

National Parks Overflights Advisory Group (NPOAG)

Final Meeting Summary

April 13, 2016

8:15 a.m. – 4:30 p.m.

Dante Fascell Visitor Center, Biscayne National Park, 9700 SW 328th Street, Homestead, FL 33033

Action Items

1. Chair and co-chair: Send all PowerPoints and presentation materials after the meeting, as well as group photo.
2. Federal Aviation Administration (FAA): Send 2014/2015 air tour data report to NPOAG.
3. FAA: respond to NPOAG request for more data on reporting compliance.
4. National Park Service (NPS): consider developing a voluntary agreement (VA) online portal for operators who are new to the process, and/or a handbook.
5. NPOAG: Send NPS suggestions for continuing the Grand Canyon quiet technology (QT) incentive into the 4th quarter and expediting data processing.

Welcome and Introductions

Bob Wheeler (facilitator) called the meeting to order at 8:30 a.m., and led a round of introductions. Attendees of the meeting are listed in Attachment 1. The facilitator reviewed the agenda.

Glenn Martin, Western Regional Administrator, FAA, and Ray Sauvajot, Associate Director, Natural Resource Stewardship and Science, NPS, welcomed NPOAG on behalf of FAA and NPS, respectively. Acting Superintendent Bill Cox welcomed meeting attendees to Biscayne National Park, the host venue.

Suggestions for Agency Communication with NPOAG and Approval of 2015 Meeting Minutes

Several suggestions were offered to improve communication between the federal agencies and NPOAG, including:

1. Communicating via frequent small emails rather than intermittent large emails
2. Hosting NPOAG meetings at agency headquarters to reduce government staff travel time
3. Approving minutes by email
4. Attaching due dates to action items in meeting minutes
5. Providing agendas and presentation materials in advance

The 2015 meeting minutes were approved.

Interim Operating Authority (IOA)

Keith Lusk (FAA) reviewed the FAA's "cleanup" of the IOA list. The original Federal Register notice in 2005 listed 78 operators that were granted a cumulative total of over 300,000 IOA. The FAA removed 25 operators with approximately 37,000 IOA, who no longer have an active Part 135 operating certificate from the list. If these operators want to conduct air tours over national parks in the future, they will have to apply through the new entrant process. Removing the IOA from these

25 operators eliminates five parks from the IOA list (Lake Chelan National Recreation Area, Colonial National Historical Park, Lassen Volcanic National Park, North Cascades National Park, and San Juan Island National Historical Park), and reduces IOA below 50 annual tours at four parks (Mount Rainier National Park, Death Valley National Park, Grand Teton National Park, Cedar Breaks National Monument). Grand Teton and Cedar Breaks were already on the exempt list due to air tour activity below 50 tours per year and will stay on the exempt list, unless the NPS Director decides to withdraw the exemption. The NPS Director withdrew the exemption for Mount Rainier and Death Valley in 2015, prior to the IOA list cleanup.

Questions

Question: Was there follow-up with the people who surrendered their Part 135 operating certificate? Did they continue under Part 91?

Answer: 135 is a commercial air tour operator that has higher level requirements (training, etc.) than a Part 91 operator. The NPATMA allowed some Part 91 operators to be grandfathered in. There is no mechanism for operators with Part 135 operating certifications to transition to Part 91.

Question: What does the new entrant application entail?

Answer: In FAA Order 8900 guidance, there are 15-20 questions for the applicant to answer. Both agencies would then have to collectively approve the application.

Question: What does it mean that Mount Rainier and Death Valley parks have been withdrawn from the exempt list?

Answer: Under NPATMA, the NPS Director can notify the FAA Administrator that parks with under 50 air tours still need a plan or an agreement and are not automatically exempt.

Use of Air Tour Data

Vicki Ward (NPS) discussed how NPS Natural Sounds and Night Skies Division (NSNSD) uses air tour data. These data are used for:

1. Basic accounting (number of flights, number of operators, tours by quarter, etc.)
2. Detailed accounting (by route, airport, model, etc.)
3. Deriving inputs for acoustical models
4. Deriving inputs for dose-response models
5. Characterizing activity via noise modeling.

Vicki demonstrated some examples of data uses, including a map that shows where air tours originate and where they are going. Noise modeling uses reporting data to determine different scenarios in which to model aircraft. The Volpe Center (NPS has an interagency agreement with the Volpe National Transportation Systems Center) can model one aircraft on a particular route and then scale that noise upwards for scenarios with multiple aircraft. Air tour data can be used to understand seasonal and daily activity patterns and address park management issues.

NPS has used 2013 data to model what noise distribution at Glen Canyon NRA would look like if air tour flights were re-distributed throughout the year rather than at peak days in peak seasons. NPS has also taken a look at using dose-response curves to determine impacts to park visitors. FAA and

NPS partnered with the Volpe Center to measure aircraft noise and visitor response to measured aircraft noise levels in national parks and recently published a study on the survey results. The dose-response methodology is similar to the methodology used for airport noise impact analyses that use the day-night level metric (DNL). The DNL is a 24 hour noise average and correlates with people's annoyance with noise at certain levels.

NPS has done a case study of Haleakala National Park by modeling noise from air tours since it is one of the quietest parks in the national park system. NPS presented a map showing the percentage of time that an aircraft is audible based on average flights per day. The typical air tour route at Haleakala is mostly outside the park.

Questions

Question: At what point is there actual measuring of actual noise?

Answer: We have collected ambient data in most parks with air tours. NPS uses ambient data to calculate percent time audible of air tour noise.

Question: The map slide shows tours to Rainbow Bridge. The Navajo Nation Park Department would like this data.

Answer: NPS can make this information available and will follow up with the Navajo representative to NPOAG, Martin Begaye.

Grant Canyon Quiet Technology Incentives Update

Rebecca Cointin (FAA) discussed the results of the Seasonal Relief Quiet Technology Incentive for Grand Canyon. The incentive allows operators that conduct tours in quiet technology (QT) aircraft in the Dragon and Zuni Point air tour corridors in the first quarter to not have to use an allocation and that "unused" allocation would be available for use later in the year. The baseline noise level was 58.1 L_{EQ12} (equivalent sound level in a 12 hour period) and was based on the 2012 allocations, aircraft fleet and routes. The Dragon-Zuni was measured at 57.8 L_{EQ12} in 2015 with 3,000 additional flights; due to increased use of QT. Overall a slight decrease in noise was measured.

Karen Trevino (NPS) requested that NPOAG members make a recommendation to NPS regarding the QT incentive. Specifically, the agencies are required to ensure that L_{EQ12} does not exceed the 2012 baseline, yet the agencies need 3 months of data processing time after the annual air tour activity report is received. Determined by NPS and FAA discussions, the QT incentive will continue in 2016 but not be extended into the 4th quarter. Based on a sensitivity analysis, there is a good chance L_{EQ12} would go over the limit if the incentive were extended into the 4th quarter, and the data to confirm that would not be available until it was too late. If NPOAG members have suggestions for continuing the QT incentive or speeding up data processing, NPS would like to hear them.

Papillon spoke briefly on how they were able to use the QT incentive. Papillon has added two QT aircraft in Dragon-Zuni. They still have 13 aircraft that are not QT. Papillon has limited the aircraft in Zuni to QT unless Dragon is closed due to weather or they are training pilots. In the 1st quarter of 2016, 90% of their flights in Grand Canyon were QT. Papillon limited non-QT helicopters by using trained QT pilots. In March, Papillon combined tour and training flights by using a captain and instructor.

Air Tour Reporting

Brent Lignell (NPS), Vicki Ward (NPS), Keith Lusk (FAA) gave a presentation on air tour reporting. The 2015 compliance rate is “Good” and FAA is contacting non-reporters. Air tours are most prevalent in New York, Hawaii and the southwest. The NPATMA reporting provision does not include Grand Canyon, any parks in Alaska, or flights over Lake Mead for transportation purposes. The Office of Management and Budget (OMB) approved a new air tour reporting template which will be effective for 2016.

Questions

Question: Are the agencies pursuing the operator who is working New River Gorge?

FAA response: There is no operator working New River Gorge. Someone reported a tour and the Flight Standards District Office (FSDO) could not prove they were actually in the park. The operator is aware that they need to comply with the park and NPATMA rules. No further complaints have been received. FAA does not regulate advertising of flights to parks.

NPS response: On this operator’s website there was a photo that showed a plane in the park years ago. NPS notified the FAA. FAA indicated that they believe the FSDO advised the operator to take the picture off his website. There have been no further complaints since that time and the assumption is that the operator was advised and is complying.

OpSpecs and Enforcement

Keith Lusk and Monica Buenrostro (FAA) presented. The timeframe between violation and enforcement varies on a case-by-case basis. When operators do not submit their reports, FAA goes to the principal operations inspectors (POIs) to follow-up.

The group discussed what kind of information that the FAA needs to initiate an enforcement process. This includes:

- Court cases or sworn testimony
- Data cards that a person reporting a violation can give to park personnel
- Photos
- Other factual evidence

NPOAG discussed the overall role of enforcement and compliance in air tour management. Members called for a more systematic approach to reporting violations and the subsequent enforcement process. Members noted some improvements since the 1990s, including that IOA is now part of the enforcement process.

Glen Martin (FAA) reviewed the FAA’s rollout of automatic dependent surveillance-broadcast (ADS-B) - another type of equipment that broadcasts information such as an aircraft’s location, speed and other data, to ground stations. This technology will give FAA more data on Grand Canyon air tours. It requires equipping on aircraft and towers on the ground. This technology complements radar.

Park Voluntary Agreements Update

Keith Lusk reminded NPOAG that voluntary agreements originated in a 2012 amendment to the FAA reauthorization. Congress, seeing that ATMPs were not being completed, added the voluntary agreement process as an alternative. A voluntary agreement does not require additional

environmental analysis if all the parties agree. NPS and FAA may enter into a voluntary agreement with one or multiple air tour operators, both existing operators and new entrants. VAs are intended to address management issues necessary to protect park resources and visitor use without compromising aviation safety or the air traffic control system. Public review of a VA is required; tribal consultation is required for parks where abutting tribal lands are overflowed. After review and consultation if needed, the VA may be immediately implemented. Changes to IOA or OA as defined by voluntary agreement will result in amended OpSpecs, which will be reissued within 90 days of the effective date of the agreement. A VA may be terminated at any time by any party that is a signatory. If a VA is terminated, operators shall conform to IOA until an ATMP is completed and in effect.

A VA template has been created. The contents of a VA include:

1. Introduction
2. Applicability
3. Overview of Park
4. Conditions for the Management of Commercial Air Tour Operations
5. Compliance
6. Tribal Consultation
7. Public review
8. Amendment
9. Transfer
10. Conformance of Operations Specifications
11. Termination
12. Agreement and Effective Date

Keith Lusk, Vicki Ward, and Brent Lignell covered the updates on voluntary agreements at the following parks:

- Big Cypress National Preserve: The Preserve was the first voluntary agreement to be completed. The agencies conducted tribal consultation as required. Although Tribal reservations are adjacent to the Preserve, some tribal members live within the Preserve.
- Biscayne National Park: The final agreements are being reviewed by NPS and are expected to be signed soon.
- Glen Canyon National Recreation Area / Rainbow Bridge National Monument: The agreement process was initiated in 2013. Most operators have been participating in the process to date. This is a complex park/air tour situation with approximately ten operators with over 8,000 IOA for Glen Canyon and six operators with 10,200 IOA for Rainbow Bridge. Tribal consultation was initiated in 2014 and a vibration study of Rainbow Bridge was completed in 2015. The parties met in January 2016 and will continue discussions on the draft agreement later in 2016.
- Badlands: Park and operators developed draft provisions for an agreement to avoid disturbance to wildlife and visitor experience. Lack of operators' compliance with the reporting requirement put agreement process on hold.
- Mt. Rushmore: Initial discussions with park and operators were held but lack of operators' compliance with the reporting requirement put agreement process on hold.

After completing more of the VAs that are currently underway, the agencies will continue to explore opportunities to utilize the VA process at other parks, where appropriate. FAA and NPS staff noted that in order to do a VA, they need a willing park, willing operators, and available FAA and NPS staff.

In future VAs, FAA would like to use a focused effort over a few days early in the VA process to get a draft VA developed more quickly.

Voluntary Agreements: Participant Perspectives

The facilitator introduced this section to hear from people who have been involved in air tour agreements. This session was an opportunity for NPOAG members to hear these perspectives and allow NPOAG to discuss what they've heard and give input. Bob Wheeler reviewed the work that Triangle did for NPS in surveying people who had been or could be involved in VAs. The sample size was necessarily small to stay under the limits for OMB data collection. The primary messages heard in the survey responses were to develop VAs in a shorter amount of time, establish more regular communications between parties, and prepare a handbook to guide participants.

Big Cypress National Preserve

Damon Doumlele (NPS – Big Cypress National Preserve) said that the VA process at Big Cypress was very successful but the time frame was unexpected. Big Cypress was chosen because it was not anticipated to be too controversial, but there was more input and comment than expected originally. 10-12 public comments (or sets of comments) were received in the 30-day public comment period. The majority of the comments were opposing the low level altitude for flights. However, the existing operator has been flying for decades without expressed public concern. Several comments showed that commenters did not realize there was an existing operator. Many commenters said that they did not want operators flying over their hunting grounds although there is no legal hunting in the park at the present time. Techniques that the park used to move the VA forward included:

- Put together a list of frequently asked questions in anticipation of questions from the public.
- Consultation with the other agencies. For example, the Florida Fish and Wildlife Conservation Commission had concerns with eagle nests. NPS met with the Commission by phone and resolved where the nests were. A requirement to check nest locations every season was added to the agreement.
- Tribal consultation. The process took ten months. This was time well spent because it came to a good resolution. A ceremonial site in the preserve will have no flights over or near it because the parties worked out an alternate route and proposed it to the tribal council.

Biscayne National Park

Carissa Decramer (NPS – Biscayne National Park) noted the nature of the park is conducive to air tour overflights because there are already noise impacts from overflights due to the existing nearby air force base, motor boats in the park, and no wilderness. Biscayne benefited from Big Cypress, as they were able to borrow from their document and adapt it, and the two operators are the same. Based on lessons learned, Carissa recommended setting a timeline at the beginning of the process.

Glen Canyon National Recreation Area

Teresa Tucker (NPS – Glen Canyon National Recreation Area) told NPOAG that efforts on this voluntary agreement started in 2013, and included both Glen Canyon NRA and Rainbow Bridge National Monument. Glen Canyon benefitted from having an example VA template. Some portions of Glen Canyon NRA where air tours are flown over Lake Powell are not as much of a concern (e.g. in the middle of Lake Powell where there is a lot of motorboat use). That area is zoned differently for recreation use.

Tribal consultation identified several specific locations that were of high interest: Rainbow Bridge, a significant place for all the tribes consulted; Escalante Canyon, where there is interest in keeping the level of activity low; Horseshoe Bend, which has recently experienced a surge in popularity; and the adjacent tribal lands around the park, such as the Navajo Nation lands.

Rainbow Bridge has a higher IOA than Glen Canyon. It is managed differently than the rest of Glen Canyon since it is a national monument of incredible cultural significance. NPS, along with FAA, initiated conversations with tribes about air tours around Rainbow Bridge. As part of that process, the tribes asked NPS to consider the effects of people on the ground and also overflights there, taking a look at actual physical disturbance and vibration damage. NPS conducted a literature review to assess how significant a vibration-induced risk would be. There seemed to be little risk of vibration-induced risk from fixed wing aircraft but questions remain if helicopters could affect the physical stability of the bridge.

Martin Begaye (Navajo Nation) noted that the tribes have more concerns about Rainbow Bridge than Glen Canyon and that he would suggest two separate agreements. He also noted that there has been a change in administration in the tribe. The Navajo Nation is concerned about environmental considerations. A VA would mean that no Environmental Assessment will be done. The Navajo Nation has raised issues about cultural sites, especially the sacred area around Rainbow Bridge, as well as wildlife concerns and archaeological concerns. Maybe the routing can be changed around the Rainbow Bridge formation.

An additional question was posed - What happens if an air tour accident happens on tribal lands? Navajo Nation has their own permitting process for air tours that originate and end on tribal lands. For the people that are living in the area, there are also privacy concerns and concerns for their livestock getting spooked. Other tribes have similar concerns.

The Navajo Nation also has concerns over not being a signatory to the VA, especially as Rainbow Bridge is surrounded by tribal lands. Given that only NPS and FAA sign with the operator, what kind of approval would be given by the tribes? The Navajo Nation would like to continue to be involved in the VA process.

Mark Francis (Redtail) added the operator's perspective. Looking back, Redtail has learned a lot, built relationships with agencies and come to some resolutions. Operators have a new respect for the complex issues in the area. Some of the archaeological and wildlife sites were resources that the park did not want to let people know their location, so operators would be flying routes without

being able to know about these locations. It was a challenge when a new operator joined the long term VA negotiation mid-process.

Alan Stephen (Papillion) added that the distribution of the IOA has created haves and have nots based on actual flights flown in 2000. From his perspective, there is a lot of agreement on tour routes, altitudes and wildlife protection. From his perspective, the Rainbow Bridge vibration analysis has shown that the current stand-off distances are adequate to protect the structure; however, there is still work to do on how to respect the cultural significance of Rainbow Bridge. One major obstacle concerns an operator who is not involved in the VA process and who may be flying more than his company's IOA. FAA noted that there is recently a new POI for this operator who will be meeting with the operator and park later this month. Alan noted that it is hard to recommend that an operator reduce their operating authority for a level playing field when there is a free rider.

Alan is concerned with the allocation of flights among the air tour companies, how a tour company may be rewarded for QT and compliance with an agreement, and whether IOA can be transferred on an annual basis. This annual transfer works at Grand Canyon. Alan expressed that it is a pleasure to work with the park staff who are very articulate, thoughtful, and good listeners.

Miami Seaplanes Tours (Biscayne and Big Cypress)

Adriel Anderson commented that as a new entrant, his company is the test subject in this area. Miami Seaplanes also has concerns about rogue operators, because as Miami expands, there may be more competitors.

Adriel recommended that a VA handbook and a centralized site for new entrants be established in order to find information and to help air tour operators and thus help speed up the process. It takes a lot of capital to develop business opportunities and delays are very challenging.

Carissa Decramer (Biscayne) added that with two VAs in place, other operators will approach the park. Having a handbook that addresses how to manage the request would be helpful.

New York City Air Tours

Matt Zuccaro (HAI) gave an overview of the general history of New York City helicopter operations. Four heliports in NYC in 1950s gradually became one heliport at Wall Street in 2008. The industry would prefer to operate out of several heliports. For the last two and a half years the community in Brooklyn has been very upset about air tour industry all being at Wall Street, because all air tours are concentrated there. NYC has recently restricted the number of flights being flown out of Wall Street.

Karen Trevino (NPS) noted that NPS met with the helicopter operators in NYC and found them impressive and willing to cooperate. NPS and FAA were not involved in NYC's decision to restrict the number of flights out of Wall Street.

Proposed Legislative Changes to NPATMA

The Senate version of the FAA Reauthorization Act (S.2658) contains an amendment to NPATMA that appears to allow air tours flying over or near any Federal land managed by NPS to qualify as a transportation route if it is on the way to give a tour of Grand Canyon (see Attachment 2). Karen noted that the agencies do not yet know who proposed this amendment or why. One NPAOG representative mentioned they had been told that if Grand Canyon Watershed National Monument gets designated, this is to provide a mechanism for avoiding the need to regulate flights under NPATMA. Carla Mattix (NPS) noted that even if the proposed national monument is created, it may not be under NPS management and NPATMA may not apply to it.

NPOAG Agreement on Enforcement and Compliance

NPOAG agreed that enforcement and compliance is a priority for their group and for continued success of air tour management in national parks. NPOAG requests that NPS and FAA continue to communicate with the group regarding enforcement and compliance. NPOAG would like to receive data on operators out of compliance.

Public Comment

NPOAG opened for public comment. There were no public comments.

Attachment 1: Meeting Attendees

National Parks Overflights Advisory Group

Annual Meeting

April 13, 2016

| Name | Affiliation | Participated by Phone |
|-------------------|--|------------------------------|
| Alan Stephen | NPOAG Air Tour Industry Representative - Grand Canyon Airlines | |
| Dick Hingson | NPOAG Environmental Representative - Sierra Club | |
| Mark Belles | NPOAG Environmental Representative - Environmental Representative | |
| Mark Francis | NPOAG Air Tour Industry Representative - Redtail Aviation | phone |
| Martin Begaye | NPOAG Tribal Representative - The Navajo Nation | |
| Matthew Zuccaro | NPOAG Air Tour Industry Representative - Helicopter Association International | |
| Melissa Rudinger | NPOAG General Aviation Representative - Aircraft Owners and Pilots Association | |
| Nicholas Miller | NPOAG Environmental Representative - Harris Miller Miller and Hanson, Inc. | |
| Keith Lusk | FAA | |
| Glen Martin | FAA | |
| Rebecca Cointin | FAA | |
| Monica Buenrostro | FAA | phone |
| Vicki Ward | NPS | |
| Ray Sauvajot | NPS | |

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|--------------------------|--|-------|
| Karen Trevino | NPS | |
| Brent Lignell | NPS | phone |
| Carissa Decramer | NPS | |
| Teri Tucker | NPS | phone |
| Damon Doumlele | NPS | |
| Bill Cox | NPS | |
| Carla Mattix | DOI Office of the Solicitor | |
| Adriel and Tony Anderson | Invited speakers; Miami Seaplanes Tours | |
| John Becker | Member of the public; Papillon Helicopters | |
| Gaye Belles | Member of the public | |
| Ruthie Hubka | Member of the public; Air Methods | |

“Sec. 5003. Overflights of national parks

Section 40128 is amended—

- (1) in subsection (a)(3), by striking the before title 14; and
- (2) by amending subsection (f) to read as follows:

(f) Transportation routes.-

(1) In general.-

This section shall not apply to any air tour operator while flying over or near any Federal land managed by the Director of the National Park Service, including Lake Mead National Recreation Area, solely as a transportation route, to conduct an air tour over the Grand Canyon National Park.

(2) En route.-

For purposes of this subsection, an air tour operator flying over the Hoover Dam in the Lake Mead National Recreation Area en route to the Grand Canyon National Park shall be deemed to be flying solely as a transportation route.”