

National Park Overflights Advisory Group Meeting
March 9 – 10, 2011
Meeting Summary
Rosen Centre Hotel
Orlando, Florida

The National Park Overflights Advisory Group (NPOAG) met March 9th and 10th at the Rosen Centre Hotel in Orlando, Florida. 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 have been 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:

- NPOAG members requested hard copies of new NSP publications if the topic is relevant to NPOAG's work.
- Karen Trevino requested an update on jurisdictional issues from FAA General Council.
- Barry Brayer requested an NPOAG meeting to focus on MORU.
- Each group member will email Chip Dennerlein with the name and address of possible video conferencing sites in his or her area. Chip will research the possibilities for a video con.
- Karen Trevino will investigate holding a live NPOAG meeting in Los Angeles to minimize FAA travel requirements.
- NPOAG members need to choose an alternate in advance of a meeting and send that person's contact information to Karen or Barry.
- Keith Lusk and Frank Turina will work together to distill the recommendations and discussion on competitive bidding into a policy document and send it to the NPOAG group before the next meeting.
- Karen will explore the use of funds for a green energy parks program to see whether park fees could go into a fund to provide incentives for air tour operators to use QT.
- The agencies would like feedback on Petrified Forest issues from the tribal NPOAG representatives, including confirmation that a letter was sent to the Las Vegas FSDO. Once they have that information, they can draft a response.
- Karen will work to get the air tour operator, FSDO, the park superintendent and the FAA to the table to figure out what is happening and get closure on the New River Gorge operator flying without IOA.
- Dick requested that the resource notebook include the Clinton Earth Day Executive Directive on Overflights and Transportation Impacts on National Park from April 25, 1996.
- Carla Mattix will investigate whether NPOAG meetings can be advertised under the NPS section of the Federal Register.
- The agencies were requested to follow up on better methods for advertising NPOAG meetings.

- A conference call was scheduled for Monday, May 2 from 4:00-5:00 EDT. The agencies will explore a longer call over the summer (August) after the May call. The May 2 call will focus on an update on jurisdictional issues.

Summary of discussion and comments for March 9

I. WELCOME AND INTRODUCTIONS

Karen Trevino, Chief of the National Park Service's Natural Sounds and Night Skies Division (NSNSD), and NPOAG Chair for 2011, welcomed NPOAG members and began the meeting. She noted that attendance was light, partly due to the recent meeting in December and also to the budget issues facing the agencies. She thanked the group in attendance and acknowledged Matt Zuccaro and the Helicopter Association International (HAI) for their support of the NPOAG meeting to align with HAI's Heli Expo 2011. She welcomed Dick Hingson from Sierra Club as the alternate for Greg Miller and as a new member beginning in May 2011 to replace Kristin Brengel and noted the expertise and wisdom he will bring to the group.

Bill Withycombe, Western-Pacific Regional Administrator for the Federal Aviation Administration (FAA), expressed his pleasure at attending the NPOAG meeting, especially given the current budget constraints. Bill has been involved with the air tour management program since 2003 working with the National Park Service (NPS) to implement ATMPs. He thanked HAI and Matt Zuccaro for an excellent experience and was glad to see NPOAG members participating in the Heli Expo. He shared that budget issues are a real concern for the FAA and will impact future travel abilities but for now he was glad to be in attendance.

Barry Brayer, Special Programs Manager for the Federal Aviation Administration (FAA), thanked the group for attending. He welcomed the public in attendance as well as Flights Standards staff John Duncan and Andy Pierce. He was disappointed to attend NPOAG for the first time without his staff in attendance due to travel restrictions and budget constraints but welcomed Keith Lusk and Larry Tonish who participated via conference call. He thanked HAI and shared the excellent experience he had with vendors at the Heli Expo, stating that the Heli Expo reminded him of the important contributions that aviation makes to the country and overall economy. Barry also stated that the agencies need input from NPOAG on a number of topics.

Bob Wheeler, President of Triangle Associates, Inc. and the Lead Facilitator for NPOAG under contract with the NPS, introduced himself and Kristine Cramer, also from Triangle. Bob asked each NPOAG member to introduce themselves (see Attachment #1 for a list of attendees) and share hopes and goals for the two day meeting. Members shared that they wanted to focus on quiet technology, safety assessments, parks with a lot of flights, the resolution of jurisdictional issues, and concerns about the Death Valley ARC process.

II. NPOAG ADMINISTRATIVE TASKS

Bob Wheeler led participants through the agenda for the two day NPOAG meeting. He reviewed the ground rules and protocols for participants attending by phone. NPOAG members then considered the Nov 30- Dec 1, 2010 meeting notes. Dick Hingson corrected the date on page 15 referring to an accident

that occurred over the Grand Canyon. The accident was in 1986, not 1956 as referenced in the notes. With this change, NPOAG accepted the meeting summary.

Bob then briefed NPOAG on the updated action items. In reviewing the action items, Alan Stephen expressed interest in meeting the Air Tour Advisory Council (ATAC) and discussing air tour issues with them. Karen responded that Barry and his staff have been invited to a previous ATAC meeting but they were unable to attend. Karen also apologized for a few misstatements in Volpe's presentation materials at the last NPOAG meeting, and indicated that those presentation materials had been corrected and sent out to NPOAG members by Barry.

III. AGENCY AND NPOAG UPDATES

NPOAG Co-Chair Karen Trevino of NPS provided an update of NSNSD and NPS activities.

- Karen brought an Excel spreadsheet showing ATMP program status in all of the parks as of February 2011 and requested that this be available to the NPOAG group (see Attachment #2, ATMP Program Status)
- The NPS has created several new publications on Soundscapes. These publications can be sent electronically.
 - Acoustical toolbox recommendations for reducing noise in national parks.
 - Handout for park interpretive rangers called 'The Power of Sound' – similar handouts are in development, one geared toward Junior Park Rangers and another for Night Skies.
- Natural Sound Program (NSP) scientists spent eight days in the Yellowstone backcountry gathering measurements to improve modeling on wind speed and other data that was criticized in previous models. Measurements continue to improve.
- NSNSD has hired a new administrative assistant, Judy Foy. As a result, reimbursements and other travel arrangements are being transitioned back to the home office so turnaround should be quicker.
- Karen shared an article about Muir Woods and Soundscapes written by Felicity Barranger of the New York Times, published February 21, 2011. She mentioned that the reporter was very interested in the Reid/McCain amendment.

NPOAG Co-Chair Barry Brayer of FAA provided an update for NPOAG members.

- The FAA budget is looking difficult for fiscal year 2011; travel has been restricted by 70% and this meeting is likely the only live NPOAG meeting that will occur this fiscal year. The following fiscal year is also unclear at this point, and there may be little funding for the air tour program starting in fiscal year 2012. Research will continue to be funded.
- Barry thanked all NPOAG members in attendance and noted the absence of the tribal representatives, Ray Russell and Rory Majenty, as well as Heidi Williams.
- Barry congratulated Bryan Faehner on another term and welcomed Dick Hingson. Both terms begin May 31, 2011.
- Barry reviewed NPOAG membership and term limits.

Membership	Term end date
Rory Majenty	4/2/12
Ray Russell	10/9/12
Alan Stephen	10/9/12

Matt Zuccaro	10/9/12
Greg Miller	10/9/12
Chip Dennerlein	10/9/12
Heidi Williams	10/9/12
Elling Halverson	5/19/13
Bryan Faehner	5/30/14
Dick Hingson	5/30/14

- Regarding the jurisdictional issues, there has been higher level discussion between DOT and DOI which led to moving forward with the Grand Canyon (GRCA) draft EIS. The comment period ends in early June and the draft EIS is available online (<http://parkplanning.nps.gov/document.cfm?parkID=65&projectID=28052&documentID=38849>) The GRCA agreement is not transferable to other ATMPs because it is separate legislation, but it may provide insight into other ATMPs.
- The Senate reauthorization of the FAA includes language about air tours. There is different language in the House Committee bill, and that bill has not reached the house floor. FAA has been working under 17 short-term renewals, "Continuing Resolutions," since 2007.
- Big Cypress ATMP was kicked off in December. No other new parks except Acadia are anticipated given the funding situation.
- The Death Valley ARC is proceeding forward. A letter was recently sent to the Park Superintendent. IOA is for 67 flights, which equals about four minutes per day of noise from aircraft. The ATMP won't change impacts much since there are so few impacts to start.
- FAA is continuing to fund ATMP-related research, including the dose-response work in GRCA.
- In late January 2011 Larry Tonish and Barry met with Congressman Nadler in New York to discuss ATMP issues around STLI and GOIS. The FAA has not finalized its position about the ½ mile ATMP boundary (aka buffer) around the parks.
- The Hawaii Volcanoes National Park (HAVO) alternatives have been resolved along the lines of Haleakala National Park (HALE) that were agreed to last November. Public meetings are planned for both parks in June to vet the alternatives and get public input.

Discussion of Agency Updates

Bryan asked whether the HALE and HAVO public meetings were related to a full release for EIS to which Barry clarified that the public meetings focus on proposed alternatives only and will include the location of proposed routes and reductions on numbers of proposed flights, but there will not be additional documentation or analysis.

Karen requested that Barry make himself and/or his staff available by other means if they can't travel to the upcoming public meetings in Hawaii and Mt. Rainier in Washington.

Bill clarified Barry's comments on the budget and funding issues. He explained that there are separate budgets funded two different ways. There is money obtained through congressional action that primarily funds Volpe analysis and activities around the Sounds Program. There is another budget for travel and staff positions that are maintained for the ATMP. Both budgets are in flux, and it is in Congress's hands what happens next. The challenge is that under the continuing resolutions being

passed and those proposed, the FAA is liable to go to 2008 or 2006 funding levels. There may be an entirely new approach to the air tour management program, partly because it has not been successful – they haven't made inroads and no ATMPs have been developed out of the program. Scientific research is critical to future success, as is working through the jurisdictional issues. Regarding the environmental process and authority, this is still being debated at higher levels and the group should hear more soon.

In response to a question from Elling, Bill shared that close to \$25 million has been spent on the air tour management program to date. Much is known about noise impacts in urban areas but there is less known about impacts in quieter areas such as parks.

NPOAG members expressed their concerns about funding issues including FAA's inability to fund its role and NPOAG in the ATMP process at a critical time. NPOAG members feel like they play an important advisory role on a wide range of issues and are concerned about their ability to continue. Barry responded that he reviewed the original group charter and it requires one meeting per year but they do not have to be live. Teleconferencing is not the same as face to face but it could be a future way to get NPOAG's input on critical issues. Karen shared that travel has also been reduced at the National Park Service (NPS), and they have been warned that the coming year could be worse. They are looking at possible 2008 funding levels.

Carla Mattix, Solicitor for the NPS, stated that under the law, NPOAG does not have a sunset provision. There are still plentiful amounts of advice and issues under the statute that need NPOAG guidance, but they may need to get creative in obtaining that advice.

Chip expressed his concern about the lack of FAA position on the ½ mile buffer for Statue of Liberty (STLI) and Governors Island (GOIS). NPOAG should be giving advice on this. That area has several other parks, and Chip gave as an example Grant's Tomb, a park that is surrounded by substantial City noise. Chip's point was that the issues in New York City are extremely complex and need to be considered thoughtfully, and with input from NPOAG.

Barry asked for more information on Karen's update on the Reid/McCain proposed amendment. She shared that Felicity Barranger from the New York Times was very interested in the topic, but that she did not brief her, or anyone, on it. The New York Times was quite knowledgeable about soundscape management, however.

IV. FLIGHT STANDARDS AND SAFETY ASSESSMENTS

John Duncan from FAA gave a presentation on flight standards and safety assurance. He reviewed the FAA standards for safety assurance, which are based on compliance with regulatory standards. He explained the FAA process to review compliance and stated that evaluation results are shared with NPS. Once an operator passes safety assurance, he or she works with NPS to achieve the best practices and routes.

A number of topics were discussed after the presentation.

Safety assessment process and when to engage the public

Matt brought up the issue that all operators in range of an area should be involved in safety assessment; an assessment is based on regulatory compliance to the extent that FAA has the resources to do it. Elling asked what is legally appropriate, and Karen responded that there are successful examples of air tour operators working with FAA Flight Standards on a voluntary basis. Karen then reminded the group that John Duncan was talking about the legal criteria for developing an ATMP under NEPA.

Barry expressed concern that if the alternatives are not public, there could be an issue with sharing them with operators. It was mentioned that for MORA a public meeting will happen in April and thus the alternatives will be public, and the Death Valley ARC process meetings have been open to the public.

Chip shared that there are good examples in Alaska of Park Superintendents and pilots sitting down and working out flight path details. These could possibly be used as models for other safety assessments before the rule-making process begins.

Matt recommended that the agencies make the alternatives public sooner rather than later, i.e. before a draft EIS is issued. As the alternatives become available from NPS, operators and other interested parties should have access – they need to be able to evaluate the alternatives before decisions are made. Matt pointed out that both operators and environmentalists have critical and useful knowledge, including the safety of routes they have been doing for years and what people want to get out of the park experience.

Matt asked whether there was a forum to get interested parties together before the formal process begins. Both Karen and Barry thought it was a good idea. The ARC process itself, to the extent that it uses aviation committees, is another alternative that uses on-going meetings.

Carla stated that agencies can meet with interested parties as needed prior to the beginning of the rule-making process, but once the NEPA notices begin (and the public comment period ends) the agency is limited in making changes. To be fruitful, any safety evaluations must be done prior to the start of the public process. In answer to a question about the ability to delay formal notice of a process in order to engage all stakeholders, Carla answered that there is no concern about Federal Advisory Committee rules (FACA) unless the agency is requesting consensus advice.

John Duncan stated that Flight Standards is not proposing a lengthy process to develop routes; they evaluate proposals that are brought to them. He also stated that under resource pressures they have to focus on continuing operational safety and are obligated to the current requirements. There are queues for various certifications, including safety assessments.–Barry stated that the FAA's ability to meet face to face is curtailed due to budget constraints, and Matt stated that the process is destroyed when the appropriate agencies are not at the table. He asked about the procedure to follow when the critical

primary agency cannot participate. John Duncan stated that there may be delays in the process if the decision-making agency is unavailable.

Barry stated that the development of alternatives is a joint FAA/NPS responsibility with input from Flight Standards at the front end. Any alternatives presented to the public must have already been safety checked.

Alan felt that agencies have a duty to make sure the alternatives are viable before coming out with a draft EIS. In both Hawaii and GRCA they are dealing with known quantities of air tours; since 2000 there have been no new operators. He feels that changes are being made by people who don't understand the air tour perspective. For example changes are proposed at GRCA where the safety record is excellent with existing routes and these changes if implemented may impact future safety. Alan also expressed his opinion that alternatives in GRCA were developed based on opinion surveys which leads him to question whether safety will be impacted by future regulations. Karen responded that "opinion surveys" were not used to determine alternatives – Paul Joly was at every working group meeting and the plan was derived from the working groups, and selected alternatives were chosen from a joint FAA/NPS effort.

Chip proposed that Flight Standards can have multiple entry points for assessment, for example FSDO sitting down with operators and/or FAA reviewing for safety. The law requires a "fully cooperative process" which means that both agencies need to be engaged throughout the process. The FAA is involved in both the alternatives development and in the formal check off. Matt supported Chip's point that the players should make a consensus decision. He encouraged park superintendents and operators to sit down at the table to talk about routes – this was the early vision for how the process would work. When possible, regional interests should get involved in meetings and provide input at an early stage. John indicated that FAA would not be able to commit the field staff for such an effort.

Karen supported the engagement of park superintendents and local FSDOs in the process, and she wants to figure out how to put together tools to facilitate these meetings. Mark Francis from the public was allowed to comment that he has worked with park superintendents in Utah on routes and that FAA has reviewed those routes. He indicated, however, that NPS follow-up has been limited.

Key points on safety assessments

- Get operators and environmentalists engaged early in the process. They have a unique perspective and depth of experience to bring to the table.
- Have a rigorous format to assess safety that includes operators' experience.
- Alternatives discussions should occur before the formal rule making process begins. These discussions should include all the players – park superintendents, FSDO, local operators.

Informal (voluntary agreements) and formal (ATMP development) processes

Barry stated that the previous discussion showed two process approaches, the informal process of meeting and figuring out routes based on shared experience and background about a specific park, and the formal process by which ATMPs become regulation. The challenge to the informal process is that personalities change through time, possibly impacting voluntary agreements between local entities. Eventually every park will have an ATMP to keep all players on the same page. He highly encouraged operators to talk to FSDO and park superintendents while the formal process plays out. Elling suggested using the voluntary agreements, for example at MORU, BADL, HAVO and HALE, to facilitate the conclusions at each park. Karen stated that they are required to do formal plans supported by NEPA and NPATMA, but that voluntary agreements have provided the foundations for the formal plans.

Dave Chevalier, in the audience, stated that both HALE and HAVO have excellent plans with no input from the FAA. They have been in place for many years with minimal noise impact. He recommended using what is already successfully in place as the basis for the formal ATMPs in those parks.

Alan expressed his concern that proper safety assessment has not been done at GRCA. For example, every time seasonal closure is proposed, air tour operators have said that it needs to be evaluated for safety but no one has discussed this with FSDO and operators. It can be challenging to change beliefs about safety but it is possible through discussions. At GRCA, the FAA and operators produced a Memorandum of Agreement (MOA) after 15 months and 7-8 meetings. John Duncan agreed that the process they went through at GRCA was excellent.

Chip recommended that the agencies encourage the chain of communication with park superintendents who need to be involved in voluntary agreements and ATMPs. As they become better informed and connect with proper parties, voluntary agreements could be used while the formal process is either under way or on hold due to budget constraints.

Dave Chevalier shared his experience with HALE. Operators came to the superintendents to address noise issues at the park. They tested flight paths with pilots at different routes and altitudes and figured out what worked best for both the park and the operators. The entire process took five hours and resulted in a voluntary agreement. This could be a first step at other parks. Chip recommended that other parks try the HALE method as one tool in the toolbox for ATMP creation.

Bill shared that the Hawaii parks were some of the first to attempt ATMPs because of the voluntary agreements in place. However, it has turned into a full EIS which is expensive and slow. They have been stuck on basic agreements about the alternatives for the EIS. Karen stated that the Hawaii example speaks to known issues about the alternatives development process. The challenge there was that the IOA was more than what was being flown and operators were flying without IOA, which also meant they were not paying required fees. The voluntary agreement at HAVO was never approved by the park

superintendent. Dave countered that the superintendent came to a voluntary agreement with the operators but would not sign it. The operators have continued to abide by the agreement. Regarding the use of voluntary agreements, Alan stated that there is a regulatory obligation and that changes cannot be made without going through the formal process. The FAA needs to think through special circumstances and areas where they will need to commit greater resources such as New York City. When there is a successful working agreement it should be used as opposed to relying on “opinion surveys.”

John Duncan agreed with Alan and stated that Congress gave support for the regulatory basis, but beyond that everything is voluntary. Operators must be responsible for collaborating with others.

Key points on formal and informal processes

- Consider using voluntary agreements as the basis for the formal ATMP.
- The formal process is needed to ensure shared understanding as the players change.

Validity of safety assessment tools

At GRCA, Flight Standards developed a series of questions to ask pilots about safety concerns – these were used as the basis for safety assessments, but the air tour operator community is not convinced that they asked the right questions. Matt stated that air tour operators wanted to be engaged earlier, during the development of the questions. They felt their expertise and depth of experience in managing risk should be utilized to develop safety standards.

John Duncan clarified that as long as the operators are in compliance with current regulations, they are fine. He concurred with others who had stated that conversations need to occur between the park service, local operators and park superintendents. FAA Flight Standards will facilitate these conversations as possible.

FAA felt that the tool they developed was appropriate to help stakeholders evaluate hazards and risks associated with different tours. For example, if five routes were presented they may all pass the safety tests and then stakeholders need to agree on the best route. The risk assessment tool was intended to identify places where the route may be hazardous, for example with converging traffic or dangerous terrain for an emergency landing. They then determine whether the risk is tolerable, a route needs to be changed, or there is another way to mitigate the risk.

Compliance with current regulations

Chip expressed his frustration with operators that have brochures and are doing flights without IOA and therefore avoiding paying fees and meeting other regulatory standards. After attending the Heli Expo and seeing new technology for tracking air space, he felt that unauthorized flights could be easily stopped. In essence, Chip felt that the unauthorized flyers were “winning the game” and creating a disincentive for law-abiding flyers that see them getting away with it. If NPS has to work through the Department of Treasury it is a long and arduous process. How can the playing field be leveled? John answered that there is a regulation around which to work, but they need to know about the non-compliant operators to act on it. FAA does not have the resources to identify non-compliant operators on their own; rather, they need someone to inform the FAA to take appropriate actions.

Dave Chevalier, in a comment from the public, stated that there is no provision in the law for collecting overflight payments at the National Parks and therefore no enforcement. Carla responded that there is a process administered by the Department of Treasury, the Debt Collection Act, but the process takes years. Bryan stated there have been known non-compliant operators in Hawaii for years, and he wanted to know how long the process will take to get them in compliance. The agencies were not certain of the timing for this.

Bryan stated that the environmental community wants air tour operators who are not playing by the rules to be brought to justice. John answered that there is a mechanism for holding operators accountable but no mechanism for collecting fees.

Barry stated that NPOAG is related to NPATMA and fees are a separate act, unrelated to FAA; therefore this discussion does not belong on the NPOAG agenda. Karen reminded the group that fees are provided for the NPS under an omnibus budget proposition, but that enforcement of whether the operator is in compliance is germane to the FAA. John countered that enforcement is limited to operations and Barry added that there is an IOA cap on the number of flights which is unrelated to fees.

Matt added that non-compliant operators are a moving target that both the environmentalists and the industry would like to get under control. Karen concurred.

Chip felt that under the NPATMA there are several ways to deal with non-compliant operators. They can have their flights reduced or, once competitive bidding is in place, their history will speak for itself and they will no longer be allowed to fly in the parks.

Key points on non-compliant operators:

- Everyone agrees that they need to be addressed but it is challenging.
- FAA will act on non-compliant operators but must be given information on them. They cannot seek them out independently due to resources.
- NPS does have a mechanism for collecting overdue fees but it is lengthy (years).

V. PROCESS FOR APPROVING INCREASES TO IOA

Karen shared her screening form for determining increases to IOA as this discussion began (see Attachment #3 Mod Screening Form). Karen was seeking more structure around the process for increasing IOA and the cut off point for denying requests for increases.

Chip felt that Karen was seeking a solution to a non-existent problem. Under the law, the trigger for IOA is a net benefit to the park, so if the soundscape can be improved or there is a better user experience, more flights will naturally be allowed. Matt asked whether this will preclude increases to IOA, and Chip responded that there could be several ways to mitigate increases such as route changes, quiet technology, and avoidance of sensitive areas.

Matt requested that the group consider other areas where IOA increases could benefit the park. For example, more aircraft mean more park visitors and revenue. Karen stated that if the park can generate revenue which can be used for improving the soundscape this could be a win-win situation. She gave examples including altering flight times during the day, altitude, routes, or quiet technology that would result in increased revenues and park visitors but not degrade the in-park experience.

Matt asked Karen to consider modifying her screening form to include the fact that more visitors will see the park if more are able to fly.

Chip again reminded the group that the trigger for more IOA relates to resource improvement. If the situation at the park is improving, then operators should be allowed more flights. Karen corrected Chip that the Act speaks to the value for resources, visitor experience, and tribal lands. "Resources" are not limited to natural resources. Chip disagreed that bringing more people into the park will make the park experience better, and both Karen and Matt stated that this is one factor among many.

Alan urged the group to understand that most air tour markets have been static since 2000 so increasing IOA to one operator may take flights from a competitor. Someone with more expensive equipment may then get favored.

Karen responded that they may be able to show no net loss to acoustic resources from increase in air tours, but could it also be considered an improvement if there are more people exposed to the park interpretation through air tours? Chip responded that the trigger is not 'no net loss' but rather a net gain. Bryan wanted to put the conversation in context. The greatest challenge the parks face is to manage visitors, including reducing noise and traffic. It is not necessarily about the number of people at the park but more about how they visit, for example snowmobiling has a larger impact on visitor experience in Yellowstone as compared with skiing. The management strategy needs to be about getting the maximum number of visitors within certain parameters.

Key points on increasing IOA

- IOA could be increased if there is a net gain to the park soundscape. This could be achieved by various mitigation factors including quiet technology, or changes to routes, timing, or altitudes of flights.
- Environmentalists and industry representatives disagreed on what constitutes a better visitor experience, with environmentalists qualifying how the visitors see the park and the operators arguing that more overall visitors may get to experience the park via air.

In addition to the general discussion, NPOAG members agreed upon a set of recommendations on potential benefit to increasing IOA. These are attached as #4, and are included in italics below.

NPOAG recommends that the agencies consider the following as potential benefits and values to National Parks from increases in IOA;

- *Air tours can bring additional visitors to the park.*
- *Air tours can bring additional revenues to the park to be used for the purpose of resource protection.*
- *Increasing IOA could be contingent on incorporating use of quiet technology, thereby reducing the overall impact on the soundscape.*
- *Increased air tours could be a factor in reducing level of ground-based visitation, resulting in less air pollution, congestion, physical impact, and noise.*

VI. AGENCY REPORT ON ROLES AND RESPONSIBILITIES

Barry stated that DOT is currently addressing the jurisdictional issues and will involve DOI when appropriate. The issue is above the NPOAG agency members at this time. Chip thought the jurisdictional issues should move to CEQ. The agencies are hoping they can figure out the jurisdictional challenges without CEQ but they recognize that it might be needed. The Secretaries will make the CEQ decision, if and when it is necessary.

Chip asked how NPOAG can move forward without the resolution of jurisdictional issues, and Barry responded that they are ready to make a decision - MORU has been ready for two years. Karen added that they do not agree on what should be signed, not that they can't decide who should sign it.

Matt questioned the problem at MORU. If development of four alternatives came about through discussion and analysis with both agencies, how is only one currently acceptable to NPS? Carla answered that the agencies disagree on how the EIS is presented and how the analysis was done. The methodology is the point of contention.

Keith added that the agencies agreed on the four alternatives but cannot agree on which alternative will be selected. The FAA does not identify significant impacts with any of the four and to justify operational restrictions would be difficult for FAA.

Chip stated that an end point decision on the jurisdictional issues is needed, and he requested clarification on when that might be. The agency response was that with the issue elevated to the Secretarial level, it was uncertain when that might be.

The heart of the inability to move forward lies in who decides resource impacts. The FAA feels that, based on their experience with noise analysis, they should analyze impacts to NPS resources, but the DOI feels strongly that FAA has sole jurisdiction over safety and efficiency and NPS should have sole jurisdiction over National Park resources and environmental issues. The FAA role would be limited to safety and NPS to park resource impacts under NEPA.

Barry asked for clarification on the distinction between the two laws governing GRCA and NPATMA. Karen explained that there is a notable difference but that the fix could be similar. The 1987 GRCA Act states that the Secretary of the Interior will make recommendations on impacts and FAA will implement them. Under NPATMA the statute language does not contain the same level of detail or language authorizing one entity to determine impacts to parks.

Bill noted that in NPATMA, FAA has the lead and NPS is the cooperating agency. FAA is trying to find common ground and move forward with NPOAG and NPS. The difference is in the environmental processes. FAA has used its standard approach to noise employed around the country – an environmental process with studies that include both extreme and normal impacts and then makes impact determination based on the scientific evidence. NPS uses a different noise standard, but the FAA has chosen to use their standard. With regard to MORU, they have put together a draft EA that includes all impacts and have asked NPS to comment. NPS has commented on some portions but not all. FAA has tried to get NPS to the table to discuss MORU, but the jurisdictional issues have impeded the process.

Bryan stated that it is one thing to have analysis and another to make decisions based on that analysis. He feels that FAA needs to make determinations based on what is appropriate. Parks are extremely different from communities near airports and therefore noise determination should be different.

FAA believes that the park service analysis is valid but so is the FAA's analysis.

Karen read from Senate Report 106-009 that the air tour management plan is intended to preserve quiet over the national parks and that FAA is solely responsible for the airspace and NPS for determining potential impacts of air tours to park visitors and the visitor experience. (See attachment #5)

Karen explained that the main difference they are working through is analyzing noise impacts. FAA standards are developed for urban areas and the NPS feels this is not appropriate for wilderness. The FAA decibel level refers to blowing out the eardrum whereas NPS is about a quiet experience. FAA standards are appropriate for the FAA's mission but NPS's mission is to protect national treasures, which is very different.

Elling responded that MORU is not the pristine place to get away from sound, and Karen answered that this is all factored in. Due to air tour noise, visitors cannot hear the interpretive rangers under the pavilion.

Elling shared his hope that an ATMP can be completed. He expressed a desire to find ways to compromise and get one signed!

Key points on jurisdictional resolution:

- They may need to elevate the issue to CEQ, but the agencies hope to resolve it on their own.
- NPS and FAA do not agree on what constitutes “noise impacts.”
- The NPATMA language is unclear on who is responsible for the above.

Finding middle ground

Alan shared his frustration that he felt the process has been flawed since inception. For example in the 1987 GRCA Act, the Grand Canyon model would be applied to all National Parks. However, he felt that the FAA/DOI working group was making decisions without public input, and there needs to be a balance between the two perspectives. The FAA had no ability to identify impacts to the park – that is an NPS job. FAA must focus on safety impacts.

At MORU, the FAA believed it had a model air tour management plan, but the plan got rejected when the park superintendent declared that all the alternatives were impaired. Chip stated that each agency needs to bring their expertise to the table and recognize the need for balance.

Barry explained that the FAA has not found anything in NPATMA that would prohibit them from making determinations under NEPA. NPATMA makes it clear that both parties are part of NEPA (as opposed to GRCA where DOT role is administrative) because it makes FAA the lead agency. In the case of MORU, FAA understands that the NPS has a different way of determining impacts. The MORU document has impact determinations from both NPS and FAA. Karen shared that there is a new park superintendent at MORU who will be briefed soon.

Bryan asked Barry and Bill to remember that CEQ guidance on NEPA for evaluating noise impacts states that NPS has the expertise. NPS doesn't tell FAA how to do safety and FAA should not be providing guidance on noise.

Barry stated that this NPOAG conversation is repeating past discussions and not providing the agencies with any new guidance, and that the agencies are working to address these issues. Bryan responded that without jurisdictional resolution, NPOAG is at an impasse. It keeps coming up because it needs to move forward.

Karen requested that Barry and Bill check in with DOT and attempt to speed up the process. Bill responded that FAA is not trying to regulate the Park Service; rather, they are trying to find common ground. They recognize that parks are special places, but they also need to be cautious about setting a noise precedent in other parts of the country. They are not beyond getting the parties together, and they are willing to discuss MORU with NPS and work toward finding agreement between the parties. Karen answered that there are no negotiations going on right now, and she would like an update from the General Council. She would like to help facilitate the process.

Chip felt that the group was revisiting a problem that James said was solved at the Las Vegas meeting. According to Chip, the FAA has the authority to mitigate environmental impacts on the ground but has not chosen to exercise that authority. This is park legislation, meant to be applied to parks and not to other lands. Chip recommended re-examining other legislation like the 1976 Redwood Act. It is not the FAA's business to protect park space for inspiration – they are analyzing a different experience and should not be engaged in this debate. According to James (in Las Vegas), "all we need to say pursuant to NEPA is that NPS has a process and it was used in coming to conclusions."

Karen, like Barry, indicated that the discussion was repeating past discussions, and that because of the fact that FAA attorneys were not able to attend the NPOAG meeting that further discussion on this topic should be limited. She stated that if NPOAG members have recommendations to make, they should be more creative and provide new input. She also noted that Carla Mattix is on the team designated to resolve this issue.

Barry reiterated that FAA and DOT are following protocol and working internally at this point. The next step will be to talk with DOI and NPS. If there is some new advice, Barry welcomes it.

Matt stated that at its base the two agencies blame each other for lack of progress but that is immaterial because they need to find a way to move forward. NPOAG members at this point have a responsibility to go outside the venue of NPOAG to move the process forward. If there will never be an ATMP from the group, Matt asked why they continue to meet.

Karen asked the group to think of alternative processes that don't leave the FAA feeling vulnerable. The legal issues are very real to FAA even if Karen does not agree with them.

Barry expressed his optimism that the issue will be resolved. Now that the GRCA draft EIS is out, he believes they can come to agreement for other air tour management plans.

Key points on finding middle ground:

- Everyone is frustrated with lack of progress.
- Issue is currently being discussed internally at DOT/FAA and will then go to NPS/DOI.
- The GRCA draft EIS is a step in the right direction.

In addition to the general discussion, NPOAG members agreed upon a set of recommendation on resolving jurisdictional issues. The table below is also included as Attachment #6.

<i>Recommendation</i>	<i>Discussion</i>	<i>Consensus</i>
<i>NPOAG requests ongoing progress reports on appropriate agency roles, the first one within 60 days of NPOAG meeting.</i>	<i>Conference call May 2 to include progress update</i>	<i>Yes</i>

<i>NPOAG agency staff recommit to expedite higher level DOI/DOT discussions on appropriate agency roles.</i>		Yes
<i>NPOAG requests the agencies establish an NPOAG meeting (or balanced subgroup) on MORU to present and discuss alternatives and environmental analysis.</i>		Yes
<i>NPOAG recommends the use of temporary/voluntary agreements until ATMPs are completed. NPOAG encourages the use of voluntary agreements as a basis for ATMPs.</i>	<i>Voluntary agreements could serve as a mechanism for IOA while parks wait for ATMP creation/completion.</i>	Yes

Moving forward in spite of jurisdictional issues

Elling reminded the group that air tours are a business to the operators, and they are also a way for visitors to experience the wonders of the national parks. In MORU, all nine alternatives are acceptable to the FAA and only one is acceptable to NPS. He questioned whether one agency is too liberal while the other is too conservative. He asked whether NPOAG could be part of the alternatives evaluation process at MORU. No one on the committee knows what the nine alternatives are for MORU, and they would like to be more involved. Barry answered that they would like to have an NPOAG meeting focused on MORU and the alternatives.

Chip recommended that MORU should move forward. There are several ways to force action.

- Go to CEQ.
- Use the alternative that both agencies agree upon.
- Choose an alternative and understand that a legal appeal would likely be filed challenging the alternative.
- Stop spending money on ATMPs and focus energy on enforcing the current system.
- Create more voluntary agreements with operators.

Karen agreed that voluntary agreements can form a useful basis for ATMPs, but that the law states that ATMPs are required. She also argued that focusing on enforcing IOA will not be a productive route. Barry stated that the FAA supports the use of voluntary agreements as an interim step in the ATMP development process. If the voluntary agreements work, they may be memorialized in the ATMP. Chip answered that voluntary agreements were never meant to be mutually exclusive from ATMPs; rather they should set the stage. He felt that they should take away the "ATMP" nomenclature. When the

word is there, agencies argue about authority. He recommended that operators and parks make voluntary agreements, ask FAA Flight Standards for safety assessments, and move forward.

Bill reminded the group that formal negotiations are happening, for example with the ARC process in DEVA, even if NPOAG doesn't know all the details. He asked the group to trust that solutions will be developed. Barry added that 18 months ago, they thought there was consensus in Death Valley but now there are there more alternatives on the table.

Elling felt that there should not even be a process at Death Valley with its small number of flights. Karen answered that Death Valley is 96% wilderness, and the park superintendent is on record stating that if there weren't already air tours, they would ban them entirely. She also noted that each park is unique but represents legal precedent for the agencies, so they need to be thoughtful. If there were agreement to allow the air tours that are currently being conducted at Death Valley, the ATMP would have been completed months ago.

Ann Carroll, Legal Counsel for HAI, asked about House language on voluntary agreements for the FAA proposed reauthorization. She wanted to know whether they could opt out of a voluntary plan and require an ATMP. The answer is that is possible only for parks under a certain flight limit. The House language matches that of the Senate.

NPOAG requested that the agencies report out on progress within 60 days.

Karen added that the park service wants to try out a voluntary agreement with Canyonlands and Rainbow Bridge to allow some stability for air tour operators and the superintendent to move forward in a systematic way.

Bryan added his opinion that voluntary agreements are good as long as it is clear that this is not the formal process and that the public needs an opportunity to weigh in. He is concerned that some operators will see voluntary agreements as the end result instead of a step toward a formal ATMP. Voluntary agreements may be sufficient in some parks, but many parks will need more than the codification of the voluntary agreement.

Carla cautioned the group that even with voluntary agreements, the NEPA consequences will need to be examined.

Key points on the moving forward

- Voluntary agreements may work as an interim stage in developing ATMPs as long as it is clear that the goal is an ATMP.
- The process is working, give it time.

VII. NPOAG STRATEGIC PLAN AND PARK PRIORITIES

After a break, the group reviewed and approved the NPOAG recommendations on prioritization of parks document created from the Las Vegas NPOAG meeting (See below and Attachment #7). The discussion included shifting earlier thinking that less impacted parks would be easiest to address and instead moving toward a focus on parks that have higher environmental impacts. There needs to be agreement on low priority parks (those with the smallest number of flights) and all attempts to agree on those have failed. One person requested that NPOAG only consider parks with more than 500 flights. Dick Hingson reminded the group of historical park priorities including Bryce Canyon, Zion, and Glacier.

*NPOAG members discussed **at their March 9/10, 2011 meeting** what criteria the agencies should consider in prioritizing parks for ATMPs. Based on this discussion **NPOAG recommends that the agencies:***

1. *Push through “signature” parks that have had the most work invested to date (for example MORU, HAVO, HALE, BADL, DEVA, STLI/GOIS, and others) and consider take-off and landing/safety/precedent setting.*
2. *Be disciplined and focus scarce resources: look for groupings or categories of parks that have similar attributes such as sites of military battlefields (Little Big Horn), cultural sites, national recreation areas; or sites that have similar sound attributes (for example Arches/Canyonlands). Develop ATMPs that can set a precedent for addressing attributes in these categories. Suggested categories include:*
 - a. *Quiet – Natural experience*
 - b. *National recreation areas (such as Golden Gate)*
 - c. *Cultural – for example Military Parks*
 - d. *Tribal – for example Mesa Verde*
3. *Consider that there has to be a resource protection benefit to opting out of developing an ATMP if exemptions are allowed.*
4. *Refrain from starting and then stopping the development of an ATMP. Finish the ones that you have started.*
5. *Consider the number of parks on the list and consider taking some off the list to accomplish more in a short period of time.*
6. *Consider historical context for public and congressional interest (Bryce, Glacier, Zion).*
7. *Consider if the Park is “ready” (General Management Plan (GMP) completed, staffing capacity and monitoring capacity).*
8. *Consider if there is a GMP update getting underway at the park and if the ATMP process can be expedited by using public process for both.*

In discussing the strategic plan, NPOAG needs to rethink how it gives advice. With the FAA’s ability to meet face to face curtailed due to budget constraints, the agencies need to develop suggestions for NPOAG’s continuing role. The group agreed to explore video conferencing options. Chip will look into video conferencing abilities in the areas where NPOAG members live. Each group member needs to email Chip with the name and address of possible video conferencing sites in his or her area. Karen mentioned holding an NPOAG meeting in Los Angeles which would limit FAA travel needs. Video conferences and teleconferences may have to suffice but are not as effective as face to face meetings. The leadership at both agencies needs to understand that the program is in jeopardy.

NPOAG expressed appreciation for regular communication with the agencies, including more notices and emails.

Elling commented that Papillon airlines recently purchased a monitoring system that defines every aircraft, altitude and speed at any given time. It can be monitored on a cell phone and is inexpensive. Karen thanked Elling for bringing this up and wondered whether a subgroup could get that information without violating proprietary company information. Elling responded that it may not be necessary since the competition watches each other carefully. In terms of violations, Karen feels that it may be more about people not understanding the rules and regulations. Alan added that there is a cost to monitoring, and it can get expensive. The GRCA draft EIS wants a report on all flights at all times so that NPS can monitor compliance, but that could ultimately become overwhelming expensive. Elling thought the monitoring system could be set up at time intervals that might make it more practical for tracking. Alan noted the importance of locating missing aircraft and tracking aircraft within a company. But he mentioned that this can be overdone, add significant costs for equipment and then cost for some frequency of pings. For GRCA, there appears to be a desire for a report on every flight every moment so that NPS can monitor to see that all are in compliance.

VIII. DAY ONE PUBLIC COMMENT

Mark Francis (Tour Operator with Red Tail Aviation, Price, UT) commented on voluntary agreements within parks. He felt that verbal agreements at Arches and Canyonlands need to be formalized and yet it has become overcomplicated to the point where it could be impossible. He volunteered to sit down with the park superintendent and seek solutions that will work within the framework of the law. He understood that voluntary agreements would not supersede the ATMP process but at least could have a publicly acceptable program in place at those parks. He felt that NPOAG needed to stay out of the way and that the operators and park superintendent could go to FAA directly for the safety assessment.

Mr. Francis also commented, with all due respect to Elling and Alan and the great work they have been doing on behalf of all air tour operators, that having two NPOAG members from the same company that represent commercial interests could be seen as a conflict of interest. It was pointed out that this has happened with other groups being represented. Barry stated that NPATMA makes it clear that NPOAG needs a general aviation representative and in that capacity there was a limit on the number of air tour operators that could be represented. He also recognized that there are many excellent people in the industry who could be at the table and when there is an opening on the board, that will be examined. Chip thanked Mark for his comments and stated that NPOAG is conscious of having balanced representation.

Summary of Discussion and Comments for March 10

Karen Trevino welcomed the NPOAG members and others to the second day of the NPOAG meeting. She expressed appreciation for everyone's participation and productive discussions on Day 1. She welcomed Dave Chevalier to the table as an alternate for Heidi Williams. Karen requested that in the future an alternate be chosen in advance and conveyed to herself or Barry for each of the NPOAG members. The group began with a review of the framework for competitive bidding then moved to

quiet technology before reviewing the documents edited live the day before, including NPOAG recommendations on prioritization of parks.

IX. DEVELOPMENT OF FRAMEWORK FOR COMPETITIVE BIDDING

The agencies began the competitive bidding discussion by stating that while there had been several NPOAG meetings where this topic had been discussed, input was still needed from NPOAG as the complexity of this issue became more apparent pursuant to earlier discussions. The agencies posed the following questions for the group to consider:

- What factors/criteria should be used for competitive bidding?
- How should criteria for competitive bidding be used and/or applied?
- In what circumstances is competitive bidding appropriate and when shouldn't it be used?
- How do we keep competitive bidding criteria balanced in order to be fair with all potential Air Tour operators?

In addition to the document created as a result of the discussion (included at the end of this meeting summary section), the agencies made the following additional comments.

- Barry commented that the FAA makes the final decisions about who gets IOA but they do take input from operators. He also distinguished the safety record from the safety analysis.
- In response to a question about how to memorialize the process, Barry responded that the decision should be included in the ATMP and the public allowed to comment. The process could vary from plan to plan. He questioned whether a regulation was needed.
- Karen asked whether it would be beneficial to have one scheme that could work for all ATMPs (where applicable) so that they are not reinventing the wheel at each park.
- Barry asked NPOAG to provide input into how to factor in new operators, and Karen wondered how to ensure that the rules are applied in a way that doesn't preclude smaller air tour operators from being on a level playing field with larger operators. She distinguished her concern from #4 (Attachment #7) in that voluntary spidertracks equipment or quiet technology aircraft could prove expensive. The competitive bidding process would need to include the effects of any hits taken across the board to operators.
- Barry asked whether it would be fairer to pro rate operations or to have a smaller set of operators win all the business. He thought that they could use regulations or they could use the Federal Register to memorialize the process. Frank Turina (NPS) answered that it would depend on the markets as equipment costs and park locations vary widely.
- Karen stated that the framework for competitive bidding needs to be applied at one park and then they will know how to make it most effective.
- Paul Joly pointed out that when regulations were developed at GRCA an operator's certificate was necessary to hold a permit; thus any company would have to be a certificate-holding entity.
- Barry was concerned about a lack of resolution on the topic. He indicated he is still unclear about how to make decisions on awarding operating authority.

Shown below (and included as Attachment #8) is the text that was discussed as a live document on March 10.

1. What factors/criteria should be used for competitive bidding?

- *Safety record of person submitting proposal – including compliance with FAA (violations, etc.)*
- *Any quiet aircraft technology proposed to be used – commitment to acquire/actual equipment that will be used, including type/size of aircraft*
- *Experience of the person submitting the proposal with commercial air tour operations over that or other national parks or scenic areas*
- *Financial capability of the person submitting the proposal*
- *Training/education programs for pilots and air tour clients – communication of park resources and values as part of training program*
- *Responsiveness of the person submitting the proposal to any relevant criteria developed by NPS for the affected park – e.g. companies that have state park foundation brochures in customer packets or make donations to park foundations; willingness to participate in new and improved operations (monitoring)*
- *Willingness to provide voluntary information that is not currently required that will help the agencies in the decision process*
- *Accurate determination of IOAs*
- *Based on auditing and other aviation bidding experience, one person 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).*

2. How should criteria for competitive bidding be used and/or applied?

- *First threshold: application complies 100% with ATMP plan – how the operator will comply with elements of plan.*
- *Following above, go through rest of criteria starting with safety.*
- *DOT Fitness Criteria adds another consideration – captures public input (open process).*
- *This is a joint process with NPS. Need to consider how much weight should be put on certain criteria, such as pilot training.*
- *One person asked if urban park criteria should be different from rural park criteria.*
- *Make 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:*
 - *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.*
 - *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.*
 - *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 is serious about the park.*

3. In what circumstances is competitive bidding appropriate and when shouldn't it be used?

- *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 on competitive bidding.*
- *If there are fewer flights than IOA, make pro rata distribution and the market will sort out the rest. If there's an increase in flights because an operator dropped out, 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.*

4. How do we keep competitive bidding criteria balanced in order to be fair with all potential Air Tour operators, including smaller operators?

- *Use of the criteria across the board should ensure fairness. The same standards should be applied to all.*
- *Overall operations should be examined. The goal could be similar to that of reducing noise.*
- *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 operators should make a proposal for the allowable slots, and FAA would then choose proposals. Another person thought pro rata distribution might not be practical because the real world is more complicated.*
- *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?*

5. Will there be an award to a single successful bidder or multiple successful bidders?

- *It should be decided on a case by case basis due to too many variables.*
- *In an open, competitive market place any operator should have access and be able to propose. Then use the criteria and the law to make decisions.*
- *If there is more than one operator that has invested in quiet technology, multiple bidders should be awarded.*
- *Before awarding to bidders, fees need to be collected from current operators.*
- *Any decision should attempt to keep all air tour operators in business and spread the wealth/pain.*

6. How does financial capability factor into how many operators will be given operations?

- *Agencies cannot decide on business plans.*
- *Be careful on pro rata reduction.*
- *Use the fitness criteria from DOT.*
- *There are two elements to consider: a) individual operator's financial ability to meet proposal; b) when a government agency might restrict total business activity – what is the impact on each operator's ability to survive.*
- *One cannot ignore the fact that there are operators who have put enormous resources into their operations and then there are new operators that want to get started up – there is a need to properly weigh history/capacity.*

7. What happens if a new operator wants to fly and all operating authority (OA) has been given?

- *Use safety as the driver in relation to a controlled air space.*
- *Have a reasonable basis for number of OA.*
- *Take it on a case by case basis. There is conceivably room for new operators because of growth factor.*
- *If all OA has been allocated, then use transferability/regulation as the mechanism.*

- *If under IOA, follow IOA process for new entrants.*
- *If ATMP is approved, then the only way to bring in additional operations is to make an amendment to the ATMP.*
- *Use NPATMA to decide how to address new applicants.*

8. *If there are more operations allowed than IOA, will those operations be awarded or left open?*

- *Use the same criteria.*
- *Only bona fide certificate holders could get additional flights.*

9. *What happens if all applications are equal?*

- *NPOAG recommends creating additional criteria as needed. A lottery was considered but is secondary to additional criteria.*

Carla Mattix stated that to put these recommendations into legal effect, a joint policy agreement between the FAA and NPS is needed.

X. QUIET TECHNOLOGY (QT) INCENTIVES

The following captures discussion points made by the agencies and NPOAG. In addition to the document created as a result of the discussion, several issues were brought up and included:

- For ATMPs, QT incentives could include preferred commercial air tour routes and altitudes and relief from caps and curfews.
- Note that GRCA's requirement is slightly different. Refer to section 804 on QT that establishes routes and corridors for air tour operations by fixed wing and helicopter aircraft that incorporate QT. If aircraft are replaced they are not subject to allocations as long as there is no cumulative increase in sound. Also any aircraft that was quiet as of 2000 does not need an additional allocation. There is an incentive for people to replace aircraft and an incentive for those who have already upgraded.
- Alan questioned whether it is a true incentive if you are mandated to have QT as a basis for OA, or whether it should be intended to provide the ability to offer a better tour product or to fly more hours during the day. Due to QT's high costs, the use of it needs to be accompanied by an ability to offer a different or better product.
- Alan requested that NPOAG recommend that a QT incentive is not actually a disincentive. He asked the group to consider whether the incentive will actually improve an operator's situation as opposed to simply allowing an operator to continue operating (i.e. not get put out of business for lack of QT).
- Carla Mattix stated that one could make a recommendation for how to interpret the provision.
- Barry stated that in one park where alternatives have been developed, some of the alternatives allow all helicopters Monday through Friday with Saturday reserved for QT aircraft. He argued that they were setting up a disincentive in that case.
- Karen responded that they should look at the baseline because it could be a true incentive, but Barry felt that they would need to strongly justify limiting weekend flights. Karen felt less sure that no action would actually turn out to be the preferred alternative.

- Carla asked the group to consider a full range of incentives.
- Matt thought the group needed to establish a thought process whereby QT operators obtain something above and beyond what non-QT operators receive. Is it an incentive to take something away and then give back 20% of what one had through using QT?
- Chip agreed with Matt that QT needs to be a true incentive above and beyond any baseline regulations.
- Karen asked the group to consider the baseline in various cases.
- Carla reminded the group that GRCA had years of regulation coming into the draft EIS whereas most parks will be starting fresh with ATMPs. This will make it easier to establish a baseline.
- Air tour regulations and baselines need to be documented based on science and monitoring.
- Karen suggested that the group think about the range of alternatives given the QT provision and that perhaps the range should not include QT. The group was reminded that the goal of QT, and NPATMA overall, is to restore natural quiet.
- One member asked that QT incentives be written into the alternatives. If an operator flies with QT, they get more flights or different routes.
- Mark Fischer, in the audience, reminded the group that operators will only invest in QT if they believe they can increase business to pay for that investment.

From these comments, the group then moved into a discussion on the definition of quiet technology, which is currently defined as the determination of noise efficiency ratio per person. The FAA has a noise database (Integrated Noise Model) for all aircraft that is used to determine noise levels. The database cannot be used to make noise determinations at the parks, however, due to the highly variable nature of park soundscapes.

Chip pointed out that NPOAG should not determine QT standards. There are new developments out there but they need to rely on other experts to determine how technology can or should be used. There should be a two-tiered approach to achieve quieter operations that includes technology (e.g. equipment retrofits, upgrades and replacements) and scheduling. He asked the group to consider routes only available to QT aircraft.

Alan stated that the group should recommend incentives based on the definition. As new technology is brought into daily operations, incentives can be adjusted upward.

Keith reminded the group that at many parks with a small number of IOAs, incentives may not be meaningful.

Larry questioned whether more modeling would need to be done to incorporate both QT and non-QT models. Vicki stated that they prefer to look at QT during alternatives development to make NEPA more efficient rather than trying to do something later that may require more study or modeling. Lelaina

agreed with Keith for lower volume IOA parks, stating that QT has come up in the alternatives development process but has been turned away due to low numbers of IOAs in those parks. She questioned whether QT should be considered in parks with low numbers. Vicki answered that non QT scenarios are accounted for and they will get a comparison. Bryan asked about other incentives for QT, including loan programs for small businesses. FAA does not have related programs but NPS has had programs to promote the use of green technology and he wondered whether noise reduction could be included in that category. There was also a question about whether additional fees could be used to fund a program to support QT technology. Barry stated that it would require a legislative amendment to charge fees to incentivize QT. He stated that while it is beyond what NPOAG or the agencies could do, it might be possible to offer tax breaks for QT. Karen responded that she will explore the use of funds for a green energy parks program to see whether park fees could go into a fund to provide incentives for air tour operators to use QT. One of the Senate amendments does have a provision about collecting fees from air tour operators to use for ATMP development and resource protection.

See below, and attached as #9, for the text that NPOAG discussed on quiet technology incentives.

How to incentivize quiet technology

Two methods of approaching QT and QT incentives were discussed at the NPOAG meeting in Orlando. The first method for the agency alternatives development process considering QT would be developing alternatives without QT and then considering QT and incentives for each alternative. QT should be a positive incentive, above and beyond the baseline alternatives and decisions. A second method of approaching QT is to consider QT during development of alternatives, including having QT routes, times, etc., as part of incentives for using QT technology. This could include QT only routes as well as other incentives. As QT advances are made and aircraft become even quieter, the incentives could be adjusted to recognize the availability of quieter aircraft.

NPOAG members also discussed the need for quiet technology to be a true incentive, above and beyond the baseline, as opposed to a disincentive whereby operators that do not have QT are given less routes, etc. The dilemma is to create a real incentive that will work for small operators in some parks.

Quiet technology definition

Quiet technology is currently defined as the determination of noise efficiency ratio per person. The agencies request that the definition of QT consider technology-based concepts as an addition to the current definition. Part of the public process could also include an opportunity to comment on what constitutes quiet technology. The agencies request that NPOAG make recommendations to agencies on commonly accepted QT that would receive preferential treatment in an ATMP, including types of air craft or technologies.

Toolbox of incentives

- *Allowing landings in certain locations in the parks for those who use QT*
- *Lower altitudes/additional routes*
- *Seasonal/scheduling incentives*

XI. REVIEW OF DAY 1 DISCUSSION ON PARK PRIORITIZATION, IOA INCREASES

The group reviewed the documents created on Day 1. Karen reminded the group that they are offering recommendation to the agencies but that the agencies must consider other issues in tandem. For example, Glacier National Park is currently undergoing a wilderness designation process that, while it is not germane to NPOAG, will impact whether an ATMP is started or given focus.

Factors discussed at the meeting will be added to the spreadsheet developed by the agencies to help prioritize which parks begin ATMPs. Regarding potential impacts to IOA, Karen noted that NPS looks at noise impacts to various park resources. To determine whether there is a noise problem, they use the "mod screening form" shown to the group on Day 1 (Attachment #3).

Bryan questioned the relevance of discussing benefits to increasing IOA. Karen answered that requests for IOA increases have been denied categorically due to a lack of fair process. NPOAG input is important on this topic.

Dave promoted increasing IOA, stating that air tours are the epitome of the NPS ethic 'look but don't touch.' Hikers impact park resources extensively, from invasive species introduction to archaeological impacts. He added that this is, at its heart, a conflict between user groups and that in terms of protecting the park for future generations, the group must acknowledge that air tours have a lesser impact. One person cautioned that 'visitors' must be defined carefully. Karen stated that to be considered a park visitor one must be subject to park regulation and interpretation. Air tour clients are considered visitors under that definition.

See Attachments #4 and #7 for NPOAG discussions on IOA and park prioritization.

Alan left the meeting at this point. He thanked the group for a productive meeting and stated that he felt that NPOAG had offered the agencies practical information that leaves NPOAG in a better position to do what they are entrusted to do.

XII. UPDATES ON ATMPS

Frank Turina and Vicki McCusker (NPS) gave a PowerPoint presentation with updates to ATMPs.

Haleakala (HALE) and Hawaii Volcanos (HAVO)

Public meetings were originally scheduled for June 2011 for both parks, and they were trying to schedule them back to back and tie them into other public meetings to encourage maximum attendance. Each park will have two to three public meetings. (NOTE: On March 17, Barry sent out a notice with a Federal Register announcement that the HALE meetings were moved to April 12, 13, and 14.)

Golden Gate (GOGA) and Point Reyes (PORE)

Given the potentially high interest level, the agencies are working with Volpe and the contractor to develop a notice of intent and a template for public participation through NEPA.

Statue of Liberty (STLI) and Governor's Island (GOIS)

Barry and Larry attended a two-day safety assessment meeting in late January that included all affected air traffic personnel. They looked at current and potential safety concerns around the Statue of Liberty and the Hudson River. NPATMA is currently interpreted to allow flights through parks en route to the park being toured without the 0.5 mile buffer. Given the high air traffic in the area, there are safety concerns associated with avoiding air space in parks. These safety issues will inform the alternatives. Before working with operators, FAA needs to address external air traffic issues in the area.

Matt asked whether they plan to involve operators, and Larry responded that they do intend to involve them in the alternatives development process. Carla asked the FAA to include her at the appropriate time, and FAA attorney Lisa Holden stated that FAA is aware of her request and will inform her when they are ready.

Matt expressed his concern that the 0.5 mile buffer zone could degrade safety and create more hazards, including running into other air traffic routes. He felt that moving air tours in the STLI/GOIS area would create an air space void which would get backfilled by other craft. He also asked whether they could be setting a precedent for flights over national parks if the parks have the potential to impact non-air tour aircraft. Barry responded that the flight standards staff participated in the meeting and are aware of the concerns.

National Park Service staff requested a briefing on safety assessment to share with their park superintendents. FAA responded that the report is currently in the review process and will be shared as soon as it is finalized.

Chip felt that the Park Service will have to respond to the concern over the air tour flight paths used to reach STLI and GOIS. Changing flight paths could create more impacts or unintended consequences. NPS's mission is to protect cultural resources and park visitor experiences. An ATMP is required under NPATMA, but the final plan will be unique to the situation.

Matt put in a formal request to end discussion of STLI. According to Matt, the discussion is a waste of time, resources, and funds based on high noise levels in New York City. The focus of NPOAG discussions should remain on the many wilderness areas where ATMPs will have a large impact. Chip gave an example of the difficulties in New York by indicating that since air tours are controlled within 0.5 miles of parks, and that while the focus is on STLI/GOIS, Grant's Tomb on the upper west side is a park and would therefore need additional controls. This would make additional flight changes that would impact Hudson River flight patterns. His point was that Grant's Tomb is in a severely degraded state and in a neighborhood with lots of noise, and not something that should be a high priority.

Mount Rushmore (MORU) and Badlands (BADL)

Both parks have new superintendents as of December, 2010. They will be briefed the week of March 14. A GMP for MORU is nearly completed. The next step for the Badlands is to involve the tribes.

Acadia (ACAD)

NPS is developing a new approach to studying soundscapes in this park. They are developing on-the-ground soundscape conditions and then transferring those conditions to the air space in determining flight paths. A meeting is scheduled for the week of March 14 with the park's head planner to review work to date. This will then be shared with the park management team. A kickoff meeting is tentatively scheduled for April with the FAA. Barry asked that NPS be mindful of FAA's travel restrictions. In response to a question, Frank explained that there is mainly one operator who uses a loud glider tow plane that flies up to altitude around Cadillac Mountain and Mount Desert Island.

Mount Rainier (MORA)

Preliminary alternatives are ready for public vetting. Three public meetings are scheduled in Seattle, Tacoma and Ashford to share four alternatives and there will be a 45-day, public comment period. Barry was not sure that the FAA would be able to attend in person, and some NPOAG members expressed concern about not having both agencies at the public meetings. Barry explained that regional FAA staff will attend. A tribal meeting is scheduled for the same week as the public meetings to discuss the four alternatives. Karen stated that the meetings need to occur in spite of travel restrictions. Larry stated that he is committed to a presentation for the MORA meetings, but that with travel restrictions a decision will be needed soon to determine if he can make that presentation.

Big Cypress (BICY)

Lelaina stated that Big Cypress is getting ready for scoping.

Death Valley (DEVA)

The ARC meeting was rescheduled due to the park superintendent's schedule. It was then decided to continue to seek input from the ARC through emails. An email was sent out to air tour operators and other ARC members in December asking for input with a response request by February. They did not get useful feedback for the development of the ATMP. The agencies asked NPOAG whether they could recommend anything to move the process forward. They asked NPOAG to consider the following:

- One alternative is to not allow air tours. If this were approved, would operators continue to fly outside the 0.5 mile buffer zone or above the 5,000 ft mark?
- How many flights were landing at the park airport? Were people getting out or were they just touching down? The tribes are concerned about noise at the landing strip.
- What are the recent levels of operational activity?
- 67 IOAs are allowed but collectively there are only 10-15.

At this point Dave had to leave the meeting.

Several issues on DEVA were brought up and included the following:

- Chip was pleased at the interagency cooperation but wondered how to complete an ATMP for DEVA. He asked whether they were stuck on different alternatives
- Larry stated that more research can be done but the larger jurisdictional issue needs resolution.
- Elling confirmed that there are only 10-12 flights per year, many less than the 67 allowed under IOA. He asked NPOAG to consider focusing attention on parks with more than 50 flights per year, and Barry responded that the law includes all parks with IOA.
- NPS staff stated that they would have been happy to continue air tours at the park under the status quo.
- The ARC chair (DEVA Superintendent) has stated that she will not seek a ban on air tours and will respect the industry and pre-existing uses but has no interest in allowing it to grow.
- Bryan asked why people are concerned, and Keith responded that they believed that there was consensus to move forward under the ARC process after the kick off meeting, but they are waiting to finalize the number of operational levels analyzed. They were also looking at a potential alternative that would allow for more than 67 OA for growth. In December they were ready to move forward with a maximum allowance of 67 flights or less.
- Both agencies agreed on the need to reduce effort and financial input due to the low activity levels. The agencies are trying to avoid the hundreds of pages of documentation required for an EIS; rather, they are looking at a concise document of 20-30 pages.
- In response to Keith's comment that the agencies believed they had an agreement to move forward, Karen responded that there was no consensus. The superintendent was new and it was unfair to expect that she knew enough about the issues to agree to consensus at the kick off meeting. There was a lot of room for agreement coming out of the kick off meeting, but Karen asked that it not be characterized as an agreement.
- The ARC process was originally envisioned as a way to solicit input more expeditiously than a full ATMP.
- The agencies are in the process of figuring out exactly what role each agency plays in making decisions. They both agreed that the park superintendent would chair the ARC – in keeping with the thought process that the NPS would lead the alternative development process and FAA would focus on safety – but it was never intended to give full decision-making power to the superintendent.

Petrified Forest (PEFO)

The NPS is working with the tribes to identify routes over lands that avoid sensitive issues. The tribes have requested information from the operator flying over the Navajo Nation but he has not provided it to date. They would like feedback on this issue from the tribal NPOAG representatives, neither of whom was at the Orlando meeting. The Navajo Nation sent a letter to the Las Vegas FSDO related to operator permits for GRCA, but at the last NPOAG meeting it was indicated that this applies to other parks as

well. NPS has requested a copy of the letter from Ray Russell. He provided them with an unsigned copy but it was unclear whether the letter was sent. NPS needs confirmation that the letter was sent, and then they can draft a response.

New River Gorge (NERI)

Chip requested a discussion on unauthorized flights over New River Gorge. Karen stated that there was a potential air tour operator infraction of someone giving tours without having received IOA. The park superintendent would like to pursue an ATMP but the operator needs to apply for IOA before they can move toward an ATMP. Karen will discuss this with the park superintendent and encourage the operator to apply for IOA.

Chip stated that the operator should be given a notice of violation. He believes there are photographs to prove the violation.

Barry stated that Steve Kane from Flight Standards followed up on this issue and determined that the operator was not giving tours within the 0.5 mile buffer zone, so that FAA could not act on enforcement because it wasn't a violation.

XIV. REPORT OUT ON STATUS OF RESOURCE NOTEBOOK

Keith Lusk sent six copies of the draft resource notebook, as well as CD copies, to the NPOAG meeting and requested that NPOAG members provide feedback on the format and content. NPS will have more to include.

XV. PUBLIC COMMENT DAY 2

Mark Fischer shared his perspective on the NPOAG meeting and the ATMP development process from his perspective as a small business owner and operator. He was surprised that the discussions and recommendations at this meeting did not occur earlier in the NPOAG process. As a small operator, he has benefited from that delay, but he stated the entire process is scary for a small business owner who is concerned about red tape. He also stated that delays have prevented small businesses from growing or changing as they wait to see how the ATMP process unfolds. He felt that the final decisions would end up in court regardless. He added that the IOA numbers lack validity for use in ATMP development because the process wasn't fair, many operators exponentially padded their numbers "just in case," and some companies, like Mark's, that were audited now have substantially lower numbers. He requested that the agencies notify flight operators about NPOAG meetings beyond the Federal Register. He suggested using other contact information (Such as the B057 Op Spec) as a notification tool.

Karen thanked Mark for his honesty and refreshing perspective. She also stated that they could let interested groups know about the NPOAG meetings through websites or other avenues to make them more open. Barry stated that the FAA does advertise through its website at Faa.gov. Search for 'air tour management program' and there is an entire website dedicated to overflight issues.

Bryan added his appreciation for the small operator input. He asked whether the meetings can be advertised under the NPS section of the Federal Register. Frank added that NPS has a page that discusses ATMPs and links to the FAA website.

Matt added that HAI's website, www.rotor.com, will announce future NPOAG meetings. He also agreed with Mark that IOA numbers are often inflated, but that a blanket statement is inaccurate as some do report flights numbers accurately.

XVI. NEXT STEPS AND CLOSING COMMENTS

Karen stated for the record that they made it through the entire agenda. She added that next steps are somewhat cloudy between budget concerns and FAA travel restrictions. There will likely not be another NPOAG meeting this federal year; however, if they are able to complete an ATMP, funds would be made available through NPS to keep the process moving forward. NPS strongly hopes that FAA administration will continue to fund the Air Tour Management Program and keep ATMP's moving forward.

A conference call was scheduled for Monday, May 2, 2011 from 4:00-5:00 EDT. The agencies will explore a longer call over the summer (August) after the May call. The May 2 call will focus on an update on jurisdictional issues. Karen will continue to send relevant information as she receives it.

- Chip expressed gratitude to Matt and HAI for the opportunity to learn more about operators, technology and noise reduction targets. He hoped that the teleconference or possible videoconference would be successful and expressed his desire to meet in person again soon. He also stated that the agencies do not need their full staff in attendance to have a productive meeting; this could be a way to save budget in the future.
- Bryan also thanked Matt for the opportunity to learn more about the industry. He recognized the important perspective that operators bring to the issues (e.g. competitive bidding and quiet technology).
- Matt thanked Karen for scheduling the meeting to coincide with Heli Expo. The industry wants to be transparent and foster closer understanding of the issues from all sides. He also asked the group to remember that they are there to protect parks, but they also need to figure out how to meet operators' needs to stay in business.
- Dick thanked the group for the opportunity to be at the table and asked whether members of the public could listen in on the May 2 teleconference.
- Elling thanked the group for the productive meeting and expressed his opinion that AOPA's seat at the table is not efficient; it would be better served by including an air tour operator.
- Bill thanked the group for their hard work and expressed his appreciation for HAI. He reminded the group that much has truly been accomplished and the money spent has been well-used, including for tracking databases, research and development, planning, travel, and getting parks

started in the ATMP process. There is good potential for jurisdictional resolution, and updates will be provided.

- Barry thanked the NPOAG group for their comments and the agency staff who work on the program every day. They count on NPOAG to provide good input, and they look forward to productive teleconferences and videoconferences in the future.
- Karen expressed her appreciation for the practical information provided by NPOAG during the two-day meeting. Although they would like to see ATMPs in place, the process and progress have been good. NPS is the only federal agency with a soundscape management program, which means that they are on the leading edge in terms of protocols, science, and standards.

The meeting adjourned at 5:15 p.m.