina will be exchanging white papers regarding the outstanding MORU issues as presented (e.g., climber safety, speech interference, etc) in the next 30 days as they are reexamining the alternatives.
- It was noted that there is no sunset for IOA. There was a debate regarding the implications of indefinite IOA even when an operator no longer conducts flights.
- Roland McKee had been asked to document the definition of what IOA management is.
- The general consensus is that while IOA is important, the focus should be continuing to work on the ATMP's which would eliminate the need for IOA in parks with an established plan.
- Peter Newman gave a presentation on visitor use in National Parks. This presentation focused on the acoustic environment and the relationship between natural resources and people in the environment. The idea is to help inform decisions regarding management and balancing competing uses.
- One of the discussions involved what people perceived to be acceptable vs. unacceptable and the level of annoyance they reported in each case. Location is an important factor in these studies.

- A goal of the Soundscapes Workshop in October will be to improve the Social Science Surveys.

There was a legislative update by Lynne Pickard

- There is a lot of room in the act for voluntary agreements with an air tour operator instead of an ATMP. The agreement must address issues of visitor enjoyment and may include provisions in the act or an air tour plan.
- The only worry regarding voluntary agreements from the perspective of the Park Service is that it is not limited to parks with small numbers of air tours.
- Karen Trevino & Lynen will discuss any initiatives and/or provisions that may come from the FAA reauthorization bill in the next few weeks.

There was a discussion on the status of the Grand Canyon Overflight Process.

- Barry Brayer predicted a deadline of early 2009 for the analysis and reanalysis that will be done for the Grand Canyon Working Group.

Continuing the ATMP updates:

- Badlands has been progressing through Tiger Team reviews, but the major effort has been focused on Mount Rushmore and its issues. There is an effort to get Tribal involvement regarding the issues at Badlands.
- Hawaii Volcanoes has another round of meetings scheduled for November with the intent to develop an alternatives report following. They conducted a rapid ethnographic assessment as part of the cultural assessment with questions on overflights included.
- Lake Mead is still on hold.
- Two parks have been tentatively selected for an expedited ATMP ARC process, Colonial NHP and Mt. Ranier NP.

Kurt Frstrup gave a brief report on the technical team which comprises of 8 people evaluating metrics and impact parameters relating to NEPA analysis in the Grand Canyon.

- Alan Stephen was impressed with the new technologies but skeptical about use in threshold determination. He would like to see the results of the technical team.
- Barry Brayer was pleased that the team will characterize the strengths or weaknesses of levels and metrics because weighting the information is important in the decision making process.
- Karen Trevino noted the use of adaptive management as a means to an end in ATMP situations, and suggested a future NPOAG presentation on the principles of adaptive management as an IOU.

Day Two:

There was a lengthy discussion regarding the authority to determine and/or mitigate impacts on the ground.

- Chris Shaver expressed disappointment in the fact that process will not move forward at this time without either agency conceding.

- Don Barger noted that the agencies do not use the same terms. The question is not about impacts, rather the determination of significance of an impact on park resources or values.
- Lynne Pickard believes that both agencies opinions should be disclosed and considered when a difference occurs.
- It would be useful to identify the skills that would be used to determine whether an impact is significant or not, and find out what each agency could bring to the process in that regard.
- Don Barger wanted to know how the difference is to be resolved when both agencies are using a best science and methodology, a decibel increase is observed, NPS thinks the difference matters, and the FAA does not.
- Lynne Pickard responded that the NPS thinks that this kind of issue can be resolved by a different air route through the park. Would everyone in this group be comfortable with that?
- Alan Stephen is not comfortable with that option because it would not be acceptable to re-route flights over an area of a park without scenic or cultural value. He does not want to see decisions made on anecdotal or subjective evidence.
- Chris Shaver noted that if best available scientific information, then the park will use professional judgment.
- Matt Zuccaro observed that while FAA has total authority over the airspace, NPS has authority to protect the environment and the people on the ground. The FAA must determine how to satisfy that need in terms of mitigation. If the NPS determines an impact, the FAA has the right to challenge that impact.
- There was a general push to move forward with an ATMP.

Frank Turina and Keith Lusk continued their update on Mount Rushmore:

- The presentation noted how impact to visitors was determined, and while the FAA & NPS did not agree on many of the sites, they did agree on a major and minor threshold.
- Karen Trevino and Frank Turina agreed that the MORU chart should be re-done in a way that incorporates what it sounds like with nobody there and what it sounds like with air tours there.
- Karen wanted to remind the group that we are starting with the parks with the most air tours and therefore the highest likelihood for greater impacts and that theoretically the process should get easier with time.
- Roland McKee and Karen Trevino raised a discussion regarding what it means to have a major and minor impact finding. The purpose of NEPA and all of this is to provide disclosure to the public. Not every major impact determination constitutes an impairment of resources, however if there is an impairment indicated then the NPS cannot sign a determination.
- Karen Trevino noted that the Park Service is loathe to restrict access, particularly to recreation, and that the decision is not taken lightly. She wanted to know which was more important from the perspective of an air tour operator, the numbers of tours given, or the type of tour offered. Alan Stephen responded that

it differs by circumstance and that air tours are constrained by market value and operating costs.

Opinions from each NPOAG member regarding authority and progress were heard:

- Don Barger: It is clear that Congress gave authorization and jurisdiction to NPS to determine impact on park resources and NPS should give FAA the same respect on determining impacts to flight safety.
- Matt Zuccaro: The method and mission is that both agencies get to do analysis and make a determination. No one agency trumps the other. Anyone can raise an issue, but the bottom line is that both agencies have expertise and have a cooperative mandate. The method given is to use governmental procedure when there is a discrepancy between the agencies.
- Alan Stephen: CEQ is here to solve these disagreements. Beyond CEQ what other way is there to resolve this?
- Mark Peterson: It is hard to justify how the front country experience is going to be impacted. When the EIS is released, there will probably be a lawsuit if people feel you are impairing resources. The CEQ process needs to play out.
- Barry Brayer: The Grand Canyon Overflights Act states that the park service makes recommendations and the FAA implements those, unless there are safety issues. The key is cooperation in development of these plans. . This is different than other procedures under NEPA because the law requires joint signatures in this case.
- Chip Dennerlein: Congress talks about whether air tour activity is appropriate over a particular national park, and there are parks where air tours may never be appropriate. Congress defined significant impacts in the legislation: Significant impacts are impacts that compromise the ability of a visitor to experience a park in its intended context. The determination should be: Is it appropriate here and under which conditions can they take place?
- John Dillon: Basically this boils down to the fact that the agencies have issues. This meeting has been productive in some ways, but it is ridiculous that we have not reached a conclusion to these issues after so many meetings.
- Kurt Fristrup observed that while things do not seem to be moving at the management level, at the staff level there has been a lot of positive progress.

Karen wanted to know if the two agencies would be able to choose a preferred alternative for MORU.

- Matt Zuccaro noted that each situation is unique and while there seems to be no resolution at Mount Rushmore that does not define the entire process.
- Don Barger agreed and noted that Mount Rushmore should move forward on alternatives without having to deal with dispute issues. He wants to leave here knowing that the agencies have decided on a path for resolution as things move forward.
- Barry Brayer suggested that a restricted draft ATMP be shared with NPOAG and sometime after a meeting can be held to discuss and get input from the group.

- Karen Trevino would like to have the NPOAG chairs make some relevant phone calls and work closely to resolve agency issues. If they cannot work together in a better way, then the matter can be elevated to CEQ later.

Regarding the potential climber safety issue at Mount Rushmore:

- Kurt Frstrup will take the technical questions and recommendations formulated from the climber safety discussion to the technical team.
- Frank Turina will take out all content on climber safety except to say that there is a certain level or time of speech interference for climbers.

Public Comment:

Dick Hingson:

- Time and money is running out.
- If the idea is to start where the impacts are greatest why has Bryce Canyon not been brought to the top of the list?
- If Bryce Canyon, as Alan Stephen noted, is inappropriate for air tours due to topography, why is it not at the top of the list as an easy park to consider for an ATMP?

Bryan Faehner of NPCA:

- I appreciate Karen being direct on the jurisdiction issues.
- It is good that the climber safety issue discussion took place with this group.
- There has been a lot of good agreement, but not between the FAA and NPS, which is a continuing problem.
- There were very good points made here on core problems that are impeding progress.

Barry Brayer closing remarks:

- I am not glad that we are working through differences and disputes, and I am glad we have NPOAG to provide advice. I am more optimistic now than I was earlier today.

Karen Trevino closing remarks:

- Thanks to staff and a note that while it was not as nice as going to a park, oddly this may have been our most productive meetings.
- A determination will be made regarding the use of a secretariat group to facilitate meeting dates, notes and coordination.
- The next meeting date will be set when the agencies receive more information regarding their respective continuing resolutions.