

**Exhibit 2 – Letter re Proposed Undertaking and APE, dated  
August 30, 2021, and Responses**



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**

August 30, 2021

Re: Continuing Consultation under Section 106 of the National Historic Preservation Act for the development of an Air Tour Management Plan at Great Smoky Mountains National Park

E. Patrick McIntyre, Jr.  
Executive Director and State Historic Preservation Officer  
Tennessee State Historic Preservation Office  
2941 Lebanon Pike  
Nashville, TN 37214

Dear E. Patrick McIntyre, Jr.:

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 Great Smoky Mountains National Park (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 946 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 helicopters. Tours are conducted in BHT-206-L1 and BHT-206-B. At the park, commercial air tours will fly no lower than 2,600 feet (ft.) above ground level (AGL).

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

- 946 annual commercial air tours;
- 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 types authorized to be used for commercial air tours are BHT-206-L1 and BHT-206-B. Any new or replacement aircraft must not exceed the noise level produced by the aircraft being replaced;
- Under the ATMP, 26 annual flights on the Black Route (SGTF) and 17 annual flights on the Blue Route (SMSF) will be authorized.
- The ATMP includes restrictions on the number of commercial air tours that the operators may conduct each day. These restrictions provide a maximum number of commercial air tours that will be conducted on Standard Days, but allow for a limited number of Flex Days on which the maximum number of commercial air tours allowed are slightly higher.

Whirl'd Helicopters, Inc. will be able to conduct up to four commercial air tours per day, and Great Smoky Mountain Helicopter, Inc. will be able to conduct up to one commercial air tour per day on Standard Days. The operators will each be authorized up to forty days per year (Flex Days) during which Whirl'd Helicopters, Inc. will be able to conduct up to five commercial air tours per day, and Great Smoky Mountain Helicopter, Inc. will be able to conduct up to two commercial air tours per day.

- Aircraft will not be able to hover or loop while conducting commercial air tours over the Park.
- Air tours may operate one hour after sunrise until one hour before sunset, as defined by the National Oceanic and Atmospheric Administration (NOAA).<sup>1</sup> Air tours may operate any day of the year, except under circumstances provided in the bullet below;
- If the operators have converted to quiet technology aircraft, the operators will be allowed to conduct tours beginning at sunrise or ending at 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 one month notice to the operators in writing in advance of the no-fly period. Events may include tribal ceremonies or rituals as determined by affected tribes;
- Operators would submit to the FAA and the NPS semi-annual reports regarding the number of commercial air tours over the Park conducted by the operator;
- When made available by Park staff, the operator/pilot will take at least one training course per year conducted by NPS staff;

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

- At the request of either of the agencies, the Park staff, the local FAA Flight Standards District Office (FSDO), and the operators 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.<sup>2</sup>

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 commercial air tour route over the Park and a half-mile outside the boundary of the Park, plus an additional buffer of four miles extending from either side of the centerline of the air tour route, 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 the Park have informed the FAA there are TCPs present within the Park.

The FAA, with assistance from the park, has identified seven 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 listed in **Attachment B**.

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

**Review Request**

The FAA requests that you provide comments you may have regarding the proposed APE and initial historic property 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](mailto:Catherine.L.Nadals@faa.gov) and (202) 267-0746 or the ATMP team at [ATMPTeam@dot.gov](mailto:ATMPTeam@dot.gov).

Sincerely,

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

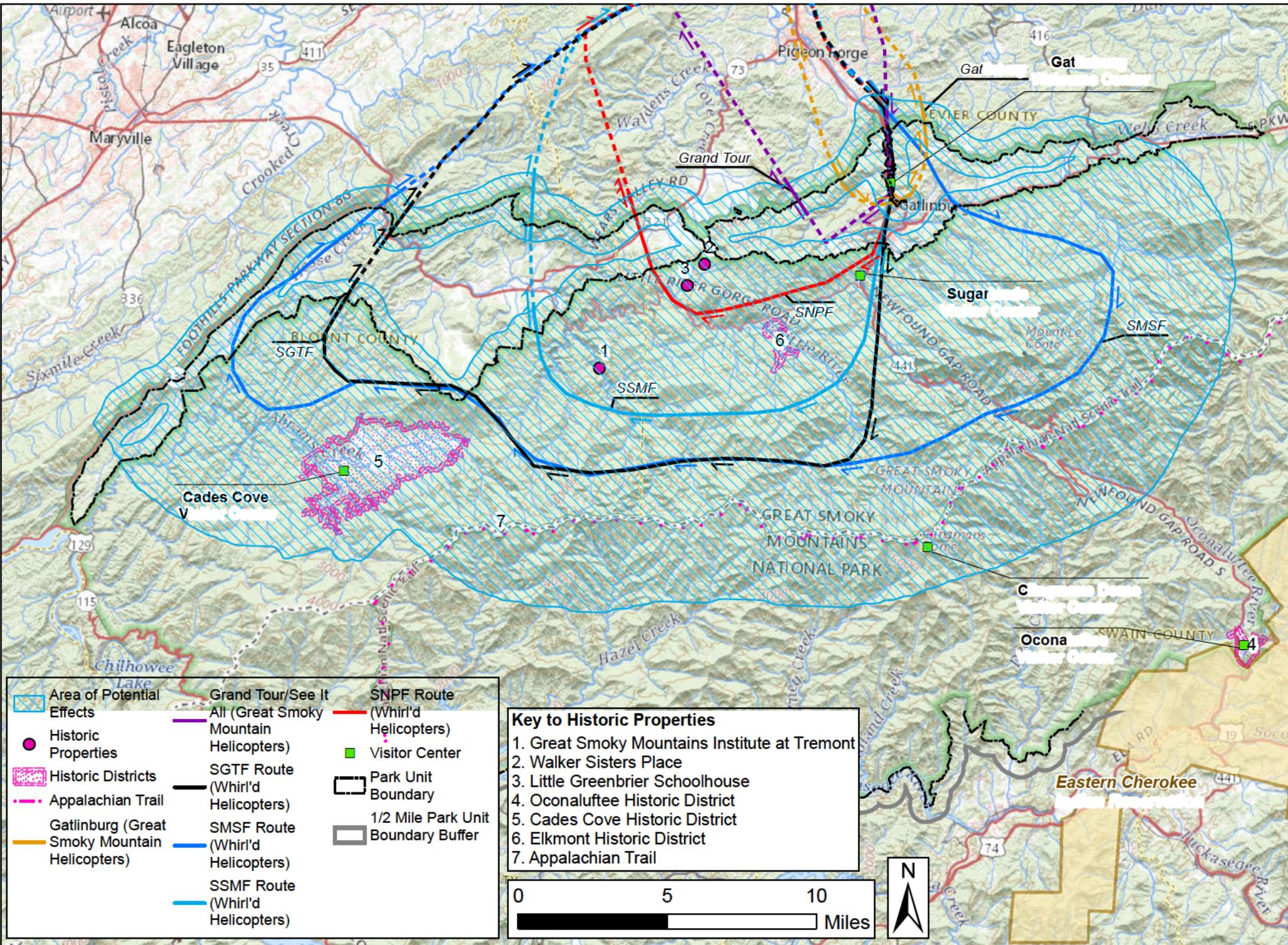
Cathy Nadals  
Cultural Resource Specialist  
Federal Aviation Administration

**Attachments**

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

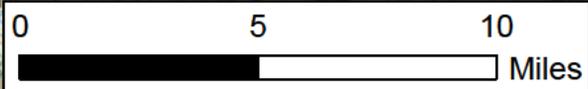
**ATTACHMENT A  
AREA OF POTENTIAL EFFECT MAP  
INCLUDING  
COMMERCIAL AIR TOUR ROUTES**

# Area of Potential Effects Map for ATMP at Great Smoky Mountains National Park



Area of Potential Effects	Grand Tour/See It All (Great Smoky Mountain Helicopters)	SNPF Route (Whirl'd Helicopters)
Historic Properties	SGTF Route (Whirl'd Helicopters)	Visitor Center
Historic Districts	SMSF Route (Whirl'd Helicopters)	Park Unit Boundary
Appalachian Trail	SSMF Route (Whirl'd Helicopters)	1/2 Mile Park Unit Boundary Buffer
Gatlinburg (Great Smoky Mountain Helicopters)		

- ### Key to Historic Properties
1. Great Smoky Mountains Institute at Tremont
  2. Walker Sisters Place
  3. Little Greenbrier Schoolhouse
  4. Oconaluftee Historic District
  5. Cades Cove Historic District
  6. Elkmont Historic District
  7. Appalachian Trail



**ATTACHMENT B**  
**LIST OF HISTORIC PROPERTIES IN THE APE**

<b>ID</b>	<b>Historic Property Name</b>	<b>Historic Status</b>
1	Great Smoky Mountains Institute	TBD
2	Walker Sisters Place	Listed
3	Little Greenbrier Schoolhouse	Listed
4	Oconaluftee Historic District	Listed
5	Cades Cove Historic District	Listed
6	Elkmont Historic District	Listed
7	Appalachian Trail	Eligible

**UNDERTAKING / APE LETTER – RESPONSES RECEIVED**



**TENNESSEE HISTORICAL COMMISSION**  
STATE HISTORIC PRESERVATION OFFICE  
2941 LEBANON PIKE  
NASHVILLE, TENNESSEE 37243-0442  
OFFICE: (615) 532-1550  
[www.tnhistoricalcommission.org](http://www.tnhistoricalcommission.org)

September 3, 2021

Ms. Cathy Nadals  
Federal Aviation Administration

RE: FAA / Federal Aviation Administration, Great Smoky Mountains, National Parks Air Tour Management Plan, Blount and Sevier Counties, TN

Dear Ms. Nadals:

We have reviewed the documents you submitted regarding your proposed undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. Below are our comments and questions regarding your proposed APE and initial historic property identification:

1. We do not agree with the proposed APE. The APE should include the full area in which the air tour helicopters will be operating as well as an appropriate buff.
2. We would like justification for the currently proposed 4-mile buffer around the APE.
3. We agree that the properties you have identified should be considered for effects and we have also identified some additional properties that should be included in your assessment. These include, but are not limited to, Sugarlands, the Voorheis Estate, the Roaring Forks Historic District, and Clingmans Dome.
4. We also consider the Great Smoky Mountains National Park as a resource that should be included in your assessment of effects.
5. There are several areas throughout the park, including Cades Cove and Elkmont, that contain Mission 66 resources that are or may be eligible for listing in the National Register of Historic Places. These will need to be considered when assessing effects.

Please be advised that until this office has provided you a final written comment on this undertaking, you have not met your Section 106 obligation under federal law. Questions and comments may be directed to Kelley Reid 615-770-1099. We appreciate your cooperation.

Sincerely,

for: E. Patrick McIntyre, Jr.  
State Historic Preservation Officer

Kelley Reid  
Historic Preservation Specialist/Coordinator  
Section 106 Review and Compliance Program  
Tennessee State Historic Preservation Office

September 22, 2021

Ms. Catherine Nadals  
Cultural Resources Specialist  
Office of Environment and Energy  
Federal Aviation Administration  
800 Independence Avenue SW  
Washington, DC 20592

Dear Ms. Nadals:

Thank you for the invitation to consult with the Federal Aviation Administration (FAA) and the National Park Service (NPS) regarding the Air Tour Management Plan (ATMP) at Great Smoky Mountains National Park.

The proposed project is outside of our area of interest at this time. Therefore, we do not request government-to-government consultation with the FAA and the NPS. While the Chickasaw Nation has no objection to the undertakings, we respectfully defer to the federally-recognized First American tribe(s) who have identified a connection to the project areas.

Your efforts to preserve and protect significant historic properties are appreciated. If you have any questions, please contact Ms. Karen Brunso, tribal historic preservation officer, at (580) 272-1106, or by email at [karen.brunso@chickasaw.net](mailto:karen.brunso@chickasaw.net).

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa John', with a long horizontal flourish extending to the right.

Lisa John, Secretary  
Department of Culture and Humanities

cc: [catherine.l.nadals@faa.gov](mailto:catherine.l.nadals@faa.gov)



400 West Summit Hill Drive, Knoxville, Tennessee 37902

September 29, 2021

Ms. Cathy Nadals  
Cultural Resource Specialist  
Environmental Science and Engineering Division, V-326  
Volpe, The National Transportation Systems Center  
Federal Aviation Administration  
U.S. Department of Transportation  
55 Broadway  
Cambridge, Massachusetts 02142

Dear Ms. Nadal:

#### NATIONAL PARKS AIR TOUR MANAGEMENT PLAN

Thank you for your recent correspondence regarding the Federal Aviation Administration's proposed development, in coordination with the National Park Service, of an Air Tour Management Plan at Great Smoky Mountains National Park. TVA agrees with your determination of the area of potential effects (APE) and your efforts to identify historic properties in the APE. TVA is unaware of any additional historic properties, beyond those that you have identified, that could be affected by the proposed project. We appreciate your effort to reach out and include TVA in your consultation. However, TVA does not see a need to be involved in the undertaking as currently planned.

If there are changes in the undertaking such that TVA fee-owned property would be included in the APE, or resulting in the inclusion of historic properties on TVA-owned or TVA-managed land areas in the APE, we would request that you contact us and provide additional opportunities to be involved.

Please contact Steve Cole in Knoxville, Tennessee by email, [sccole0@tva.gov](mailto:sccole0@tva.gov), with any questions.

Sincerely,

A handwritten signature in black ink that reads "Erin E. Dunsmore". The signature is written in a cursive style.

Erin Dunsmore on Behalf of Clinton E. Jones  
Manager  
Cultural Compliance

SCC: ABM



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**Chuck Hoskin Jr.**

*Principal Chief*  
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**Bryan Warner**

*Deputy Principal Chief*  
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September 30, 2021

Cathy Nadals  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, D.C. 20591

Re: Air Tour Management Plan at Great Smoky Mountains National Park

Ms. Cathy Nadals:

The Cherokee Nation (Nation) is in receipt of your correspondence about **Air Tour Management Plan at Great Smoky Mountains National Park**, and appreciates the opportunity to provide comment upon this project. Please allow this letter to serve as the Nation's interest in acting as a consulting party to this proposed project.

The Nation maintains databases and records of cultural, historic, and pre-historic resources in this area. Our Historic Preservation Office reviewed this project, cross referenced the project's legal description against our information, and found instances where this project intersects or adjoins such resources. The proposed project, however, does not include ground disturbance. Thus, this Office does not object to the project at this time as long as the following stipulations are observed:

- 1) The Nation requests that Federal Aviation Administration (FAA) re-contact this Office for additional consultation if there are any changes to the scope of or activities within the APE;
- 2) The Nation requests that the FAA halt all project activities immediately and re-contact our Offices for further consultation if items of cultural significance are discovered during the course of this project; and
- 3) The Nation requests that the FAA conduct appropriate inquiries with other pertinent Tribal and Historic Preservation Offices regarding historic and prehistoric resources not included in the Nation's databases or records.

Air Tour Management Plan at Great Smoky Mountains National Park

September 30, 2021

Page 2 of 2

If you require additional information or have any questions, please contact me at your convenience.  
Thank you for your time and attention to this matter.

Wado,

A handwritten signature in blue ink that reads "Elizabeth Toombs". The signature is written in a cursive style with a large initial "E".

Elizabeth Toombs, Tribal Historic Preservation Officer

Cherokee Nation Tribal Historic Preservation Office

[elizabeth-toombs@cherokee.org](mailto:elizabeth-toombs@cherokee.org)

918.453.5389



**North Carolina Department of Natural and Cultural Resources  
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Governor Roy Cooper  
Secretary D Reid Wilson

Office of Archives and History  
Deputy Secretary, Darin J Waters, Ph D

October 1, 2021

Catherine L. Nadals  
United States Department of Transportation  
Federal Aviation Administration  
Office of Policy, International Affairs & Environment  
Office of Environment and Energy

[Catherine.L.Nadals@faa.gov](mailto:Catherine.L.Nadals@faa.gov)

RE: Development of an Air Tour Management Plan for Great Smoky Mountains National Park, Multi  
County, ER 21-0791

Dear Ms. Nadal:

Thank you for your letter of August 30, 2021, concerning the above-referenced management plan. We have reviewed the information provided and recommend that the FAA reference our on-line GIS map with historic properties identified and their level of evaluation for listing in the National Register of Historic Places. The GIS may be found at:

<https://nc.maps.arcgis.com/home/group.html?id=d56ec9c8aa77423b931f4d359f103ae6%2Fhpoweb%2Fdefault.htm&view=list&categories=%5B%22%2FCategories%2FHPOWEB%22%5D#content/hpoweb/default.htm>

If you used the tool, you will be able to identify the properties that have been listed in or determined eligible for listing in the National Register of Historic Places, properties that are on the State Study List (meaning that we believe they may be eligible for listing with additional study), and properties that have been identified, but not evaluated. This should allow your planners to identify any properties with Great Smokies Mountains National Park.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, environmental review coordinator, at 919-814-6579 or [environmental.review@ncdcr.gov](mailto:environmental.review@ncdcr.gov). In all future communication concerning this project, please cite the above referenced tracking number.

Sincerely,



*for* Ramona Bartos, Deputy  
State Historic Preservation Officer

cc: ATMP Team  
Scott Hussey, GSMP/NPS

[ATMPTeam@dot.gov](mailto:ATMPTeam@dot.gov)  
[robert\\_hussey@nps.gov](mailto:robert_hussey@nps.gov)

**From:** [Cowan, Durre \(FAA\)](#)  
**To:** [Manning, Derek \(Volpe\)](#); [Nadals, Catherine L <FAA>](#)  
**Subject:** FW: FAA Consultation with the Muscogee Creek Nation  
**Date:** Wednesday, December 1, 2021 11:54:47 AM

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Please see below! 😊

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**From:** Section106 <Section106@muscogeenation.com>  
**Sent:** Wednesday, December 1, 2021 12:53 PM  
**To:** Cowan, Durre (FAA) <durre.cowan@faa.gov>  
**Subject:** Re: FAA Consultation with the Muscogee Creek Nation

Good afternoon Ms. Cowan,

Thank you for sending the correspondence regarding the proposed development of an Air Tour Management Plan for the Everglades and Great Smoky Mountains National Parks. I have just looked and cannot find the initial email for the Air Tour Plan located in our Section 106 Email box. However, the Everglades National Park is located outside of the Muscogee (Creek) Nation's historic area of interest so we would like to **Defer** to the other Tribes that have been contacted. As for the Great Smoky Mountains National Park, could you please resend the ATMP for the Great Smoky Mountains National Park to [CLowe@muscogeenation.com](mailto:CLowe@muscogeenation.com)? Ms. Corain Lowe-Zepeda reviews all federal undertakings located in the state of Tennessee but we will send you a response as soon as possible upon receipt. Please feel free to contact me if there are any questions or concerns.

Thank you,

**Robin Soweka, Jr.**

Cultural Resource Specialist, Historic and Cultural Preservation Department  
The Muscogee Nation  
P.O. Box 580 | Okmulgee, OK 74447  
T 918.732.7726 | F 918.758.0649  
[rosoweka@MuscogeeNation.com](mailto:rosoweka@MuscogeeNation.com)  
MuscogeeNation.com



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**From:** Cowan, Durre (FAA) <[durre.cowan@faa.gov](mailto:durre.cowan@faa.gov)>  
**Sent:** Wednesday, December 1, 2021 10:57 AM  
**To:** David Hill <[dhill@muscogeenation.com](mailto:dhill@muscogeenation.com)>; Corain Lowe <[CLowe@muscogeenation.com](mailto:CLowe@muscogeenation.com)>; Section106 <[Section106@muscogeenation.com](mailto:Section106@muscogeenation.com)>  
**Cc:** [REDACTED] Manning, Derek (Volpe) <[Derek.Manning@dot.gov](mailto:Derek.Manning@dot.gov)>; Nadals, Catherine L (FAA) <[Catherine.L.Nadals@faa.gov](mailto:Catherine.L.Nadals@faa.gov)>; Rimol, Kaitlyn (Volpe) <[Kaitlyn.Rimol@dot.gov](mailto:Kaitlyn.Rimol@dot.gov)>; Schmidt, Jonathan (Volpe) <[Jonathan.Schmidt@dot.gov](mailto:Jonathan.Schmidt@dot.gov)>; [REDACTED]  
**Subject:** FAA Consultation with the Muscogee Creek Nation

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Principal Chief Hill:

I am writing to follow up with you regarding earlier correspondence Cathy Nasals sent to you about the proposed development of an Air Tour Management Plan (ATMP) for Everglades National Park and Great Smoky Mountains National Park. I would like to confirm that you received our previous correspondence and to determine your interest in participating in consultations for the proposed undertaking.

As background, the Federal Aviation Administration (FAA) and the National Park Service (NPS) are developing ATMPs for 24 national parks in accordance with the National Parks Air Tour Management Act (NPATMA). The FAA is serving as the lead federal agency overseeing Section 106 compliance for the development of the ATMPs.

On 3/26/2021, Cathy Nadals sent an email to you with a letter attached formally requesting initiation of government-to-government consultation with the Muscogee Creek Nation for the development of the ATMP for Everglades National Park. She also copied your Tribal Historic Preservation Officer, Corain Lowe-Zepeda, on that email. On 7/30/2021, we sent additional correspondence to you via email outlining the draft ATMP for Everglades National Park and Great Smoky Mountains National Park, and requesting your comments on the draft Area of Potential Effects for the proposed ATMP.

Please let me know if you received the above correspondence. If not, we can resend the letter and would be happy to provide any additional information you might need. Please also indicate your interest in participating in consultations for the Everglades National Park and Great Smoky Mountains National Park, along with your preferred method of communication (e.g., email, telephone, mail) and any other representatives of your tribe we should be communicating with on this undertaking. If we do not hear from you in one week I will follow up with your office by phone to confirm your receipt of this correspondence.

Should you have any questions regarding any of the above, please do not hesitate to contact me at [durre.cowan@faa.gov](mailto:durre.cowan@faa.gov).

Information about the development of ATMPs can be viewed on the following websites:

- FAA ATMP website: [https://www.faa.gov/about/office\\_org/headquarters\\_offices/arc/programs/air\\_tour\\_management\\_plan/](https://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/)
- NPS ATMP website: <https://www.nps.gov/subjects/sound/airtours.htm>

Thank you for your time.

Best regards,

Durre Cowan  
Office of Environment and Energy  
Federal Aviation Administration

