

PROPOSED PLAN AND SCHEDULE FOR COMPLETION OF AIR TOUR MANAGEMENT PLANS AT TWENTY-THREE PARKS

In accordance with the Court's May 1, 2020 order (Order), and consistent with the National Parks Air Tour Management Act of 2000 (NPATMA), as amended by the FAA Modernization and Reform Act of 2012 (codified at 49 U.S.C. § 40128), the National Environmental Policy Act (NEPA), and other applicable laws, the agencies submit this proposed plan and schedule to complete air tour management plans (ATMPs) at the twenty-three eligible parks referenced in the Order.

I. PROPOSED PLAN

The agencies will move forward with ATMPs for all twenty-three parks contemplated by the Order. While voluntary agreements are permissible under NPATMA, the need for operator engagement and accord makes the process too uncertain given the two-year timeframe. The agencies remain open to completing voluntary agreements, in lieu of ATMPs, at individual parks if it becomes clear that they will be able to do so within this timeframe; however, ATMPs are the preferred approach and the basis of the pathway contemplated by this proposed schedule.

The agencies intend to initiate work on all twenty-three ATMPs concurrently and, to the maximum extent possible, consolidate the administrative processes and streamline activities under NEPA, in order to complete all of the ATMPs within two years

Under this proposed plan, and pursuant to the proposed schedule identified in Section III below, the agencies are targeting the completion of all twenty-three ATMPs within two years and expect, at this time, that their efforts will be successful. However, the agencies recognize that park-specific circumstances or other external factors may affect their ability to adhere to the schedule proposed below for a particular park. While it is premature to determine whether any such circumstances will cause delays at this time, if it appears that these circumstances may result in a delay in completion of the ATMP process at an individual park, the agencies will identify the specific and concrete reasons for such delay in the quarterly reports required by the Order at the earliest possible time. To mitigate the possibility of delays, the agencies have identified key factors across the twenty-three parks that are most likely to create complexities for completing ATMPs so that the agencies can address these issues early on, allowing for as much time as possible to complete ATMPs

within the required two-year timeframe. Most notably, these factors include particularized Tribal Consultation considerations and the presence of designated wilderness areas at particular parks.

The following describes the steps taken by the agencies since oral argument and next steps that the agencies intend to take to meet NPATMA's requirements.

A. *Activities Completed Since Oral Arguments*

Since oral argument was held in this case on December 9, 2019, the agencies have worked collaboratively on various fronts to establish a framework for completing ATMPs at the twenty-three parks referenced in the Order within two years. This work has included:

- Agreeing that the “existing condition” for environmental analysis will be based on reported flights, as informed by reported flight data and route information, for each park;
- Reviewing all previously compiled data by park to produce summaries for each that document the history and status of each process for inclusion into decision files for the ATMPs to be completed pursuant to this Plan and Schedule;
- Conducting ATMP Information and Data Needs Assessments¹ and related gap analyses to organize and evaluate available data and the completion of analytics, determine factors that will influence preparation of individual ATMPs, and identify additional data needs through activities such as noise monitoring/modeling, gathering ambient baseline data, confirming route information, and responding to other regulatory requirements (e.g., Endangered Species Act); and
- Conducting meetings between the agencies to resolve NEPA issues and develop mutually agreeable language for ATMP/NEPA templates where appropriate. Since the requirements for an ATMP are the same regardless of the level of air tour activity or park resource conditions, the process lends itself well to the use of certain standardized templates that can be supplemented with park-specific information.

¹ The Information and Data Needs Assessments include identification of the number of parks with abutting Tribal lands, designated wilderness, or previously identified park resource or visitor use concerns; identification of Tribal interests; confirmation of the availability of noise monitoring or modeling data; assessments of the availability of air tour route information for individual parks; and assessments of prior NEPA work for individual parks that need to be incorporated in the current planning effort.

B. Planned Next Steps to Complete the Twenty-Three ATMPs in Two Years

In general, the agencies will work towards completion of ATMPs for all twenty-three parks as part of a coordinated, omnibus effort. In order to leverage economies of scale, the agencies will address the requirements established in NPATMA in a consolidated fashion wherever practicable, though, as noted above, the ATMPs will by necessity include park-specific considerations. Whenever possible, the agencies plan to undertake procedural actions in a consolidated fashion in order to improve efficiency, reduce overall administrative burden, and more effectively implement the Order.

Many of these administrative tasks are already underway, including:

- Preparation of website updates for the public;
- Facilitation of agency and congressional briefings;
- Development of interagency agreements needed to fund collaborative planning efforts and necessary NEPA contracting;
- Drafting of project agreements to identify roles and responsibilities for agency staff;
- Appointment of two general program managers (one from each agency) to oversee the project and the associated project managers and contractors and to keep activities moving in a timely fashion; and
- Assignment of project teams and the development of joint schedules and various online tools to facilitate communication, collaboration, and project tracking among the agencies' offices, contractors, and parks (e.g., project teams have been identified at various levels to advance actions and resolve issues as quickly as possible; weekly, bi-weekly, and monthly calls have been scheduled, etc.).

Further, the agencies will pursue opportunities to streamline ATMP/NEPA processes. Procedurally, NPATMA requires the agencies to 1) hold at least one public meeting; 2) publish proposed ATMPs in the Federal Register; 3) comply with NEPA; and 4) invite Tribes to participate as cooperating agencies, as appropriate. 49 U.S.C. § 40128(b)(4). To meet these requirements, the agencies will initiate ATMP and NEPA documents at all parks and will, as appropriate, use virtual public meetings and consolidated public notices and interagency and Tribal consultation processes. The agencies will also consolidate methodologies and analyses for NPATMA requirements such as the use of quiet technology incentives and establishment of initial allocations among operators, as well as

the use of document templates to the extent practical. All ATMPs that the agencies create will additionally include adaptive management measures that are tied to air tour impacts and park conditions to ensure the continued effectiveness of each ATMP based on relevant and appropriate new information.

II. PARKS INCLUDED IN THE PROPOSED SCHEDULE

The twenty-three National Park System units included within the proposed schedule in Section III below are:

1. Arches National Park (ARCH)
2. Badlands National Park (BADL)
3. Bandelier National Monument (BAND)
4. Bryce Canyon National Park (BRCA)
5. Canyon de Chelly National Monument (CACH)
6. Canyonlands National Park (CANY)
7. Death Valley National Park (DEVA)
8. Everglades National Park (EVER)
9. Glacier National Park (GLAC)
10. Glen Canyon National Recreation Area (GLCA)
11. Golden Gate National Recreation Area (GOGA)
12. Great Smoky Mountains National Park (GRSM)
13. Haleakalā National Park (HALE)
14. Hawai'i Volcanoes National Park (HAVO)
15. Lake Mead National Recreation Area (LAKE)
16. Mount Rainier National Park (MORA)
17. Mount Rushmore National Memorial (MORU)
18. Natural Bridges National Monument (NABR),
19. National Parks of New York Harbor Management Unit (NPNH),
20. Olympic National Park (OLYM),
21. Point Reyes National Seashore (PORE),
22. Rainbow Bridge National Monument (RABR)
23. San Francisco Maritime National Historical Park (SAFR)

III. PROPOSED SCHEDULE

The schedule below outlines the agencies’ planned activities to complete ATMPs at the twenty-three parks referenced in the Order. While the agencies’ planned approach involves consolidation to the extent possible, there will be circumstances where certain parks require more individualized treatment. In these cases, specific milestones may need to be adjusted as they are identified; however, the agencies’ intent remains to complete ATMPs for all twenty-three parks in two years.

Activities	Action
Current	
<i>Ongoing – Aug. 31, 2020</i>	<ul style="list-style-type: none"> • Review and assemble relevant data previously collected and confirm current applicability. • Draft and submit for publication Federal Register notice terminating outstanding NEPA processes and advising of new ones. • Identify Tribes to be consulted regarding the ATMPs. • Draft cooperating agency invitation letters to Tribes. • Begin coordination of government-to-government Tribal consultation and other interagency consultations, as necessary (e.g., Endangered Species Act Section 7 consultation). • Update FAA/NPS websites to reflect current activities. • Finalize interagency agreements and any necessary subcontracts for NEPA compliance-related contracting and obligate funding. • Prepare project agreements among and between the agencies. • Evaluate online platforms through which to conduct virtual public meetings.
First Year	
Quarter 1 (Sept. – Nov. 2020)	<ul style="list-style-type: none"> • Begin drafting standard sections and language for all twenty-three ATMPs and continue to assemble necessary supporting documentation (e.g., maps, exhibits). • Consider appropriate level of park-specific NEPA review required. • Finalize a purpose and need statement that can be applied to all parks and customized, if needed. • Continue coordination of government-to-government Tribal consultation and other interagency consultations, as necessary. • Confirm acceptable measures for the mitigation or prevention of adverse impacts to designated wilderness areas. • Confirm procedures to address quiet technology incentives. • Confirm online platform(s) through which to conduct virtual public meetings.

Activities	Action
First Year (Continued)	
Quarter 2 (Dec. 2020 – Feb. 2021)	<ul style="list-style-type: none"> • Describe details of the proposed action for each park, drawing from actual flight and route information; begin drafting no-action and other relevant alternatives, as appropriate. • Continue development of ATMP documents for each of the twenty-three parks, including identification of operating parameters and development of range of alternatives, as appropriate. • Draft “Affected Environment” sections of NEPA documentation, as appropriate. • Continue Tribal consultation and other agency consultations. • Incorporate the process for the mitigation or prevention of adverse impacts to designated wilderness areas into ATMPs, as appropriate.
Quarter 3 (March – May 2021)	<ul style="list-style-type: none"> • Continue drafting ATMP/NEPA documents; review of completed chapters, as appropriate. • Continue Tribal and other agency consultations.
Quarter 4 (June – Aug. 2021)	<ul style="list-style-type: none"> • Continue drafting ATMP/NEPA documents; review completed chapters, as appropriate. • Begin planning for/conduct public meetings. • Confirm input and craft any necessary responses to resolve issues that arose from Tribal and other agency consultations.
Second Year	
Quarter 1 (Sept. – Nov. 2021)	<ul style="list-style-type: none"> • Release ATMP/NEPA documents for public comment, as appropriate. • Conduct public meetings. • Continue resolution of Tribal and other agency consultations, as necessary.
Quarter 2 (Dec. 2021 – Feb. 2022)	<ul style="list-style-type: none"> • Incorporate comments from public meetings and prepare responses, as appropriate. • Begin drafting Records of Decision and finalizing ATMP/NEPA documents. • Complete resolution of Tribal and other agency consultations, as necessary. • Continue work on any appropriate park-specific incentives for quiet technology.
Quarter 3 (March– May 2022)	<ul style="list-style-type: none"> • Complete final draft Records of Decision and finalize ATMP/NEPA documents. • Continue work on any appropriate park-specific incentives for quiet technology. • Document completion of Tribal and other agency consultations.
Quarter 4 (June – Aug. 2022)	<ul style="list-style-type: none"> • Publicly release final ATMP/NEPA decision documents.
<i>Schedule End/All Tasks Complete: Aug. 31, 2022</i>	<ul style="list-style-type: none"> • Update park-specific operational specifications for air tour operators that reflect allowable flight numbers, routes, and other conditions specified in each ATMP. • Distribute operational specifications to air tour operators and collaboratively ensure continued operations that are consistent with ATMP requirements and NPATMA.