

**Exhibit 1 – Letters Initiating
Consultation and Responses**



United States Department of the Interior
NATIONAL PARK SERVICE
Natural Resource Stewardship & Science
Natural Sounds and Night Skies Division



U.S. Department
of Transportation
**Federal Aviation
Administration**

United States Department of Transportation
FEDERAL AVIATION ADMINISTRATION
Office of Policy, International Affairs & Environment
Office of Environment and Energy

NATIONAL PARKS AIR TOUR MANAGEMENT PROGRAM

March 29, 2021

Re: Initiation of consultation under Section 106 of the National Historic Preservation Act for the development of an Air Tour Management Plan at Bandelier National Monument

Dr. Jeff Pappas
Director and State Historic Preservation Officer
Department of Cultural Affairs
Historic Preservation Division
407 Galisteo Street, Suite 236
Santa Fe, NM 87501

Dear Dr. Pappas:

The Federal Aviation Administration (FAA) and the National Park Service (NPS) (collectively, the agencies) are developing Air Tour Management Plans (ATMPs) for 23 parks including Bandelier National Monument. ATMPs apply to commercial air tours flown at or below 5,000 feet above ground level in and within ½ mile of a park boundary. The agencies have determined that development of an ATMP qualifies as an “undertaking” subject to Section 106 of the National Historic Preservation Act (NHPA). The purpose of this letter is to initiate Section 106 consultation with your office in accordance with 36 CFR 800.3(c), and solicit any initial comments you may have about the proposed undertaking.

In response to a May 1, 2020 court order, the agencies are working to complete all of the ATMPs by August 31, 2022.¹ The ATMPs are being developed in accordance with the National Parks Air Tour Management Act (NPATMA). NPATMA directs the agencies to either enter into voluntary agreements with air tour operators or establish ATMPs for national parks and adjacent tribal lands where commercial air tour operations are conducted or proposed, subject to certain exceptions not relevant here.

The FAA is acting as the lead federal agency overseeing compliance with Section 106 of the NHPA for this undertaking. The FAA will be coordinating its review under Section 106 with its compliance with the National Environmental Policy Act (NEPA). Each ATMP will be unique and therefore, each ATMP will be assessed individually under Section 106 and NEPA. We look forward to meaningful consultation on the air tours and their overall effect on historic properties.

¹ For more information about the court order and proposed plan, see:
https://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/

There will be no ground disturbance, construction or demolition associated with this undertaking. Air tours have been operating in Bandelier National Monument for over 20 years. Since 2005, these air tours have been conducted pursuant to interim operating authorizations (IOAs) as provided in NPATMA. The agencies are creating ATMPs to replace IOAs and, to the extent possible, will limit the number of annual air tour operations to the average flown between 2017 and 2019. At this time we anticipate little or no increase in air tour operations.

In accordance with 36 CFR 800.3 and NPATMA, the agencies have identified and initiated consultation with federally recognized tribes whose lands will be overflowed or who have an interest or ancestral connections to one or more of the parks (See Attachment A). We would welcome your assistance in identifying additional consulting parties along with meaningful ways to engage the public. Information regarding ATMPs is available through a dedicated web site located at: https://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/. During the next phase of consultation, we will seek your input regarding the Area of Potential Effect and the identification of historic properties.

We will follow up with you in the next month. Should you wish to receive additional information regarding this undertaking, please contact Cathy Nadals at ATMPTeams@dot.gov or (202) 267-0746.

Sincerely,



Rob Lowe
Regional Administrator
Southwest Region
Federal Aviation Administration



Paul DePrey
Acting Superintendent
Bandelier National Monument
National Park Service

Attachment A: List of Tribes

ATTACHMENT A
TRIBAL CONSULTATION LIST

Tribe
Comanche Nation, Oklahoma
Fort Sill Apache Tribe of Oklahoma
Hopi Tribe of Arizona
Jicarilla Apache Nation, New Mexico
Kewa Pueblo, New Mexico
Navajo Nation, Arizona, New Mexico & Utah
Ohkay Owingeh, New Mexico
Pueblo of Acoma, New Mexico
Pueblo of Cochiti, New Mexico
Pueblo of Isleta, New Mexico
Pueblo of Jemez, New Mexico
Pueblo of Laguna, New Mexico
Pueblo of Nambe, New Mexico
Pueblo of Picuris, New Mexico
Pueblo of Pojoaque, New Mexico
Pueblo of San Felipe, New Mexico
Pueblo of San Ildefonso, New Mexico
Pueblo of Sandia, New Mexico
Pueblo of Santa Ana, New Mexico
Pueblo of Santa Clara, New Mexico
Pueblo of Taos, New Mexico
Pueblo of Tesuque
Pueblo of Zia, New Mexico
Ysleta Del Sur Pueblo
Zuni Tribe of the Zuni Reservation, New Mexico
Standing Rock Sioux Tribe of North & South Dakota
Apache Tribe of Oklahoma



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NATIONAL PARKS AIR TOUR MANAGEMENT PROGRAM

March 29, 2021

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Dr. Jeff Pappas
Director and State Historic Preservation Officer
Department of Cultural Affairs
Historic Preservation Division
407 Galisteo Street, Suite 236
Santa Fe, NM 87501

Received, HPD 3/29/2021
Log # 114904

Dear Dr. Pappas:

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The FAA is acting as the lead federal agency overseeing compliance with Section 106 of the NHPA for this undertaking. The FAA will be coordinating its review under Section 106 with its compliance with the National Environmental Policy Act (NEPA). Each ATMP will be unique and therefore, each ATMP will be assessed individually under Section 106 and NEPA. We look forward to meaningful consultation on the air tours and their overall effect on historic properties.

¹ For more information about the court order and proposed plan, see:
https://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/

There will be no ground disturbance, construction or demolition associated with this undertaking. Air tours have been operating in Bandelier National Monument for over 20 years. Since 2005, these air tours have been conducted pursuant to interim operating authorizations (IOAs) as provided in NPATMA. The agencies are creating ATMPs to replace IOAs and, to the extent possible, will limit the number of annual air tour operations to the average flown between 2017 and 2019. At this time we anticipate little or no increase in air tour operations.

In accordance with 36 CFR 800.3 and NPATMA, the agencies have identified and initiated consultation with federally recognized tribes whose lands will be overflown or who have an interest or ancestral connections to one or more of the parks (See Attachment A). We would welcome your assistance in identifying additional consulting parties along with meaningful ways to engage the public. Information regarding ATMPs is available through a dedicated web site located at:

https://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/. During the next phase of consultation, we will seek your input regarding the Area of Potential Effect and the identification of historic properties.

We will follow up with you in the next month. Should you wish to receive additional information regarding this undertaking, please contact Cathy Nadals at ATMPTeams@dot.gov or (202) 267-0746.

Sincerely,



Rob Lowe
Regional Administrator
Southwest Region
Federal Aviation Administration



Paul DePrey
Acting Superintendent
Bandelier National Monument
National Park Service

Attachment A: List of Tribes

Comments: Thank you for initiating Section 106 consultation with the State Historic Preservation Office. We recommend that the FAA contact the Santa Fe National Forest and the Los Alamos National Lab/Department of Energy to determine if they wish to be consulting parties since they are adjacent land managers. We look forward to receiving additional information on this undertaking.

4-9-2021
for NM State Historic Preservation Officer



United States Department of the Interior
NATIONAL PARK SERVICE
Natural Resource Stewardship & Science
Natural Sounds and Night Skies Division



U.S. Department
of Transportation
**Federal Aviation
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NATIONAL PARKS AIR TOUR MANAGEMENT PROGRAM

May 06, 2021

Re: Request to participate as a consulting party for the development of an Air Tour Management Plan at Bandelier National Monument

Vicki Loucks
Cultural Resources Program Manager
Department of Energy, National Nuclear Security Administration
Los Alamos Field Office
MAI, NA-LA, MS A316
Los Alamos, NM 87546

Dear Ms. Loucks:

The Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS) (collectively, the agencies) is developing an Air Tour Management Plan (ATMP) for Bandelier National Monument. The ATMP will apply to commercial air tours flown at or below 5,000 feet above ground level and within ½ mile of the park boundary. The agencies have determined that development of this ATMP is an “undertaking” subject to Section 106 of the National Historic Preservation Act (NHPA). This letter is intended to initiate Section 106 consultation with you and solicit any initial comments you may have regarding the proposed undertaking.

In response to a May 1, 2020 court order, the agencies are working to complete ATMPs for 23 national parks by August 31, 2022, pursuant to a court-approved plan and schedule.¹ The ATMPs are being developed in accordance with National Parks Air Tour Management Act (NPATMA). NPATMA directs the agencies to either enter into voluntary agreements with air tour operators or to establish ATMPs for national parks and adjacent tribal lands where commercial air tour operations are conducted or proposed.

The FAA is acting as the lead federal agency with respect to compliance with Section 106 of the NHPA for these undertakings. The FAA will be coordinating its review under Section 106 with its compliance with the National Environmental Policy Act (NEPA). As ATMPs are unique to each park, the agencies consider the development of each ATMP as a stand-alone action or undertaking and will thus comply with Section 106 for each ATMP individually.

¹ For more information about the court order and proposed plan, see here:
https://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/

There will be no ground disturbance, construction or demolition associated with this undertaking. Air tours have been operating over Bandelier National Monument for over 20 years. Since 2005, these air tours have been conducted pursuant to interim operating authority (IOA) as provided in NPATMA. The agencies are creating ATMPs to replace IOAs.

In accordance with 36 CFR 800.2 we are inviting you to participate as a consulting party in the Section 106 process. As we move into the next phase of consultation, we will seek your input during development of the Area of Potential Effect and with the identification of historic properties. Please let us know if you are or are not interested in being a consulting party for this undertaking. If we do not hear from you we will assume that you wish to be a consulting party.

We will follow up with you in the next month. In the meantime, if you would like to receive additional information regarding this undertaking, please contact Cathy Nadals at ATMPTeam@dot.gov or (202) 267-0746.

Sincerely,



Rob Lowe
Regional Administrator
Southwest Region
Federal Aviation Administration



Paul DePrey
Acting Superintendent
Bandelier National Monument
National Park Service

CC: Dr. Cyler Conrad, Los Alamos National Laboratory

From: [Conrad, Cyler Norman](#)
To: [ATMPTeam](#); [Loucks, Vicki Dianne](#)
Cc: [Nadals, Catherine L <FAA>](#); [Schmidt, Jonathan \(Volpe\)](#); [REDACTED]; [Manning, Derek \(Volpe\)](#)
Subject: RE: Section 106 Consultation for Air Tours at Bandelier National Monument
Date: Tuesday, May 25, 2021 10:47:42 AM

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Derek,

On behalf of Vicki Loucks and the U.S. Department of Energy, National Nuclear Security Administration, Los Alamos National Laboratory Field Office, I wanted to respond and inform you that DOE is not interested in being a consulting party on this undertaking for Section 106.

Thank you very much for sending us this letter and the invitation to consult.

All the best,
Cyler

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Telecommuting

Cyler N. Conrad, PhD, RPA
Archaeologist, EPC-ES, Los Alamos National Laboratory
Adjunct Assistant Professor of Archaeology, University of New Mexico
Associate Editor, [Journal of Ethnobiology](#)
o: (505) 667-0295
c: [REDACTED]
cylerc@lanl.gov

From: ATMPTeam <ATMPTeam@dot.gov>
Sent: Monday, May 10, 2021 1:52 PM
To: Loucks, Vicki Dianne <vicki.loucks@nnsa.doe.gov>; Conrad, Cyler Norman <cylerc@lanl.gov>
Cc: Nadals, Catherine L <FAA> <catherine.l.nadals@faa.gov>; Schmidt, Jonathan (Volpe) <Jonathan.Schmidt@dot.gov>; [REDACTED]; Manning, Derek (Volpe) <Derek.Manning@dot.gov>
Subject: [EXTERNAL] Section 106 Consultation for Air Tours at Bandelier National Monument

Ms. Loucks

The Federal Aviation Administration (FAA) and the National Park Service (NPS) are developing an Air Tour Management Plan (ATMP) for Bandelier National Monument (See attached letter). The ATMP is being developed in accordance with the National Parks Air Tour Management Act (NPATMA). In addition to the requirements of NPTAMA, we have determined that this action is subject to the

National Environmental Policy Act and qualifies as an “undertaking” subject to Section 106 of the National Historic Preservation Act.

The FAA is acting as the lead federal agency for purposes of complying with Section 106. On March 29, pursuant to 36 CFR 800.3(c), we are initiating Section 106 consultation on this undertaking with the New Mexico State Historic Preservation Office (NMSHPO). In response, the NMSHPO recommended that FAA invite Los Alamos National Laboratory and the Santa Fe National Forest to participate in the Section 106 compliance process as consulting parties. If you would like additional information, please contact me at ATMPTeam@dot.gov or (202) 267-0746. Thank you for your time and consideration.

Derek Manning

Environmental Protection Specialist | Environmental Science and Engineering Division, V-326
Volpe, The National Transportation Systems Center | U.S. Department of Transportation
55 Broadway, Cambridge MA 02142 | Web: www.volpe.dot.gov
Office: 617-494-2475 | Fax: 617-494-2789 | Cell: [REDACTED] | Email: derek.manning@dot.gov



United States Department of the Interior
NATIONAL PARK SERVICE
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Office of Environment and Energy

NATIONAL PARKS AIR TOUR MANAGEMENT PROGRAM

May 6, 2021

Re: Request to participate as a consulting party for the development of an Air Tour Management Plan at Bandelier National Monument

Kathi Turner
Heritage Program Manager
Santa Fe National Forest
11 Forest Lane
Santa Fe, NM 87508

Dear Ms. Turner:

The Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS) (collectively, the agencies) is developing an Air Tour Management Plan (ATMP) for Bandelier National Monument. The ATMP will apply to commercial air tours flown at or below 5,000 feet above ground level and within ½ mile of the park boundary. The agencies have determined that development of this ATMP is an “undertaking” subject to Section 106 of the National Historic Preservation Act (NHPA). This letter is intended to initiate Section 106 consultation with you and solicit any initial comments you may have regarding the proposed undertaking.

In response to a May 1, 2020 court order, the agencies are working to complete ATMPs for 23 national parks, by August 31, 2022, pursuant to a court-approved plan and schedule.¹ The ATMPs are being developed in accordance with National Parks Air Tour Management Act (NPATMA). NPATMA directs the agencies to either enter into voluntary agreements with air tour operators or establish ATMPs for national parks and adjacent tribal lands where commercial air tour operations are conducted or proposed.

The FAA is acting as the lead federal agency responsible for compliance with Section 106 of the NHPA for these undertakings. The FAA will be coordinating its review under Section 106 with its compliance with the National Environmental Policy Act (NEPA). As ATMPs are unique to each park, the agencies consider the development of each ATMP as a stand-alone action or undertaking and will thus comply with Section 106 for each ATMP individually.

¹ For more information about the court order and proposed plan, see here:
https://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/

There will be no ground disturbance, construction or demolition associated with this undertaking. Air tours have been operating over Bandelier National Monument for over 20 years. Since 2005, these air tours have been conducted pursuant to interim operating authority (IOA) as provided in NPATMA. The agencies are creating ATMPs to replace IOAs.

In accordance with 36 CFR 800.2 we are inviting you to participate as a consulting party in the Section 106 process. As we move into the next phase of consultation, we will seek your input during development of the Area of Potential Effect and with the identification of historic properties. Please let us know if you are or are not interested in acting as a consulting party for this undertaking. If we do not hear from you we will assume that you wish to be a consulting party.

We will follow up with you in the next month. In the meantime, if you would like to receive additional information regarding this undertaking, please contact Cathy Nadals at ATMPTeam@dot.gov or (202) 267-0746.

Sincerely,



Rob Lowe
Regional Administrator
Southwest Region
Federal Aviation Administration



Paul DePrey
Acting Superintendent
Bandelier National Monument
National Park Service



United States Department of Transportation
FEDERAL AVIATION ADMINISTRATION
Office of Policy, International Affairs & Environment
Office of Environment and Energy

NATIONAL PARKS AIR TOUR MANAGEMENT PROGRAM

August 27, 2021

Re: Consultation under Section 106 of the National Historic Preservation Act for the development of an Air Tour Management Plan at Bandelier National Monument

Bruce M. Adams
Southwest Safaris
712 Felipe Place
Santa Fe, NM 87505

Dear Bruce M. Adams:

The Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS) (collectively, the agencies) is developing an Air Tour Management Plan (ATMP) for Bandelier National Monument. The ATMP will apply to commercial air tours flown at or below 5,000 ft. above ground level (AGL) and within ½-mile of the park boundary. The agencies have determined that development of this ATMP is an “undertaking” subject to Section 106 of the National Historic Preservation Act (Section 106) [54 USC § 306108].

Section 106 requires federal agencies to take into account the effects of their actions to historic properties. The process for compliance with Section 106 is outlined in the Code of Federal Regulations at Title 36 Part 800 (36 CFR 800). As an air tour operator with Interim Operating Authority at Bandelier National Monument who conducted air tours between 2017 and 2019, you are invited to participate in Section 106 consultation under 36 CFR 800.2(c). More information on Section 106 and the consultation process is available at <https://www.achp.gov/digital-library-section-106-landing/citizens-guide-section-106-review>.

The purpose of this letter is to invite you to participate in the Section 106 process for the Bandelier National Monument ATMP as a consulting party. Additionally, the letter presents a description of the proposed undertaking in accordance with 36 CFR 800.3(a) and 800.16(y) and a proposed Area of Potential Effect (APE) pursuant to 36 CFR 800.4(a)(1). The FAA has completed its initial historic property identification effort within the proposed APE in accordance with 36 CFR 800.4. The FAA specifically requests your comments on our proposed APE and initial historic property identification efforts.

Background

In response to a May 1, 2020 court order, the agencies are working to complete ATMPs for 23 national parks by August 31, 2022, pursuant to a court-approved plan and schedule.¹ The ATMPs are being developed in accordance with National Parks Air Tour Management Act (NPATMA). NPATMA directs the agencies to either enter into voluntary agreements with air tour operators or to establish ATMPs for national parks and adjacent tribal lands where commercial air tour operations are conducted or proposed. If you have questions regarding the ATMP development process or the purpose/function of ATMPs please contact Keith Lusk at keith.lusk@faa.gov.

The FAA serves as the lead federal agency with respect to compliance with Section 106 of the NHPA for these undertakings. The FAA will be coordinating its review under Section 106 with its compliance with the National Environmental Policy Act (NEPA). Each ATMP will be unique and therefore, each ATMP will be assessed individually under Section 106 and NEPA.

There will be no ground disturbance, construction or demolition associated with this undertaking. Air tours have been operating over Bandelier National Monument for over 20 years. Since 2005, these air tours have been conducted pursuant to interim operating authority (IOA) as provided in NPATMA. The agencies are creating ATMPs to replace IOAs.

Description of the Undertaking

The proposed ATMP would apply to commercial air tours over the Park, within a half-mile outside the boundary of the Park, and over tribal lands within or abutting the Park. The FAA and the NPS have documented the existing conditions for commercial air tour operations at the Park. The FAA and the NPS consider the existing operations for commercial air tours to be an average of 2017-2019 annual air tours flown, which is 101 air tours. A three-year annual average is used because it reflects the most accurate and reliable air tour conditions, and accounts for variations across multiple years. Commercial air tours over the Park are conducted using Cessna model 182-R, a fixed-wing aircraft. Commercial air tours are conducted on the route shown in **Attachment A**. Commercial air tour operations will fly no lower than 2,600 feet (ft.) above ground level (AGL).²

The proposed ATMP would authorize commercial air tour operations at the Park in accordance with the following conditions:

- 101 commercial air tours per year;
- Commercial Air tours shall be conducted on the routes shown in **Attachment A**. While over the Park, air tours will fly no lower than 2,600 ft. AGL, referencing the topographic high-point within ½-mile of the flight path;

¹ For more information about the court order and proposed plan, see here: https://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/

² Altitude expressed in units above ground level (AGL) is a measurement of the distance between the ground surface and the aircraft, whereas altitude expressed in median sea level (MSL) refers to the altitude of aircraft above sea level, regardless of the terrain below it. Aircraft flying at a constant MSL altitude would simultaneously fly at varying AGL altitudes, and vice versa, assuming uneven terrain is present below the aircraft.

- The aircraft type authorized to be used for commercial air tours is a CE-182-R fixed wing aircraft. Any new or replacement aircraft must not exceed the noise level produced by the aircraft being replaced;
- Air tours may operate two hours after sunrise until two hours before sunset, as defined by the National Oceanic and Atmospheric Administration (NOAA).³ Air tours may operate any day of the year, except under circumstances provided in the bullet below;
- If the operator has converted to quiet technology aircraft, the operator will be allowed to conduct tours beginning one hour after sunrise until one hour before sunset on all days that flights are authorized;
- The NPS may establish temporary no-fly periods that apply to commercial air tours for special events or planned Park management. Absent exigent circumstances or emergency operations, the NPS will provide a minimum of 15 days written notice to the operator for any restrictions that temporarily restrict certain areas or certain times of day, or 60 days written notice to the operator for any full-day restrictions in advance of the no-fly period. Events may include tribal ceremonies or rituals as determined by affected tribes;
- Operators would submit semi-annual reports to the FAA and the NPS regarding the number of commercial air tours conducted by the operator over the Park;
- When made available by Park staff, the operator/pilot will take at least one training course per year conducted by NPS staff;
- At the request of either of the agencies, the Park staff, the local FAA Flight Standards District Office (FSDO), and the operator will meet once per year to discuss the implementation of the ATMP and any amendments or other changes to the ATMP;
- For situational awareness when conducting tours of the Park, the operators will utilize frequency 122.9 and report when they enter and depart a route. The pilot should identify their company, aircraft, and route to make any other aircraft in the vicinity aware of their position.

Proposed Area of Potential Effects

The APE as defined at 36 CFR 800.16(d) is the geographic area or areas within which the undertaking may directly or indirectly cause alterations in the character or use of any historic properties, if any such properties exist. The proposed FAA and NPS approval of the ATMP does not require land acquisition, construction, or ground disturbance, and the FAA anticipates no physical effects to historic properties. The FAA is therefore focusing its assessment on the potential introduction of visual or audible elements that could diminish the integrity of any identified significant historic properties.⁴

In establishing the proposed APE, the FAA sought to include areas where any historic property present could be affected by noise from or sight of commercial air tours over the Park or adjacent tribal lands. The FAA will consider the number and altitude of commercial air tours over historic properties in these areas to further assess the potential for visual effects and any incremental change in noise levels that may result in alteration of the characteristics of historic properties qualifying them for the National Register of Historic Places (NRHP).

³ Sunrise and sunset data is available from the National Oceanic & Atmospheric Administration Solar Calculator, <https://www.esrl.noaa.gov/gmd/grad/solcalc/>

⁴ The term historic property is defined in 54 U.S.C. 300308 and 36 CFR 800.16(l)(1).

The FAA proposes an APE comprising the area of the Park and a half-mile outside the boundary of the Park, excluding the Tsankawi Section, as depicted in **Attachment A** below.

Preliminary Historic Property Identification

The FAA, in cooperation with NPS, has undertaken preliminary efforts to identify historic properties within the APE. In so doing, the FAA has taken into consideration the views of consulting parties, past planning, research and studies, the magnitude and nature of the undertaking, the degree of Federal involvement, the nature and extent of potential effects on historic properties and the likely nature of historic properties within the APE in accordance with 36 CFR 800.4(b)(1). As such, the historic property identification effort has focused on properties for which setting and feeling, are characteristics contributing to the property's NRHP eligibility. The FAA is also considering whether air tours could affect the use of traditional cultural properties (TCPs) associated with cultural practices, customs or beliefs that continue to be held or practiced today. NPS staff at Bandelier National Monument have informed the FAA that a number of tribes have indicated that they consider the entire park is part of a larger sacred landscape.

The FAA, with assistance from the park, has identified two historic properties within the APE for which feeling and setting are characteristics that make the properties eligible for listing on the NRHP. These historic properties are shown in the proposed APE map provided at **Attachment A** and listed in **Attachment B**.

Review Request

Please let us know within the next 30 days of your interest in participating as a consulting party for this undertaking.

The FAA requests that you provide any comments you may have regarding the proposed APE and initial identification of historic properties. The FAA also requests your assistance in identifying any other historic properties that may be located within or near the APE. Should you wish to receive additional information regarding this undertaking, please contact Cathy Nadals at Catherine.L.Nadals@faa.gov and (202) 267-0746 or the ATMP team at ATMPTeam@dot.gov.

Sincerely,

A handwritten signature in black ink, appearing to be 'Cathy Nadals', with a long horizontal flourish extending to the right.

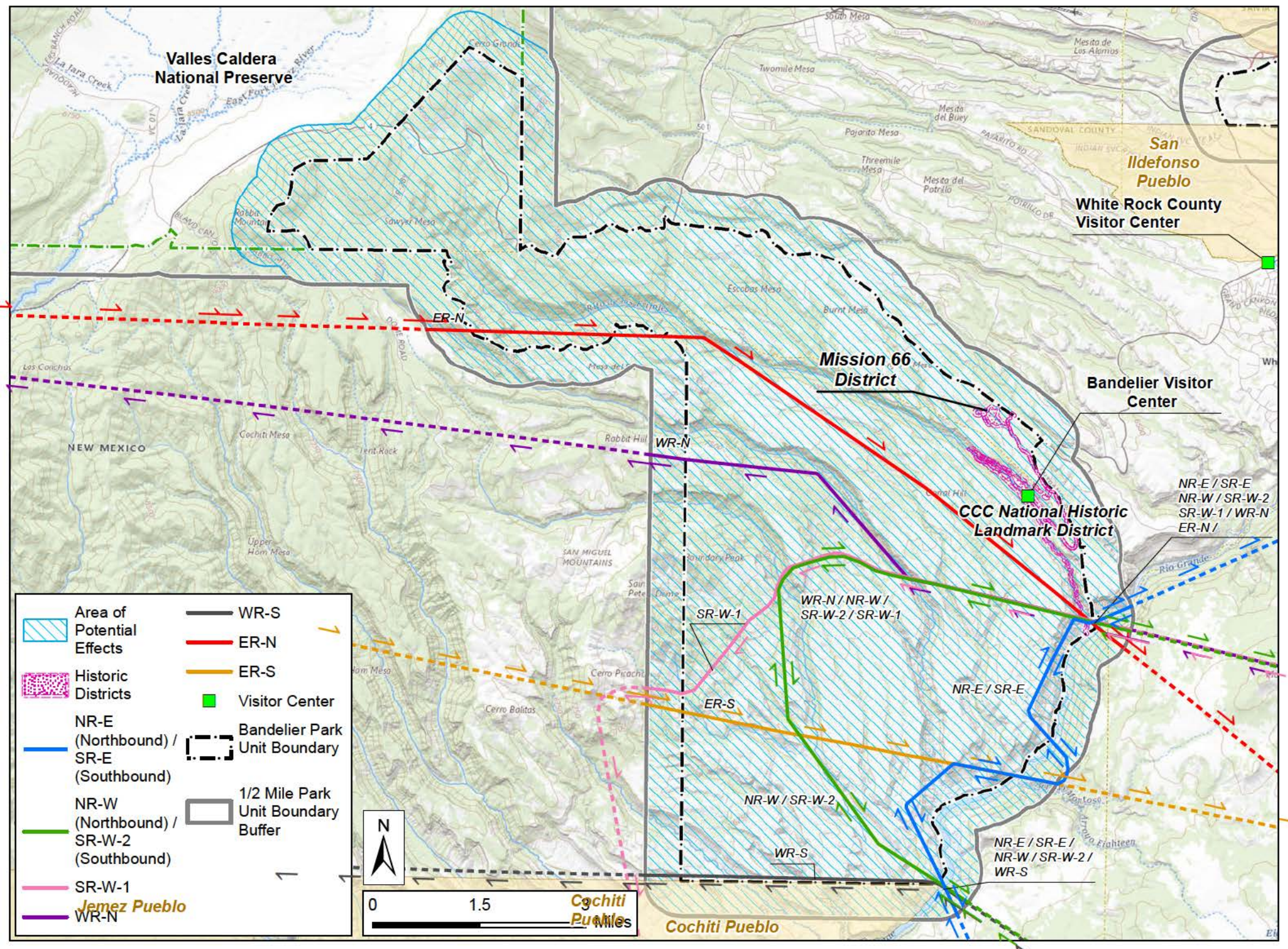
Cathy Nadals
Cultural Resource Specialist
Federal Aviation Administration

Attachments

- A. APE Map including proposed Commercial Air Tour Routes.
- B. List of Historic Architectural Properties

ATTACHMENT A
AREA OF POTENTIAL EFFECT MAP
INCLUDING
COMMERCIAL AIR TOUR ROUTES

Area of Potential Effects Map for ATMP at Bandelier National Monument



ATTACHMENT B
LIST OF HISTORIC PROPERTIES IN THE APE

ID	Historic Property Name	Historic Status
1	Bandelier CCC National Historic Landmark District	Listed
2	Bandelier National Monument Archeological and Historic District (Mission 66 District)	Listed



U.S. Department
of Transportation
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NATIONAL PARKS AIR TOUR MANAGEMENT PROGRAM

August 27, 2021

Re: Continuing Consultation under Section 106 of the National Historic Preservation Act for the development of an Air Tour Management Plan at Bandelier National Monument

Betsy Merritt
Deputy General Counsel
National Trust for Historic Preservation
2600 Virginia Ave. NW
Suite 1100
Washington, DC 20037

Dear Betsy Merritt:

The Federal Aviation Administration (FAA), in coordination with the National Park Service (NPS), seeks to continue consultation with your office under Section 106 of the National Historic Preservation Act (NHPA) for the development of an Air Tour Management Plan (ATMP) at Bandelier National Monument (Park). The FAA initiated consultation with your office in a letter dated March 29, 2021.

This letter presents a description of the proposed undertaking in accordance with 36 CFR 800.3(a) and 800.16(y) and a proposed Area of Potential Effect (APE) pursuant to 36 CFR 800.4(a)(1). The FAA has completed its initial historic property identification effort within the proposed APE in accordance with 36 CFR 800.4. The FAA specifically requests your comments on our proposed APE and initial historic property identification efforts.

Description of the Undertaking

The proposed ATMP would apply to commercial air tours over the Park, within a half-mile outside the boundary of the Park, and over tribal lands within or abutting the Park. The FAA and the NPS have documented the existing conditions for the commercial air tour operations at the Park. The FAA and the NPS consider the existing operations for air tours to be an average of 2017-2019 annual air tours flown, which is 101 air tours. A three-year annual average is used because it reflects the most accurate and reliable air tour conditions, and accounts for variations across multiple years. Commercial air tours over the Park are conducted in a fixed-wing aircraft: CE-182-R. At the park, commercial air tours will fly no lower than 2,600 feet (ft.) above ground level (AGL), depending on the route and location over the park.

The proposed ATMP would authorize commercial air tour operations at the Park in accordance with the following conditions:

- 101 commercial air tours per year;
- Commercial Air tours shall be conducted on the routes shown in **Attachment A**. While over the Park, air tours will fly no lower than 2,600 ft. AGL, referencing the topographic high-point within ½-mile of the flight path;
- The aircraft type authorized to be used for commercial air tours is a CE-182-R fixed wing aircraft. Any new or replacement aircraft must not exceed the noise level produced by the aircraft being replaced;
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- If the operator has converted to quiet technology aircraft, the operator will be allowed to conduct tours beginning one hour after sunrise until one hour before sunset on all days that flights are authorized;
- The NPS may establish temporary no-fly periods that apply to commercial air tours for special events or planned Park management. Absent exigent circumstances or emergency operations, the NPS will provide a minimum of 15 days written notice to the operator for any restrictions that temporarily restrict certain areas or certain times of day, or 60 days written notice to the operator for any full-day restrictions in advance of the no-fly period. Events may include tribal ceremonies or rituals as determined by affected tribes;
- Operators would submit semi-annual reports to the FAA and the NPS regarding the number of commercial air tours conducted by the operator over the Park;
- When made available by Park staff, the operator/pilot will take at least one training course per year conducted by NPS staff;
- At the request of either of the agencies, the Park staff, the local FAA Flight Standards District Office (FSDO), and the operator will meet once per year to discuss the implementation of the ATMP and any amendments or other changes to the ATMP;
- For situational awareness when conducting tours of the Park, the operators will utilize frequency 122.9 and report when they enter and depart a route. The pilot should identify their company, aircraft, and route to make any other aircraft in the vicinity aware of their position.

Proposed Areas of Potential Effects

The proposed APE for this undertaking (36 CFR 800.4(a)(1)) as defined at 36 CFR 800.16(d) is the geographic areas within which the undertaking may directly or indirectly cause alterations in the character or use of any historic properties, if any such properties exist. The proposed FAA and NPS approval of the ATMP does not require land acquisition, construction, or ground disturbance, and the FAA anticipates no physical effects to historic properties. The FAA is therefore focusing its assessment

¹ Sunrise and sunset data is available from the National Oceanic & Atmospheric Administration Solar Calculator, <https://www.esrl.noaa.gov/gmd/grad/solcalc/>

on the potential introduction of visual or audible elements that could diminish the integrity of any identified significant historic properties.²

In establishing the proposed APE, the FAA sought to include areas where any historic property present could be affected by noise from or sight of commercial air tours over the Park or adjacent tribal lands. The FAA will consider the number and altitude of commercial air tours over historic properties in these areas to further assess the potential for visual effects and any incremental change in noise levels that may result in alteration of the characteristics of historic properties qualifying them for the National Register of Historic Places (NRHP).

The FAA proposes an APE comprising the area of the Park and a half-mile outside the boundary of the Park, excluding the Tsankawi Section, as depicted in **Attachment A** below.

Preliminary Historic Property Identification

The FAA, in cooperation with the NPS, has undertaken preliminary efforts to identify historic properties within the APE. In so doing, the FAA has taken into consideration the views of consulting parties, past planning, research and studies, magnitude and nature of the undertaking, the degree of Federal involvement, the nature and extent of potential effects on historic properties and the likely nature of historic properties within the APE in accordance with 36 CFR 800.4(b)(1). As such, the historic property identification effort has focused on properties for which setting and feeling are characteristics contributing to the property's NRHP eligibility. The FAA is also considering whether air tours could affect the use of traditional cultural properties (TCPs) associated with cultural practices, customs or beliefs that continue to be held or practiced today. NPS staff at Bandelier National Monument have informed the FAA that a number of tribes have indicated that they consider the entire park is part of a larger sacred landscape.

The FAA, with assistance from the park, has identified two historic properties within the APE for which feeling and setting are characteristics that make the properties eligible for listing on the NRHP. These historic properties are shown in the proposed APE map provided at **Attachment A** and listed in **Attachment B**.

Review Request

Should you wish to receive additional information regarding this undertaking, please contact Cathy Nadals at Catherine.L.Nadals@faa.gov and (202) 267-0746 or the ATMP team at ATMPTeam@dot.gov. We will reach out in the next couple of weeks to schedule a follow up via phone or video conference.

² The term historic property is defined in 54 U.S.C. 300308 and 36 CFR 800.16(l)(1).

Sincerely,

A handwritten signature in black ink, starting with a large capital 'C' and ending with a long, horizontal, slightly wavy line.

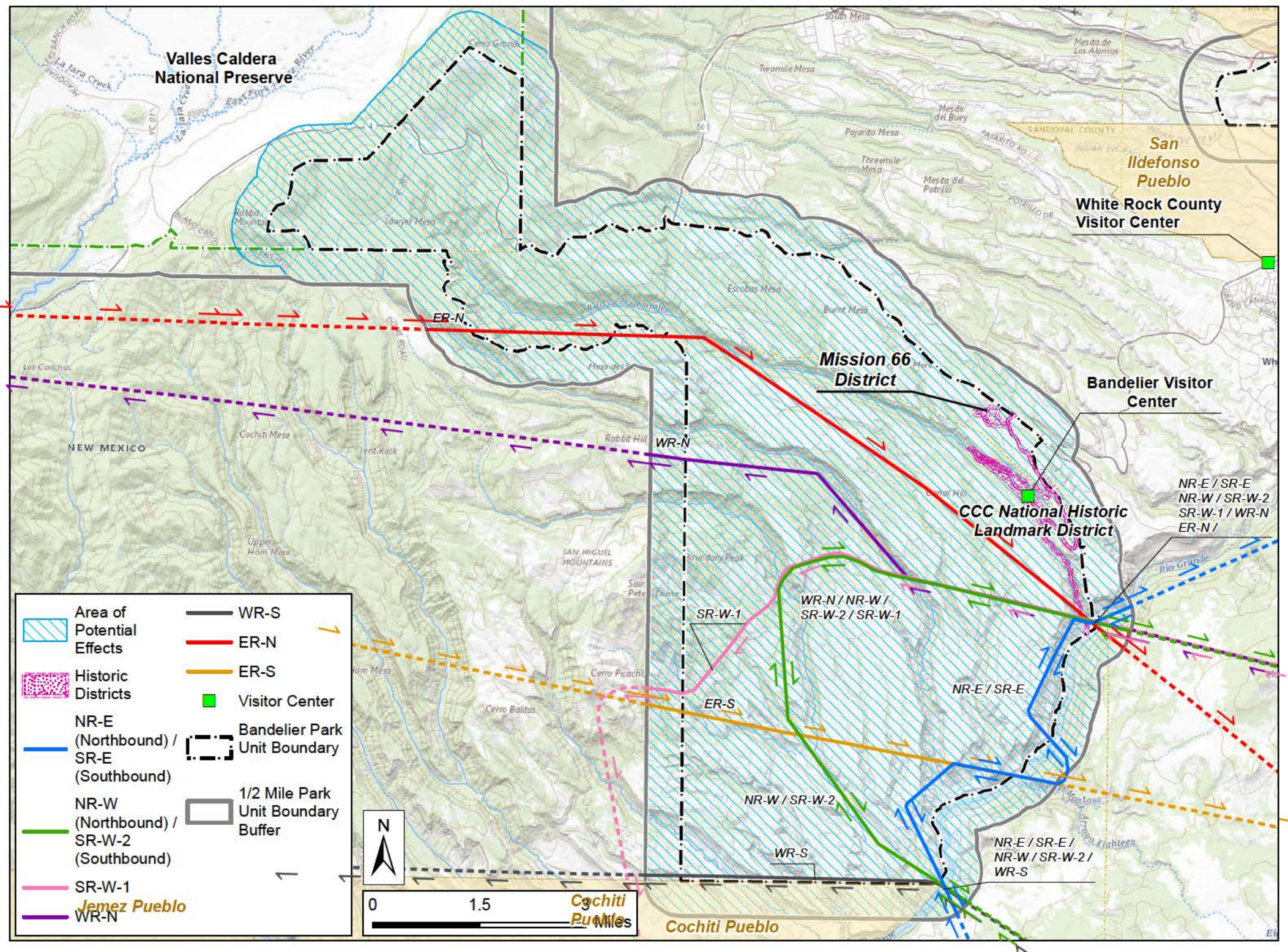
Cathy Nadals
Cultural Resource Specialist
Federal Aviation Administration

Attachments

- A. APE Map including proposed Commercial Air Tour Routes
- B. List of Historic Properties in the APE

**ATTACHMENT A
AREA OF POTENTIAL EFFECT MAP
INCLUDING
COMMERCIAL AIR TOUR ROUTES**

Area of Potential Effects Map for ATMP at Bandelier National Monument



ATTACHMENT B
LIST OF HISTORIC PROPERTIES IN THE APE

ID	Historic Property Name	Historic Status
1	Bandelier CCC National Historic Landmark District	Listed
2	Bandelier National Monument Archeological and Historic District (Mission 66 District)	Listed



U.S. Department
of Transportation
**Federal Aviation
Administration**

United States Department of Transportation
FEDERAL AVIATION ADMINISTRATION
Office of Policy, International Affairs & Environment
Office of Environment and Energy

NATIONAL PARKS AIR TOUR MANAGEMENT PROGRAM

January 24, 2022

Consultation under Section 106 of the National Historic Preservation Act for the development of an Air Tour Management Plan at Bandelier National Monument

Stephanie Garcia Richard
Commissioner of Public Lands
New Mexico State Land Office
PO Box 1148
Santa Fe, NM 87504

Dear Stephanie Garcia Richard:

The Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS) (collectively, the agencies) is developing an Air Tour Management Plan (ATMP) for Bandelier National Monument. The ATMP will apply to commercial air tours flown at or below 5,000 ft. above ground level (AGL) and within ½-mile of the park boundary. The agencies have determined that development of this ATMP is an “undertaking” subject to Section 106 of the National Historic Preservation Act (Section 106) [54 USC § 306108].

The purpose of this letter is to invite you to participate in the Section 106 process for the Bandelier National Monument ATMP as a consulting party. Additionally, the letter presents a description of the proposed undertaking in accordance with 36 CFR 800.3(a) and 800.16(y) and a proposed Area of Potential Effect (APE) pursuant to 36 CFR 800.4(a)(1). The FAA has completed its initial historic property identification effort within the proposed APE in accordance with 36 CFR 800.4. The FAA specifically requests your comments on our proposed APE and initial historic property identification efforts.

Background

In response to a May 1, 2020 court order, the agencies are working to complete ATMPs for 23 national parks by August 31, 2022, pursuant to a court-approved plan and schedule.¹ The ATMPs are being developed in accordance with National Parks Air Tour Management Act (NPATMA). NPATMA directs the agencies to either enter into voluntary agreements with air tour operators or to establish ATMPs for

¹ For more information about the court order and proposed plan, see here:
https://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/

national parks and adjacent tribal lands where commercial air tour operations are conducted or proposed.

The FAA serves as the lead federal agency with respect to compliance with Section 106 of the NHPA for these undertakings. The FAA will be coordinating its review under Section 106 with its compliance with the National Environmental Policy Act (NEPA). Each ATMP will be unique and therefore, each ATMP will be assessed individually under Section 106 and NEPA.

There will be no ground disturbance, construction or demolition associated with this undertaking. Air tours have been operating over Bandelier National Monument for over 20 years. Since 2005, these air tours have been conducted pursuant to interim operating authority (IOA) as provided in NPATMA. The agencies are creating ATMPs to replace IOAs.

Description of the Undertaking

The proposed ATMP would apply to commercial air tours over the Park, within a half-mile outside the boundary of the Park, and over tribal lands within or abutting the Park. The FAA and the NPS have documented the existing conditions for the commercial air tour operations at the Park. The FAA and the NPS consider the existing operations for air tours to be an average of 2017-2019 annual air tours flown, which is 101 air tours. A three-year annual average is used because it reflects the most accurate and reliable air tour conditions, and accounts for variations across multiple years. Commercial air tours over the Park are conducted in a fixed-wing aircraft: CE-182-R. At the park, commercial air tours will fly no lower than 2,600 feet (ft.) above ground level (AGL), depending on the route and location over the park.

The proposed ATMP would authorize commercial air tour operations at the Park in accordance with the following conditions:

- 101 commercial air tours per year;
- Commercial Air tours shall be conducted on the routes shown in **Attachment A**. While over the Park, air tours will fly no lower than 2,600 ft. AGL, referencing the topographic high-point within ½-mile of the flight path;
- The aircraft type authorized to be used for commercial air tours is a CE-182-R fixed wing aircraft. Any new or replacement aircraft must not exceed the noise level produced by the aircraft being replaced;
- Air tours may operate two hours after sunrise until two hours before sunset, as defined by the National Oceanic and Atmospheric Administration (NOAA).² Air tours may operate any day of the year, except under circumstances provided in the bullet below;
- If the operator has converted to quiet technology aircraft, the operator will be allowed to conduct tours beginning one hour after sunrise until one hour before sunset on all days that flights are authorized;
- The NPS may establish temporary no-fly periods that apply to commercial air tours for special events or planned Park management. Absent exigent circumstances or emergency operations, the NPS will provide a minimum of 15 days written notice to the operator for any restrictions

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that temporarily restrict certain areas or certain times of day, or 60 days written notice to the operator for any full-day restrictions in advance of the no-fly period. Events may include tribal ceremonies or rituals as determined by affected tribes;

- Operators would submit semi-annual reports to the FAA and the NPS regarding the number of commercial air tours conducted by the operator over the Park;
- When made available by Park staff, the operator/pilot will take at least one training course per year conducted by NPS staff;
- At the request of either of the agencies, the Park staff, the local FAA Flight Standards District Office (FSDO), and the operator will meet once per year to discuss the implementation of the ATMP and any amendments or other changes to the ATMP;
- For situational awareness when conducting tours of the Park, the operators will utilize frequency 122.9 and report when they enter and depart a route. The pilot should identify their company, aircraft, and route to make any other aircraft in the vicinity aware of their position.

Proposed Areas of Potential Effects

The proposed APE for this undertaking (36 CFR 800.4(a)(1)) as defined at 36 CFR 800.16(d) is the geographic areas within which the undertaking may directly or indirectly cause alterations in the character or use of any historic properties, if any such properties exist. The proposed FAA and NPS approval of the ATMP does not require land acquisition, construction, or ground disturbance, and the FAA anticipates no physical effects to historic properties. The FAA is therefore focusing its assessment on the potential introduction of visual or audible elements that could diminish the integrity of any identified significant historic properties.³

In establishing the proposed APE, the FAA sought to include areas where any historic property present could be affected by noise from or sight of commercial air tours over the Park or adjacent tribal lands. The FAA will consider the number and altitude of commercial air tours over historic properties in these areas to further assess the potential for visual effects and any incremental change in noise levels that may result in alteration of the characteristics of historic properties qualifying them for the National Register of Historic Places (NRHP).

The FAA proposes an APE comprising the area of the Park and a half-mile outside the boundary of the Park, excluding the Tsankawi Section, as depicted in **Attachment A** below.

Preliminary Historic Property Identification

The FAA, in cooperation with the NPS, has undertaken preliminary efforts to identify historic properties within the APE. In so doing, the FAA has taken into consideration the views of consulting parties, past planning, research and studies, magnitude and nature of the undertaking, the degree of Federal involvement, the nature and extent of potential effects on historic properties and the likely nature of historic properties within the APE in accordance with 36 CFR 800.4(b)(1). As such, the historic property identification effort has focused on properties for which setting and feeling are characteristics contributing to the property's NRHP eligibility. The FAA is also considering whether air tours could

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historic property is defined in 54 U.S.C. 300308 and 36 CFR 800.16(l)(1).

affect the use of traditional cultural properties (TCPs) associated with cultural practices, customs or beliefs that continue to be held or practiced today. NPS staff at Bandelier National Monument have informed the FAA that a number of tribes have indicated that they consider the entire park is part of a larger sacred landscape.

The FAA, with assistance from the park, has identified two historic properties within the APE for which feeling and setting are characteristics that make the properties eligible for listing on the NRHP. These historic properties are shown in the proposed APE map provided at **Attachment A** and listed in **Attachment B**.

Review Request

Should you wish to receive additional information regarding this undertaking, please contact Cathy Nadals at Catherine.L.Nadals@faa.gov and (202) 267-0746 or the ATMP team at ATMPTeam@dot.gov. We will reach out in the next couple of weeks to schedule a follow up via phone or video conference.

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Cathy Nadals
Cultural Resource Specialist
Federal Aviation Administration

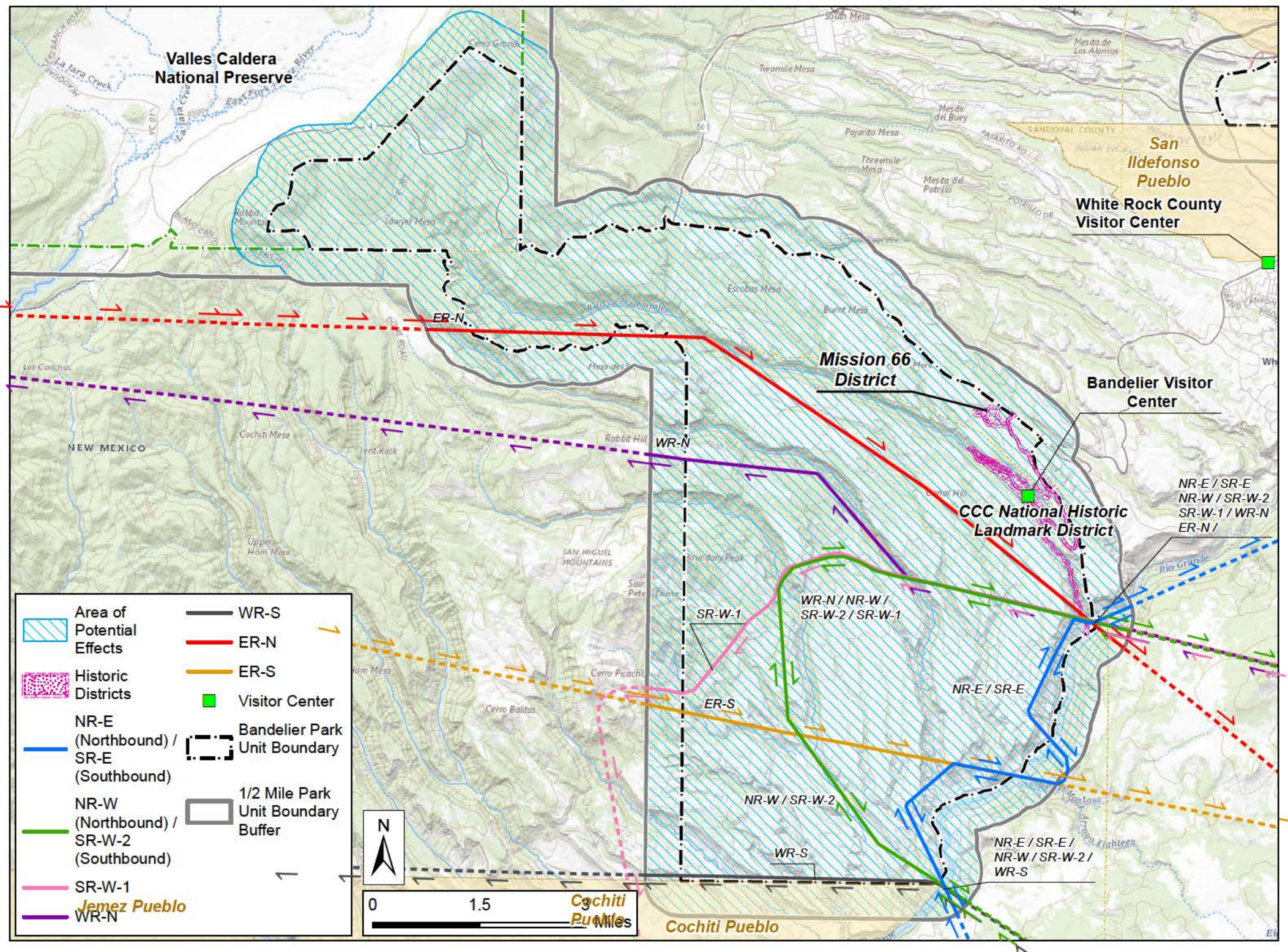
CC: Rachael Lorenzo, Assistant Commissioner of Cultural Resources

Attachments

- A. APE Map including proposed Commercial Air Tour Routes
- B. List of Historic Properties in the APE

**ATTACHMENT A
AREA OF POTENTIAL EFFECT MAP
INCLUDING
COMMERCIAL AIR TOUR ROUTES**

Area of Potential Effects Map for ATMP at Bandelier National Monument



ATTACHMENT B
LIST OF HISTORIC PROPERTIES IN THE APE

ID	Historic Property Name	Historic Status
1	Bandelier CCC National Historic Landmark District	Listed
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U.S. Department
of Transportation
**Federal Aviation
Administration**

United States Department of Transportation
FEDERAL AVIATION ADMINISTRATION
Office of Policy, International Affairs & Environment
Office of Environment and Energy

NATIONAL PARKS AIR TOUR MANAGEMENT PROGRAM

January 24, 2022

Consultation under Section 106 of the National Historic Preservation Act for the development of an Air Tour Management Plan at Bandelier National Monument

Dr. Corrine Sanchez
Executive Director
Tewa Women United
PO Box 397
Santa Cruz, NM 87567

Dear Dr. Sanchez:

The Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS) (collectively, the agencies) is developing an Air Tour Management Plan (ATMP) for Bandelier National Monument. The ATMP will apply to commercial air tours flown at or below 5,000 ft. above ground level (AGL) and within ½-mile of the park boundary. The agencies have determined that development of this ATMP is an “undertaking” subject to Section 106 of the National Historic Preservation Act (Section 106) [54 USC § 306108].

The purpose of this letter is to invite you to participate in the Section 106 process for the Bandelier National Monument ATMP as a consulting party. Additionally, the letter presents a description of the proposed undertaking in accordance with 36 CFR 800.3(a) and 800.16(y) and a proposed Area of Potential Effect (APE) pursuant to 36 CFR 800.4(a)(1). The FAA has completed its initial historic property identification effort within the proposed APE in accordance with 36 CFR 800.4. The FAA specifically requests your comments on our proposed APE and initial historic property identification efforts.

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Review Request

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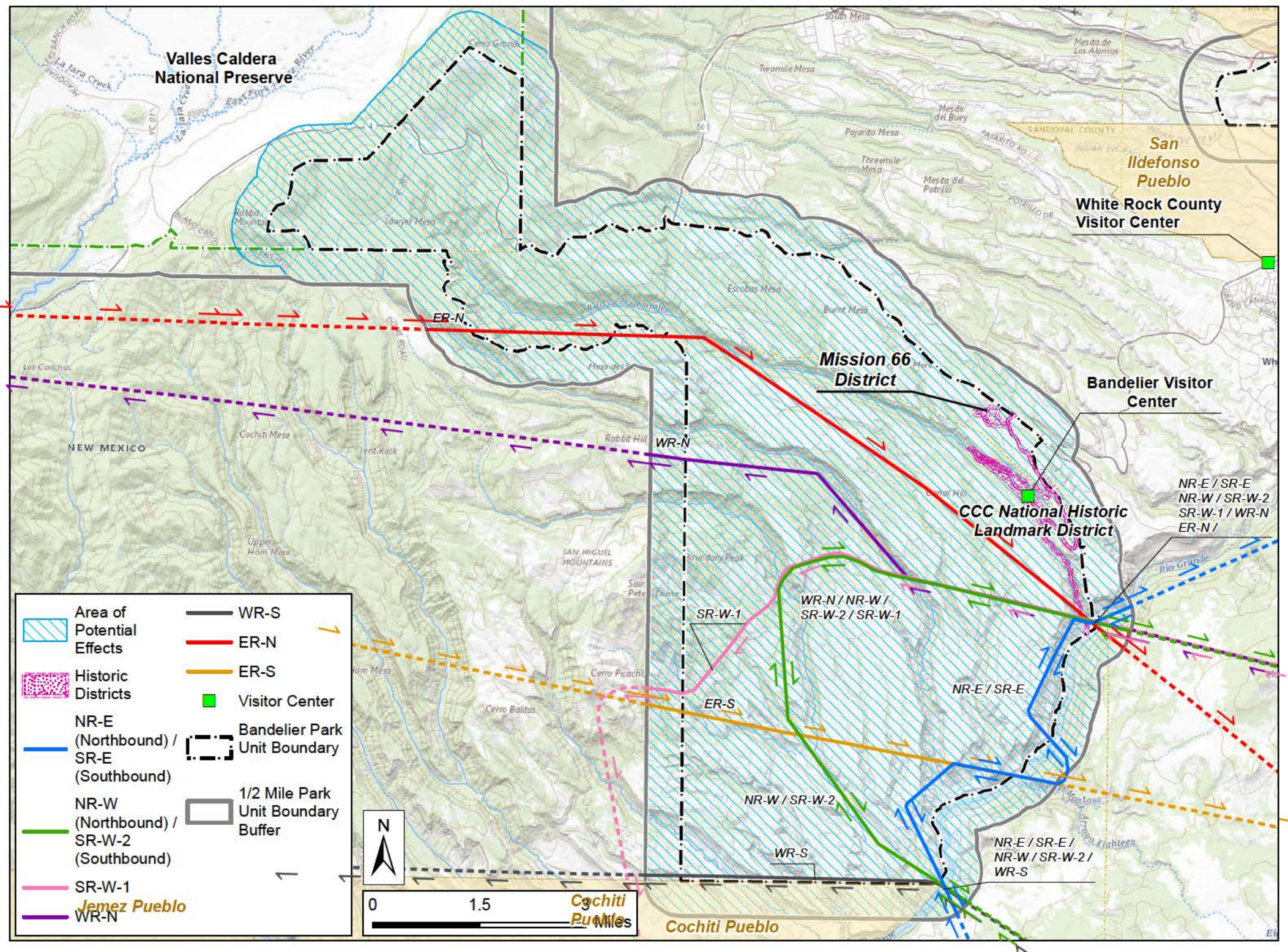
Cathy Nadals
Cultural Resource Specialist
Federal Aviation Administration

Attachments

- A. APE Map including proposed Commercial Air Tour Routes
- B. List of Historic Properties in the APE

**ATTACHMENT A
AREA OF POTENTIAL EFFECT MAP
INCLUDING
COMMERCIAL AIR TOUR ROUTES**

Area of Potential Effects Map for ATMP at Bandelier National Monument



ATTACHMENT B
LIST OF HISTORIC PROPERTIES IN THE APE

ID	Historic Property Name	Historic Status
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