

**DRAFT**  
**National Park Overflights Advisory Group**  
**November 30 – December 1, 2010**  
**Meeting Summary**  
**Hilton Garden Inn**  
**Las Vegas, NV**

The National Park Overflights Advisory Group (NPOAG) met November 30<sup>th</sup> and December 1<sup>st</sup> at the Hilton Garden Inn in Las Vegas, Nevada. The purpose of this NPOAG meeting was to discuss the status of Air Tour Management Plans (ATMPs) and related topics, and obtain input and guidance from NPOAG regarding topics such as competitive bidding and quiet technology.

This summary provides a general overview of the meeting topics, discussion, and recommendations, as well as action items and expected next steps resulting from the two day meeting of NPOAG. Although the topics are provided in chronological order, some of the topics were consolidated to represent the discussion as a whole even if they took place over both days.

### **ACTION ITEMS**

Action items identified as a result of this meeting include:

- Triangle to send out action items ASAP
- Keith to compile Resource Notebook with suggested modifications
  - 106 consultations with Tribes and the ESA consultation requirements in Section 7.
  - Provide on CD and 4 hard copies. Request for hard copies for all, but decision still needed
  - NPS Directors' Orders (DOs)
  - Glossary of terms
- Schedule NPOAG "Work Group" pre-meeting—likely in January 2011
  - Group to talk about next NPOAG meeting agenda, park priorities, work plan, and strategy review/refinement
- Schedule next NPOAG meeting in March—Orlando, FL
  - NPS - Karen is the chair for 2011
  - The 1<sup>st</sup> NPOAG meeting looks like March 8 through 10, 2011 timeframe
  - Saturday March 4 through March 8 is the Heli Expo in Orlando
  - Potential NPOAG meeting topics/agenda: thorough jurisdiction report out; safety assessment; funding history and future; NPOAG strategy park priorities; quiet technology; presentation on how the range of alternatives for ATMPs are decided along with an explanation of the process; sub-group visitation at a park to resolve issues - Strategy #2 from NPOAG Strategic Plan (Notes on this include - Pick several parks that

are stuck on completing their ATMP. Form a NPOAG work group consisting of Tribal, aviation, and environmental representation to meet with the park superintendent, FAA, and air tour operators to work to achieve agreements on air tours)

- Schedule separate NPOAG meeting or sub-group to focus on the safety assessment process
- NPOAG requested the agencies to provide information on the Agencies' Memorandum of Understanding (MOU)
- NPS to talk to Mark Grisham (involved with competitive bidding for Grand Canyon commercial raft outfitters) about competitive bidding and NPOAG will provide advice to agencies on how competitive bidding should be incorporated into air tour efforts
- FAA to review Navajo Nation letter
- FAA/NPS will consider input from Ray Russell on Tribal Notification Review
- NPOAG will re-review Strategic Plan and focus on priorities
- James Whitlow will check into whether a presentation can be made at the next NPOAG meeting on jurisdictional issues between FAA and NPA
- NPS to find and send out NPOAG 2005 statement on jurisdictional issues
- NPOAG provide input to agencies on park priorities—which are high priorities for ATMPs and which are low priorities for ATMPs
- James Whitlow to consider safety assessment input from NPOAG (earlier the better) and discuss Grand Canyon National Park (GRCA) safety assessment process with John Duncan, including involvement of operators
- FAA/NPS re-review process for addressing Safety Evaluation and Assessment Approach
- Dose-Response: FAA/NPS to consider NPOAG input
- Check all Power Point presentations made at the NPOAG meeting for accuracy, and send corrected versions to NPOAG (include survey and audio to NPOAG)
- James Whitlow and the agencies will follow up on NPOAG concerns expressed about unauthorized flights at New River Gorge
- NPOAG funding: The agencies will develop and send to NPOAG a summary of National Park Air Tour Management Act (NPATMA) implementation expenditures and expected expenditures for the future

## DAY 1 NOTES

### I. **WELCOME AND INTRODUCTIONS**

**Barry Brayer, Special Programs Manager for the Federal Aviation Administration (FAA)**, welcomed NPOAG members and began the meeting. He stated that at the last meeting, FAA and NPS indicated that there were jurisdictional issues that had been discussed but not resolved. The issue is now elevated to the secretarial level within the Departments of Interior and Transportation. Although this has not been resolved, Barry still wanted to hold an NPOAG meeting in order to get input from the group for certain topics and provide updates on FAA and NPS activities related to air tours.

Barry welcomed Lirio Liu, the new FAA Deputy Regional Administrator. Bill Withycombe intended to attend but was unable due to unexpected circumstances at the last minute. Barry welcomed back NPOAG member Heidi Williams and congratulated Elling for another 3 years of participation. Barry mentioned that Bryan and Kristen's memberships expire in May 2011. He stated that an announcement for these positions appeared in the Federal Register on Nov 4 for interested persons. He indicated that members whose terms are expiring can re-apply. The next opening is Rory Majenty's position, which expires in April 2012.

**Karen Trevino, Manager of the National Park Service's Natural Sounds Program (NSP)** and next year's NPOAG Chair welcomed everyone to the meeting. She indicated she had heard the request for two live meetings per year along with a conference call, but this has not happened as there has not been a resolution on jurisdictional items, and thus on ATMPs like MORU. Karen indicated her desire to return to a more regular meeting schedule next year, and she hoped to choose meeting dates before the meeting ends. Karen thanked James Whitlow on behalf of NPS for helping to reduce noise in National Parks.

**Lirio Liu, FAA Deputy Regional Administrator**, thanked NPOAG for the opportunity to attend and participate in the meeting. She indicated that Bill Withycombe was sorry he could not attend. She told the group that while challenges lie ahead in addressing air tours, she and Bill believe that progress is being made and will be made in the future. She noted that there are numerous parks near the Las Vegas region that have air tours. She acknowledged the hard work that James Whitlow has conducted on behalf of air tour management efforts and with NPOAG, and she passed on Bill's appreciation also.

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

### II. **NPOAG ADMINISTRATIVE TASKS**

Each participant introduced themselves and briefly gave a background on their participation and interest in being a member of NPOAG. Bob Wheeler led participants through the agenda for the two day NPOAG meeting. He then reviewed NPOAG ground rules and protocols for participants attending by phone. (Note: during the first part of the meeting, there were difficulties with the phone system that limited the ability of those on the phone to hear the NPOAG discussions. A new phone system was installed, and phone participants had an easier time hearing that first afternoon and the next day). NPOAG members then considered the November 4/5, 2009 meeting summary. Heidi Williams made a correction to the meeting summary on page 17 indicating that Matt Zuccaro is with HAI and not AOPA. With this change, NPOAG accepted the meeting summary. Bob then briefed NPOAG on the updated Action Items.

### III. AGENCY AND NPOAG UPDATES

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

- Colleague James Whitlow will be retiring at the end of this year. Barry thanked James for his dedication and involvement.
- Norm Elrod and Tina Gatewood, FAA employees who have been working on GRCA air tour issues, will be retiring at the end of the year.
- Barry welcomed Larry Tonish to the FAA staff.
- The jurisdictional issue is at the Secretarial level, which is focused on GRCA overflights and finding a mutual agreement for how to move forward. A number of proposals have been developed. The resolution for GRCA will be different than for other parks, though lessons will be learned there that will assist efforts for ATMPs.
- FAA funding for NPOAG: As budget appropriations are planned now, FY11 is the last year that large funding will be available to this program. There has been a budget request for FY12, but the outcome is still uncertain. NPOAG member Bryan Faehner requested a chart for both FAA and NPS to see how program money has been and is anticipated to be spent on the implementation of this Act. Interest was also expressed to include information on agency staffing and Volpe efforts on behalf of the agencies related to air tours.
- FAA Reauthorization: continuing Resolution #16 is not resolved right now.
- New parks starting ATMPs include Point Reyes and Big Cypress.
- The Death Valley ARC input on alternatives could possibly be completed by January 2011.
- A workshop on noise impacts on wildlife was held in September 2010 – Volpe will give an update tomorrow.
- A meeting on Hawaii Volcanoes (HAVO) is anticipated to be held later in December 2010 at the Regional NPS office in Oakland. This meeting is intended to enable FAA and NPS to agree on alternatives for public comment. After that meeting, the range of alternatives will be published for public comment.
- FAA and NPS met in November in DC with Congressman Jerry Nadler, representative of the Eighth Congressional District in New York, to discuss the air tour status of the Statue of Liberty and Governors Island.

Barry stated that the Agency jurisdictional issue is a unique situation because there is normally clarity on what the coordinating agency means. As far as a timeline for being resolved, the situation is now at a higher level.

Barry noted that he had photos from the last meeting in Dayton, Ohio for those who wanted a copy. Barry also added that Dennis Pratte had moved to a different position within the FAA and that Steve Kane (in attendance) had replaced Dennis. Barry acknowledged the presence of Jock Whitworth, Superintendent at Zion National Park.

Barry closed his comments by stating that he was looking forward to a productive meeting. He stated he was interested in discussing competitive bidding, quiet technology, and what is meant in the law by incentives.

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

- Karen noted that there are now 394 units of the National Park System, the newest unit being in Battle Creek, Michigan (War of 1812).
- She also explained that the Natural Sounds Program is no longer a program. The Natural Sounds and Night Skies are now formed as a Division within the National Park Service. She noted that this change might require a change to the FAA/NPS MOU.

**Discussion on NPOAG Resource Notebook:**

Keith Lusk reviewed a proposal on the contents for an NPOAG Resource Notebook and asked for comments on the contents. NPOAG members provided additional documents they would like to see included in the notebook, including: 106 consultations with Tribes; ESA consultation requirements in Section 7; a glossary of terms; and NPS DOs (Directors' Orders).

Keith then asked for input on whether the notebook should be electronic and/or hard copy. Karen wanted to know if there could be copies on the website too, and Bryan noted that it's easier to have it online. However, Barry was concerned that FAA may have certain requirements regarding what can be on the website.

A discussion took place on whether to have materials electronically or in hard copy because of green considerations. An informal poll determined that four hard copies were desired, but that most participants wanted CDs (from which they could print their own copies, if desired). A decision is still needed on if hard copies will be provided for everyone.

**Discussion of Agency Updates:**

Bryan wanted to know why funding for reimbursement of NPOAG members is set up the way it is (FAA reimburses the four aviation representatives and one Tribal member, and NPS reimburses the four environmental interests and the other Tribal representative). Barry responded that it was an agreement formed when the NPOAG process started. Elling wanted to know when funding runs out, and Barry responded that it runs out in FY11, but internal staff and travel will still be continued. He also indicated that FAA and NPS have an agreement where there is a 60/40 split on ATMP costs.

Alan commented that he thinks the agenda needed to include a review of the safety assessment process including a program description, what the objectives are, etc. because it is a long term issue for those in the air tour industry. He has not seen anything from the FAA and has not seen adequate results. It was agreed to add this topic to the agenda for further discussion.

Ray asked how Petrified Forest was prioritized as an ATMP park. Because there will be an update later in the meeting on this park, the response to this question was deferred until then.

Rory asked if an ATMP has been completed, to which the agencies answered that because of the jurisdictional issues between FAA and the NPS, no ATMPs have been fully completed, though a number of them are close to completion. Rory commented that while this is unfortunate, in comparing NPOAG to the early days, a lot of headway has been made.

Matt asked why no ATMPs have been completed. The agencies indicated that the jurisdictional issue has been a main reason ATMPs have not been completed. The jurisdictional issue is under NEPA, and the problem has been deciding which agency should determine impacts to national parks. This question is mired in legal questions and is challenging with different agencies, cultures, and objectives.

Bryan asked James to talk more about FAA concerns if the NPS does the impact analysis on a national park. James indicated NPATMA is not clear on how the two agencies should work together. James indicated that this situation is unique, that in most other cases there is clarity on what the coordinating agency is intended to do.

Bryan asked what the timeline is for resolving the jurisdictional issue. James and Barry indicated that with the issue elevated to the Secretarial level, it is difficult to speak to the timing.

Bryan then asked what should NPOAG expect next with regard to ATMPs, specifically NEPA and jurisdictional issues? Is there going to be a new process for complying with NEPA? The agencies responded by stating that, right now, the jurisdictional issue focus is on the GRCA, but GRCA has separate authority so the determinations there may not be fully applicable to the other parks.

NPOAG members agreed that getting over the jurisdictional issues is priority number one. The group wants to know what NPOAG or individuals can do to help the agencies resolve the NEPA jurisdiction and on issues related to Interim Operating Authority (IOA). NPOAG expressed an interest in finding out what the hold up is and where there is confusion. NPOAG expressed great frustration that the issue hasn't been resolved.

Chip discussed the fact that NPOAG had developed a Strategic Plan that shows the top priorities as:

1. Help understand and resolve the jurisdictional issues;
2. Form a subgroup to help resolve issues with an ATMP; and
3. Provide guidance on IOAs

Strategic Plan priorities that follow those top priorities are providing advice on competitive bidding and quiet technology. His concern was that the NPOAG agenda for the meeting did not focus on the top priorities as established in the NPOAG Strategic Plan. Chip then made a number of additional points and posed several questions and comments, including:

- Competitive bidding has been addressed numerous times by NPOAG and because NPOAG advice has been provided to the agencies, revisiting that topic at this meeting seemed redundant;
- NPOAG agendas should be built using the NPOAG Strategic Plan priorities;
- Asking for a complete briefing on the jurisdictional issues;
- Why has Haleakala (HALE) been held up;
- Has Muir Woods been combined with the other San Francisco parks; and
- Asking what was happening and how the agencies would respond to New River Gorge and a new air tour that seems to have started tours there (it was agreed that New River Gorge would be further discussed later in the NPOAG meeting).

Karen acknowledged Chip's frustration and agreed there were disconnects in the program at this point.

Elling emphasized concerns on a lack of action on ATMPs. He reiterated his idea that is included as a high priority in the NPOAG Strategic Plan—pick a few ATMP parks where there are issues and form a sub-committee (Tribal, aviation, environmental interests, FAA, Superintendent). This group should meet with the operator(s) to develop a solution that the operator can buy. There was some discussion on the criteria that might be used to pick such parks, such as number of flights (more than 1000), but concern was expressed that other criteria might be necessary.

While Matt expressed his frustration with the process, he indicated that from the air tour perspective, they want to move forward, work well with NPS, and limit impacts. From all of this discussion, NPOAG agreed to organize a separate meeting as a Work Group to further discuss jurisdictional issues and the prioritization of parks. Matt indicated he could support this logistically.

In further discussion, James indicated that while the jurisdictional issue is blocking some of the ATMPs, other issues are impacting progress on ATMPs. While the agencies tried to find easy parks, they are finding that each park has its own specific concerns and circumstances that make ATMP completion difficult. For instance, Death Valley was chosen because it was thought to have issues that could be readily resolved.

Heidi proposed that the agencies spend a week together to work this out. Karen proposed finding a common theme amongst parks so that issues can have the same solution.

The NPS agreed to find and send out the 2005 NPOAG statement on jurisdictional issues to the Agency Secretaries and NPOAG itself.

Bryan asked if the FAA trusts Park Scientists. James thinks the real issue is about how NEPA analysis is conducted by each agency, for they have radically different ways of doing this. In essence, the jurisdictional issue isn't about trust or confidence but rather about how NEPA is conducted, the agency responsibilities, and how the analysis is conducted. Karen thinks this is not an issue in all the parks.

Bryan further asked if FAA has an economic role (currently and in the past) in the ATMP process in supporting the growth of aviation commerce over parks. FAA responded that they do not foster flights over parks.

Karen said that the GRCA/MORU problems have occurred when deciding on what constitutes a "reasonable range of alternatives." The FAA has consistently wanted alternatives that are higher than the IOA, and NPS has wanted them lower. Barry pointed out that for HALE, the main hold up was the range of alternatives. From FAA's standpoint, the range of alternatives needs to meet their NEPA guidance requirements and reflect the numbers indicated by IOA. The NPS' position is that the development of alternatives and assessment of the impacts of those alternatives is an NPS issue and that FAA should focus exclusively on safety instead.

James noted that FAA and NPS have different NEPA processes, so there needs to be some new model. NPS has a NEPA model that has a long history of protecting parks, whereas FAA has a model that protects safety. Chip would like the Interior and Transportation Secretaries to know that focusing the NEPA so that the NPS focuses on impacts to the parks and FAA on safety could be an enormous budget saving activity. He reminded members that Congress directed the FAA Administrator to issue the NEPA in cooperation with the NPS and not the other way around.

Ray asked about the release of a report on the GRCA air tour effort. The agencies clarified that NPOAG and the NPATMA do not include GRCA, which is under its own separate legislation. Rory indicated he has been involved with GRCA EIS NEPA for the Tribe and with the agencies. He thinks progress is being made and wants to see a balance between the environment and flight tourists. He would like to have a meeting in Phoenix, maybe with FAA and NPS.

Heidi noted that the Department of Defense (DOD) follows the same NEPA process that other agencies do with public process. This is all part of the rulemaking process.

As a short summary of this extensive discussion, Bob noted:

1. That James would consider and discuss with General Counsel about making a presentation to NPOAG about the jurisdictional issue and its status with the Secretaries;
2. That the 2005 NPOAG input on jurisdictional issues would be circulated to NPOAG as well as the Secretaries and that the input from NPOAG during this and other discussions would be sent to the Secretaries.

#### **IV. ATMP UPDATES FOR SPECIFIC PARKS**

Keith Lusk, Vicki McCusker, Lelaina Martin, and Frank Turina gave a presentation on ATMP updates.

##### **Mt Rushmore (MORU)**

The FAA has incorporated all internal agency comments into a revised version of the Draft Environmental Assessment (EA) and developed a preliminary draft ATMP document for internal review. NPS has completed an internal review and is awaiting resolution on higher level agency issues. MORU also has a new Superintendent.

##### **Badlands (BADL)**

The ATMP is on hold for the South Unit due to General Management Plan (GMP) updates and because of the need to review alternatives with the Tribe. The GMP public comment period ended in November, so it is anticipated that re-contacting the Tribe for their input can proceed. Keith explained that the alternatives were developed with tribal representatives five years ago, so they need to work with current members at the tribe. BADL has a new Superintendent.

##### **Hawaii Volcanoes (HAVO) and Haleakala (HALE)**

The HAVO elevation meeting was tentatively scheduled for December 14, 2010, but it may not be necessary depending on the HALE resolution of similar issues. A HALE elevation issues resolution meeting was held at NPS Pacific West Region headquarters on November 4, 2010 and resulted in agreement to move alternatives forward pending higher level agency reviews. The Haleakala Superintendent has to brief the NPS Director on the outcomes of this meeting. Jon Jarvis has been very involved in this and with the meetings with the Secretary, so he asked for a briefing. HALE alternatives will be released for a 60 day public review and comment, and there will possibly be public meetings in January.

Elling wanted to know what involvement the operators have had in the development of the alternatives. Vicki explained that they had an operational meeting in 2008, but their role has been limited during the NEPA process. Elling noted that the Superintendent will have different interpretations, so there needs to be multiple meetings with operators. It was noted that once you begin NEPA, the agencies can't involve interests other than the formal public process under NEPA. Keith added that under ARC, you can choose to keep talking to the operators.

Chip supported Elling's comments saying they were very valid. He also stressed that one ATMP needs to be completed so that other ATMPs can happen faster. One reason for this is that with this Administration's change in NPS leadership, a new focus is occurring around air tours. Given the new Director, we can't spend extra time on HAVO until there is a meeting with the Director on HALE; the Director will be involved. He will not separate the two parks, but will go into the briefing for answers on both Hawaii parks instead.

### **Death Valley (DEVA)**

The kick-off meeting for the ARC was held June 16-17, 2009. ARC Members included air tour operators (ATOs), tribal representatives, environmental groups, DOD, concessionaires, and other local groups. Scoping was conducted in January-March 2010, and approximately 25 comments were received. They invited the Timbisha Shoshone tribe to be a cooperating agency and initiated Section 7 consultations. The status of the ATMP is currently in the alternatives development process, and there are plans to have a second ARC meeting early in 2011. There is also an agency conference call this Thursday with NPS and the Superintendent. There will be a meeting with the Superintendent on the remaining issues related to alternatives, and the consultation with tribes is ongoing.

### **Statue of Liberty (STLI) and Governors Island (GOIS)**

The kick-off meeting was held on October 15, 2009. Following this meeting, there were subsequent changes in the airspace/air tour environment—Special Flight Rules Areas (SFRAs), a move by tour operators to the Wall Street Heliport, Letter of Agreement (LOA), and air tour route changes. FAA and NPS met with Congressman Jerrold Nadler's office, which represents the Eighth Congressional District of New York, on November 18, 2010. The agencies have an agreement to move forward concurrently with the development of separate ATMPs for Statue of Liberty and Governors Island National Monuments.

FAA will conduct an air traffic safety assessment of current conditions. Until this is completed, the ATMPs are on hold. Bryan asked Matt how this overlaps with his work, and Matt indicated that it does not. NPOAG has this park at the bottom of the list and it is not a priority, partly because there are so many other restrictions and air flight controls in this region.

There was discussion about Congressman Nadler's interests. Karen thinks that changes related to the heliport were about noise over Manhattan and safety. Matt disagreed and thinks Congressman Nadler has some interest in reducing or eliminating helicopters in New York City. Alan noted that a number of these issues were discussed at the NPOAG meeting in Dayton, and he wanted to know if the agencies have made any progress on this. Since the overarching issue is safety, Alan asked on what basis they would go forward with an ATMP.

Karen explained that the NPS noted that impacts do exist, but they've struggled with the fact that urban parks are different than wilderness parks. They need to determine the appropriate process or methodology to use in determining impacts. For urban parks, NPS is planning on using the same methodology as non-urban parks to assess impacts for the various alternatives. For the no-action alternative, they will use established thresholds (that take into account the location). It was pointed out that NPS guidance (Management Policies in Chapter 8) speaks to the protection of soundscape and the development of a baseline; the baseline includes human noise.

Chip inquired if Homeland Security would allow flights over STLI. It was stated that this is a jurisdictional issue with the Transportation Security Administration (TSA) and is outside of the ATMP process, though the NPS can go to TSA to discuss security issues.

### **STLI / GOIS Additional Information and Discussion:**

The collision that occurred in the Hudson River changed air traffic patterns in that corridor. Because of this, letters of agreement were exchanged between the FAA and air tour operators, making changes to accommodate the overall modifications in traffic patterns. Barry and Karen indicated that they met with Congressman Nadler to discuss this. Barry said FAA is conducting an air traffic safety assessment of current conditions.

If a tour flies within the ½ mile boundary of any park, the NPS believes an ATMP is needed. Karen noted that a court ruling in the case of GRCA set a legal precedent regarding take off and landing that NPS is wrestling with. Barry talked about how take off and landings provide exceptions to controlling air tours. Karen noted that NPS may look at exceptions differently. The exceptions are not related to the content of alternatives for an ATMP but on what a commercial air tour is.

### **Mt Rainier (MORA)**

The kick-off meeting and field trip occurred on October 8-9, 2009. Public scoping occurred in April-May 2010, and they received a substantial number of public comments. An alternatives development meeting occurred on May 4-5, 2010. A Tribal meeting was conducted on May 6, 2010, and there was an alternatives development teleconference on September 1, 2010. Further discussions on the range of alternatives to be released for public review and comment are planned, and they are also planning for public meeting(s).

### **Petrified Forest (PEFO)**

The kick-off meeting and field trip occurred on April 21-22, 2010. Public scoping was held in July-August 2010, and they received less than 10 comments. An alternatives development meeting occurred on August 10-11, 2010. Individual meetings were conducted on September 28-30, 2010 with Navajo Nation, Hopi Tribe, and Zuni Pueblo. The NPS Regional Directorate review was held on November 22, 2010. NPS will work to resolve any issues with Tribes regarding air tours. They are planning on getting additional information from air tour operators and will then get back to the Tribes. There will be additional consultation with Tribes, and alternatives will be released for public review and comment. One public meeting will be planned.

In terms of alternatives brought to the Regional NPS Director, while they had full support from the region, there is great concern about flight routes over tribal lands because there are a range of Traditional Cultural Properties (TCPs) of concern to the Navajo, Hopi, and Zuni Tribes. It is important to get information from the air tour operators on what flights are being flown over Tribal land; otherwise relationships with Tribes are at risk. Lelaina noted that Canyon de Chelly is unique because the land is not owned by Park Service—NPS is given some jurisdiction, but the land is all tribal.

Ray asked what the process is for contacting the lead Navajo person. Richard Deertrack and Jermaine Wright, previous NPOAG members, recommended that the NPS be the main first contact due to the relationship with the Department of Interior, who will then work with FAA and NPS in developing the plan. Ray recommended that the appropriate contact at the Tribe would be the chairman's office so that the issue can be brought to the appropriate program.

Lelaina and Karen noted that the NPS determined that an ATMP should not be held up if an operator does not provide input on flights over tribal lands. Rory noted that an operator is not operating as specified in the IOA, and this includes flying over TCPs. Karen noted that the NSP will move forward without the operator and will work with the information they do have, including information from the Tribe.

Ray noted that for Canyon de Chelly, no contact had been made with Navajo until last week about flights/IOA over this park. Navajo Nation law requires a permit to fly over Tribal land. A letter from Navajo Nation was sent to FAA saying that there will be no flights over Navajo Nation land unless the operator meets permit requirements. The letter was specific to the Grand Canyon but the intention was for all Navajo Nation land.

**Petrified Forest Action Items:**

Barry asked for clarification on Navajo Nation permit requirements outside of the special flight rule area at Grand Canyon. Letters need to be sent to the Tribe including the offices of Administration, planning, permitting, and others. The notice needs to reach the right people, and the Tribe wants FAA and NPS to take it seriously as this has a big impact on the Tribes.

Chip inquired if tribes are notified when IOAs are issued and what the allocations are. Tribes are notified for ATMPs, and this information is put on the Federal Register notice, but tribes are not directly provided IOA information. Ray asked that this information be provided directly to tribes. Rory wants to help other tribes get up to speed in order to make decisions on overflights.

**Golden Gate / Point Reyes / Muir Woods (GOGA / PORE / MUWO)**

The kick-off meeting and field trip occurred on September 16-18, 2010. The next step is to plan for public scoping meetings in early 2011.

There are two operators and 5000 flights. These are all separate ATMPs but they are doing them concurrently. This also includes Alcatraz and other smaller parks. Chip noted that Muir Woods is for quiet and contemplation and is different from other parks like Point Reyes and Golden Gate.

**Big Cypress (BICY)**

The kick-off meeting and field trip are slated for December 8-9, 2010. There is one operator with 1,260 annual operations and two abutting Tribes – Seminole and Miccosukee.

**Acadia (ACAD)**

The kick-off meeting is tentatively scheduled in January 2011.

**Grand Canyon (GRCA)**

Alternatives for the EIS are at the Secretarial level as part of the elevated discussion of jurisdiction. The timeline is unknown. Bryan expressed concern that only the Grand Canyon jurisdiction issue will be resolved and not the issues for the NPATMA. He asked if the Secretaries could also address ATMP issues under NPATMA. James noted that when they began this process, there was an effort to do both of these separately. Agencies determined that while they have overlapping issues, solving GCRA will help resolve other issues with ATMPs. Bryan expressed frustration that the two laws are taking a long time to implement.

**V. DISCUSSION AND ADVICE ON SPECIFIC ATMPs**

**Statue of Liberty / Governors Island (STLI/GOIS)**

As of November 19<sup>th</sup>, a Special Flight Rules Area went into effect for Hudson River and East River. Above 1,300 feet pilots must be in contact with Air Traffic control and state their altitude, flight direction, etc. for all flights. Below 1,300 feet to 1,000feet is reserved for transient aircraft flying north and south along the Hudson. Below 1,000 feet is for local operations including air tour operators. The NYC Economic Development Corporation has a new plan that eliminates tours over Central Park, Brooklyn, and the Empire State Building, and it is taking credit for the Letter of Agreement (LOA) between FAA and five tour operators.

There are no published flight routes below 1,000 feet unless pilots plan to enter Class B above 1,300 and will contact air traffic control. Below 1,000 feet, ATOs have agreed to fly the same routes but do not need to talk to air traffic control because they are below Class B. These are voluntary routes that the air tour operators have agreed to, and the routes are not required.

The LOA designates two tour routes around these parks. This is for the SFRA and includes instructions for entering Class B air space. The operators that fly in this area have signed this LOA. A map with the alpha and bravo routes is attached to the LOA. There are two new operators that are staying outside the ½ mile boundary around the park.

**NPOAG Comments on STLI and GOIS:**

- Protecting these National Parks shouldn't be a priority because of the noise and flight conditions around these parks. Flights are not an environmental threat and protecting these parks is a waste of funds.
- Chip noted that there are specific rules for Statue of Liberty. It was also explained that there is an annual total of 50,000 flights (fixed wing and helicopter) around STLI and GOIS.
- It was noted that the NYC Economic Development Corporation has a Helicopter sightseeing plan.
- Bryan asked what percentage of operators flies these routes? Matt explained all operators fly the same routes, as this has been the tour for 30 years.
- In response to a question about concerns of impacts to buildings from helicopters, Matt stated that this line of discussion is straying from the intent of the act.
- Karen explained that the statute is not just about natural resources, but cultural and historic resources as well. She stated that the NPS is wrestling with how to measure impacts in these places. It may be premature to develop an ATMP in this place.
- Bryan noted that the other parks don't have IOAs, so they should not be developing ATMPs. Karen explained that operators have been advertising air tours for these parks.

**VI. COMPETITIVE BIDDING DISCUSSION**

Keith Lusk talked about relevant factors for evaluating proposals related to competitive bidding, which included:

1. Safety record of person submitting proposal
2. Any quiet aircraft technology proposed to be used
3. Experience of the person submitting the proposal with commercial air tour operations over other national parks or scenic areas
4. Financial capability of the person submitting the proposal
5. Training programs for pilots
6. Responsiveness of the person submitting the proposal to any relevant criteria developed by NPS for the affected park

He discussed the timing of competitive bidding for slide 3. There was a question about the meaning of "limitations during a specified time period." Keith said it referred to the limitation on the number of flights, but there might be other limitations, like changing routes. Keith said that if an ATMP includes a limitation on operations, it shall provide for the initial allocation of opportunities to conduct commercial air tours over a park. The IOA terminates 180 days after the date on which an ATMP is established for a park.

Several issues were brought up and included the following:

- Barry expressed his concern about establishing an equitable competitive bidding process, using an example from Hawaii. If there are 12 operators and some have significantly lower numbers of operation, an alternative that reduces numbers of flights could make a smaller business no longer sustainable.
- Karen asked if there could be other types of limitations. In the case where there might be different routes, could there be bidding for routes?
- James indicated that the factors for evaluating proposals would help determine which proposals could still operate under the new limits of flights.

- Barry indicated that this is a joint process with NPS. He asked how much weight should be put on certain criteria, such as pilot training.
- Chip noted that if all IOA are allowed in the ATMP, there is no limitation. If the plan comes out with fewer flights than IOA, there is a limitation. Chip's advice was to then make pro-rata distribution and the market would sort out the rest. If there's an increase in flights because an operator dropped out, he suggested that the agencies should use the six specified criteria, encourage the agencies to issue an RFP using these criteria, and then pick the best proposal. With regard to investing in quiet technology, if the investment results in more quiet at the park then they will get the additional flights.
- If there are time limitations (such as only allowing a certain number of flights in the spring), there was a question as to whether you should do pro-rata distribution or give the slots to the person that gets the most return. One person thought people should make a proposal for the allowable slots, and FAA would then choose proposals. Alan thought pro-rata distribution might not be practical because the real world is more complicated.
- At GRCA, operators have an annual limitation. At one point the preferred alternative was eliminating the base limitation and implementing daily limitations on flights. There was concern with this being difficult to implement.
- Karen thought this could be similar to Glacier Bay and cruise ships. She wanted there to be a case study.
- Alan noted that it is not that easy for air tours, and they have to reschedule for weather.
- Chip brought up the example of bus tours at Denali. Only a certain number of bus trips are allowed in any one season. If people show up and the tours are full, they can choose to stay longer and go on a later tour. Many are doing so and creating a local financial boom. The industry has changed to adapt to the limits in bus tours, and the regulation has resulted in pre-booked trips. The expectation of what can be seen is also changing because there are only so many tours per day that can only go so far.
- Alan noted that there is a tough judgment call; where there is an EIS finding on a park, if there is a time limit and one operator flies quiet technology and the others don't, can you do pro-rata or can you choose the quiet technology operator? One concern expressed was that their interpretation was that competitive bidding only came into play for flight increases and that decreases lead to lawsuits. Karen noted that decreases will happen so we need to figure it out.
- Bryan noted that IOA has been the status quo and has been in place longer than the initial two years that were thought to be the time period needed for IOAs before ATMPs were instituted. His concern was that IOAs are way above the actual use. He thinks limitations should not be based on IOA, as this was an arbitrary number.

James wanted to know how the six criteria for evaluating proposals should be ranked. Which ones are more important than others? Are these the right ones? Should there be any additions?

**NPOAG Comments:**

- One person thought criteria cannot be ranked.
- Elling thinks number 3 is less important.
- Bryan was concerned about this being a waste of time. FAA and NPS together can likely do this.
- Congressional staff added this issue to NPATMA, and that surprised the agencies because they never thought this through or discussed it. It's unclear what the process will be. Will there be public comment?
- James thinks responding to transferability of IOA is unnecessary.

- Karen cannot think of a situation that's different from park to park. She thinks planning can be universal. It might be a good idea to get input from the public. She thinks safety should be first, but the weighing of each criterion would be helpful.
- Larry asked if urban park criteria could be different from rural.
- Chip thinks this is more complicated than it needs to be. He urged the group to stop talking about percentage points and look at it like an RFP. In the evaluation, assign points for safety rather than percentages with no limit on points. For example, if someone has a perfect safety record, they get 20 points. Criteria should include 1) adherence to the IOA or LOA. Did they follow the voluntary agreement? Route? Did they have complaints from campers that the flight was in a place it shouldn't have been? This would have a point value. 2) Financial capability. What someone chooses to do with their money is not important. Only use financial capability to determine if a candidate will be a reliable bidder. 3) If the candidate's tour communicates the purposes and values of the park (natural and historic values, quality and accuracy of the information provided). We should go on the candidates' air tours and find out what they're talking about. It's not hard to tell who's having a party and who's serious about the park.
- Karen will talk with Mark Grisham about commercial river runners and competitive bidding in GRCA.
- Barry thought these criteria would be published Federal register notices for public comment.
- Karen said that if the Record of Decision (ROD) results in a limitation, then the competitive bidding and public process are triggers.
- Based on auditing and other aviation bidding experience, Matt said that typical criteria are 1) safety, 2) experience of the operator within the proposed operating area (the park), 3) regulatory compliance (noting activities above and beyond regulatory compliance), 4) financial capability, 5) end user client requirements (related to the NPS criteria for the affected park), 6) operator enhancements (offer the operator the opportunity to provide additional information regarding their proposal and activities that it would enhance).

Chip thinks the LOA is a good model for IOAs along with the map with routes. Where an operator signs agreeing to something, that is clear and measurable. The key points from this model for IOA include:

- Operators have IOA
- Operators have specific tour routes that are mapped
- Operators have other operating conditions that are required (direction of flight, standoff, altitude)
- Operators have signed LOAs with FAA

Barry noted that he thought the discussion was helpful and that there seemed to be agreement on what was important.

## VII. **DAY 1 PUBLIC COMMENT**

There were no public comments.

### DAY 2 NOTES

Barry Brayer welcomed the NPOAG members and others to the second day of the NPOAG meeting. He expressed appreciation for everyone's participation and productive discussions on Day 1. Barry explained that there was a change in the agenda to address Safety Assessment and the New River Gorge.

## VIII. SAFETY EVALUATION AND ASSESSMENTS

Alan Stephen and John Becker (a pilot and Chief Operating Officer for Papillon Air) talked about the Grand Canyon alternatives process and the messages they took away from the FAA regarding methodology and the process for assessing a preferable alternative.

They indicated that air tour operators met with FAA representatives responsible for the safety assessment and were told late in the Grand Canyon air tour process that the safety assessment had been completed. The operators thought it strange that no one from FAA Flight Standards had talked with operators, who have the actual experience and know about the safety issues. In the operators' opinion, the Safety Assessment needs to be rigorous, data-driven, and comprehensive; all the tools in the tool box must be considered—human and environmental factors (weather, density, and heat), etc.—so that there is a thorough understanding of the situation. The Grand Canyon is complex due to its size and unique conditions, so the Safety Assessment that's used for other sites won't work there. Further, after a meeting with FAA, they spent two and one half days talking to operators about the fact that the FAA had conducted the safety assessment. To the operators' knowledge, nothing has happened since then or they are not in the loop. In total, Alan and John feel that as ATMPs and Grand Canyon move forward, the operators that are flying every day need to be involved.

John stressed that the safety issue needs to be taken very seriously. There was a 1956 terrible accident in GRCA in what was known as the dragon corridor, which is why regulations (50-2) were put in place. The two agencies were cited for contributing to the accident. FAA did not provide adequate oversight, and the NPS had undue influence over route structure. John is concerned that we're on this path again. When the route structure was developed for Grand Canyon, specific conditions and certain seasons were taken into account. There have been no similar accidents since 1956 and the air tour operators improve every day and are always in communication on conditions.

When operators first sat down with the Grand Canyon working group, it was made clear that any changes to the route would need a rigorous safety assessment. If lines on the map are going to be changed and if a Safety Analysis Plan is put together that's used nation-wide, this must be looked at very carefully. In 2000, there was an attempt to make changes to routes; they were making a square into a rectangle. Operators were really concerned that safety concerns were not taken into account and stressed that they thought the changes would not work. For example, they could not go as far North because there was no escape route if bad weather came in. FAA listened to the operators and didn't implement route changes, but only because the operators made the effort; FAA and NPS did not seek out the operators. John emphasized that whatever tool we decide to use has to be very comprehensive, and experts need to look at local weather patterns, turbulence, etc. so tours can be safe.

Alan noted that operators were using the Grand Canyon as an example. FAA has based decisions on anecdotal evidence. FAA needs to sit in a room with the experts (both FSDO and Operators) and be rigorous. The operators are not happy with how FAA is proceeding with safety assessments. Karen noted that NPS does not disagree. Everyone acknowledged that this is really important. She noted that NPS has tried to connect with the flight standards office and get them involved in the alternatives development stage rather than at the end. She understands that there are many safety issues FAA has to deal with and they have a limited budget, but she isn't sure why this has been put off for so many years (20 years). She will work to make sure a more rigorous and earlier safety assessment happens.

Chip agreed with Alan and John. He stated that safety has been a concern of his for a while. There seemed to be some agreement in 2004 that the NPS would be responsible for resources and visitor experience and FAA safety. What is the protocol that we apply system-wide for safety? Safety does trump everything, but it has to be based on real safety issues. What defensible assessment can be put together? Chip thinks there might be a need for a universal protocol on safety, but it needs to be accurate because, if misused, it will force people into an unsafe situation.

John stated that it cannot be a “one size fits all” process. James talked about issues that arose related to Mount Rushmore (MORU) last March, when it became apparent that the safety assessment was not available for the public meeting. NPS/FAA came to an agreement on four alternatives and decided what the evaluation of safety would be on. He hopes that a full safety assessment will be made on the final preferred alternative.

James wants operators to be involved in meetings before public involvement; FAA is developing alternatives without input at this point. With earlier operator involvement, safety can first be addressed during the NEPA process and then through the public process. James wants the safety evaluations to be data-driven and comprehensive.

Heidi wanted to know when FAA involves the operators. James replied that they are involved at the end of the NEPA process and before the public comment on alternatives. FAA flight standards are part of the evaluation.

Barry discussed how Death Valley uses the ARC process, which involves stakeholders and operators and is different from NEPA. It is an open process regarding alternatives. Barry thinks the use of an ARC process for other ATMPs could allow earlier involvement of the operators.

James thinks that a full-blown safety assessment should be conducted once the alternatives are developed. He supported John’s optimistic view that show stoppers be identified early, allowing real alternatives only to be considered as the process moves forward. The NEPA process is complicated and to move things forward, ARC may be applied to more places.

Karen thinks this is a delicate but very important issue for NPS. She thinks operator input is important, but she is concerned that operators who don’t like an alternative could use the safety card to get what they want. The NPS has had the “safety trump card” put in front of them before. Karen would like input from the group on how operators and FAA look at each alternative and how they can “game the system” to get the routes they want. Karen wants to make sure that the process is not vulnerable to an operator and that FAA doesn’t lead alternatives to only those alternatives they desire. We need a safety assessment tool that is not just looking at each alternative, but looking at what is possible.

James wanted to know if Karen wants the safety assessment as part of NEPA or at the end of alternatives development. Keith wanted someone to explain what is meant by bringing in the operators after the alternatives development.

Matt stated this does not need to be so complicated. Operators should be involved as soon as possible. Safety rules need to be transparent. Operators are not using safety as a shield as Karen indicated. If they say something is safety related, they should be able to explain this, what the reasons are, and potential consequences. NPS has the same obligation to be transparent and to explain what the impacts are. We need to go forward with honesty. Matt asked if an environment like this could be created.

Karen responded by saying that NPS is held to an OMB standard but safety reviews are not. Safety has no public review. Matt stressed that they need to get past this issue; both sides feel they are being gamed at this point. There is distrust on both sides. There is a need to get everyone in a room together, have more frequent meetings, and be committed to focused agendas.

Alan mentioned that John Allen and John Duncan had indicated that FAA is concerned that operators are gaming the system. In Dayton, FAA committed to developing a national safety assessment tool that would be useable and involve operators in the development.

Elling finds the safety tool confusing. Every park is different, so how can you have one tool to measure safety?

Karen indicated she had a recent meeting with John Allan and John Duncan on this. To Elling's point, she wonders if there are principles that could be applied to each park so that they don't have to invent new principles at each park. Matt indicated that they are not starting from scratch at each park and need to rely on existing information and the history. The local FSDO and operators will be able to provide background on the local issues. Matt suggested starting with a matrix or a sheet of questions.

Regarding NEPA, Frank noted that the alternatives need to be safe before the impacts are analyzed.

James suggested using the safety assessment as discussed (early process for all alternatives consulting with operators) for a pilot park. Alan thinks Hawaii may be a good place to start. Chip suggested Golden Gate Park as an early assessment of flying safety. James suggested Death Valley, but indicated that it might be too easy. He asked how this would work into the NEPA process and how operator input will be gathered before the alternatives are developed. Barry asked if they could start in the Hawaii Parks with ARC.

Steve Kane of FAA indicated that Flight Standards (250 branch) has gone through many changes. He is hopeful that some stability has now been reached in that office.

Matt indicated that getting the operators involved upfront would streamline the process and may reduce the amount of resources needed.

Chip wants operators involved in scoping; getting them involved once alternatives are already designed isn't good enough. He wants to know they're designing good alternatives from the get go. Operators know the land so well—where fog zones are, where to turn around, etc.—so it's better to involve them upfront so we are developing safe alternatives from the start.

#### **Summary of Safety Evaluation and Assessments:**

The process to test at a "pilot" park unit includes the following characteristics: after selecting the park, determine whether this ATMP will proceed as an ARC process or via the standard NEPA process. Operators should be involved as soon as possible. The safety evaluation process must be simple, data driven, comprehensive, and transparent. Safety assessment should be conducted during (but not part of) the NEPA process.

There has been mistrust and the perception of gaming from both sides of the issue. All sides must work to prevent this and get beyond it. Each park needs to meet with operators and the FSDO. While no one safety assessment tool fits all, there are some principles that will work for all. NEPA

alternatives need some amount of safety analysis prior to the selection of a preferred alternative. More NPOAG meetings (including safety people) and a focused safety meeting will be helpful in addressing these issues.

## VIII. VOLPE RESEARCH ACTIVITY

### Dose-Response Research

Amanda Rapoza from Volpe gave a presentation on dose response research. The project started in 2008, and they will be doing measurements through 2012. The ATMP is a driver for the project, which will include impacts to visitor experience and the park's natural soundscapes. The goal of this project is to provide quantitative and qualitative information on human response to aviation noise in natural settings. They are building on prior research and planning/implementing new research. In the last 18 months, they have mapped out a future research plan, and they are currently selecting sites for data collection.

Dose response 1 specifically referenced noise disturbance solely about aircraft, but dose response 2 rated aircraft noise within the context of other sounds (cell phones, etc.) Their current activities include: selecting appropriate parks and sites for data collection, developing a comprehensive test plan, and planning/implementing data collection.

**Q:** Is it possible to get samples of the surveys and audio clips?

**A:** Surveys are available on the OMB website, and Amanda will send out a link. When audio clips are finalized, they'll also be sent to Barry, and he'll be responsible for distribution to NPOAG members.

**Q:** Matt asked if this study was specifically about the perceptions of helicopter noise.

**A:** Amanda explained that it is about perceptions of aircraft noise generally.

**Q:** Are you considering doing exit surveys when visitors leave the park?

**A:** That kind of survey isn't planned. The problem with an exit survey is you don't have a sense for where visitors were and where the noise was. Many social scientists say asking general questions about overall experience will result in visitors saying it was a great experience, but this is because they're on vacation. Frank has concerns that you're predisposing the visitors to notice air noise.

All Power Points will be sent out to attendees.

### AEDT/INM Model Enhancements

Eric Boeker, Volpe, gave a presentation on AEDT/INM model enhancements and aircraft database. Aviation Environmental Design Tool (AEDT) is a single, integrated aviation environmental tool. The goal of this project is to model noise and impacts on the ground. There was extensive beta testing during this past year, and next year they will be implementing the feedback into the interim tool before the final is created after a final round of feedback.

**Q:** Alan asked what should be expected if AEDT is used in national parks eventually.

**A:** AEDT is designed to replicate INM and other tools so it will create similar results.

**Q:** Is the NPS using AEDT or previous data from Cindy?

**A:** Karen responded that 6.2 was folded into AEDT, and Eric said this was translated into another program.

### Value of Natural Sounds

Catherine Taylor, Volpe, gave a presentation on the value of natural sounds. The primary objective of this project is to quantify the value of public places on natural sound conditions at national parks.

The secondary objective is to explore the impact of sound conditions on park visitation. The methodology uses a “choice experiment framework” where survey participants choose from a menu of options that require making choices between sound conditions and cost.

There was a discussion on quantifying the value of public places on natural sound conditions.

**Comments:**

- It is important to pay attention to wording regarding if people are willing to pay more money to protect the park/receive quiet benefits.
- Look at techniques for non-market values.
- This science is very difficult to call scientific. We need to ask if, as a society or community, we need to pay. Establishing a value (say, \$50) that a person in New York would need to pay, even if they didn't go to the park, was worrisome to several.
- Elling thinks it is voodoo science to say that the fee is for the benefit of the public; it is to off-set costs to the operators.
- Karen noted that people are willing to pay for quieter trains, for example.

**Health Benefits of Natural Sounds**

Chris Zevitas, Volpe, gave a presentation on the health benefits of natural sounds. The objective of this project is to examine the overall health effects of lack of noise in national parks, including adverse health effects of anthropogenic noise pollution and positive health benefits of exposure to natural sounds.

**Q:** When will you publish?

**A:** The literature review is complete, but the researchers are coming to Fort Collins on December 10<sup>th</sup>, 2010 to meet with Karen regarding priority studies and establishing a plan.

**X. NEW RIVER GORGE**

Chip noted that air tours are being operated in New River Gorge and that this is an important issue; it is a priority for NPOAG to provide advice on IOA in this park. He thinks the FAA must immediately move to rescind any IOA or flights. Steve Kane explained that the ATOs do not have authority to fly.

Bryan noted that he was rock climbing in this Gorge and saw two companies that provide air tours—helicopter and biplane—doing laps up and down the canyon. Their literature shows the flights over the park. They're breaking the law, and Bryan is worried about how many air tours are happening elsewhere and about FAA's ability to implement this law through enforcement actions. He wanted to know if the same thing is happening in other parks and what he can do as a member of NPOAG and the public. He requested a report out at the next NPOAG meeting on the status of addressing this issue.

James requested that Bryan find out the specifics and send them to FAA and NPS, as well as himself. There was confusion over why there's any question if they're breaking the law, especially if the companies have brochures with pictures of them in the park. The group was very concerned about this issue and about monitoring in other areas.

**XI. QUIET TECHNOLOGY INCENTIVES**

Barry will wait to discuss this on the next meeting or teleconference. He'd like to focus on what is an incentive and what isn't.

## XII. **NEXT STEPS**

- Follow up on safety assessment.
- Matt recommended that an NPOAG work group meet as a whole soon to discuss the NPOAG Strategic Plan, park priorities for ATMPs, and an NPOAG meeting agenda. Matt will take the lead on organizing a call meeting.
- A smaller work group will meet to discuss safety assessment.
- An in-person NPOAG meeting will be considered in March to tie with the Heli Expo meeting in Orlando.
- Agencies will contact the Tribal NPOAG representatives to address issues that came up during the meeting.
- James will check on the approach for an agency presentation to NPOAG on the specifics of the jurisdictional issue.
- Potential agenda topics for next NPOAG meeting:
  - Provide a thorough explanation of the jurisdictional issues. What is it? Where is there confusion? What is the status?
  - Safety Assessment process
  - Follow up with straw Competitive Bidding process
  - Sub-group park visitation (Strategy #2 from NPOAG Strategic Plan)
  - Funding history and future
  - Strategic Plan park priorities. For ATMPs, explain how alternatives are chosen, what range is looked for, and the process
  - Quiet technology
  - Next iteration of Resource Notebook

## XIII. **DAY 2 PUBLIC COMMENT**

There were no public comments.

## XVI. **CLOSING COMMENTS**

- Bryan expressed that NPOAG frustrations over agency jurisdictional issues need to be conveyed to high level agency management. Frustration was expressed at the lack of effectiveness in managing air tours and implementing the law.
- Many felt that this meeting was very productive and hope the energy continues after James retires.
- Each park is different and there are multiple issues.
- Chip felt the ATMP process doesn't need to be perfect in order to be successful.
- It was stated that incentives for agencies should be considered for them to complete ATMPs.
- Ray thinks agencies need to be more conscious of tribal interests (cultural sites *and* economic development issues). Ray wants the agencies to know tribes desire sharing cultural values through economic interests.
- Ray wants more government to government consultation for ATMP efforts.
- Ray encouraged the agency to have direct contact with tribes and not go through an outside contact.

Barry thanked everyone for attending and for their energy. He sent out 17 e-mail updates to NPOAG this year, and the only month he missed was in February. Barry stressed that he takes the discussions and the chairmanship seriously. Barry expressed appreciation for Ray and Rory's comments. Barry said that he will continue to the best of his ability, and he apologized if there has been a lack of communication. Barry hopes that in the future we can get past venting at the

beginning of meetings, even though this can be helpful, and he would also like to address quiet technology. He looks forward to future participation.

The meeting adjourned at 11:45 am.

**Attachment #1  
Meeting Attendee List**

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\*- participated via phone