

**U.S. DEPARTMENT OF TRANSPORTATION,  
FEDERAL AVIATION ADMINISTRATION, AND  
U.S. DEPARTMENT OF INTERIOR, NATIONAL PARK SERVICE**

**RECORD OF DECISION**

**Air Tour Management Plan for Glacier National Park**

**INTRODUCTION**

This Record of Decision (ROD) provides the Federal Aviation Administration's (FAA's) and the National Park Service's (NPS's) (together, the agencies) final determination to implement the Air Tour Management Plan (ATMP) for Glacier National Park (Park), in accordance with the National Parks Air Tour Management Act (NPATMA), as amended, its implementing regulations (14 CFR Part 136), and all other applicable laws and policies. This ROD includes a summary of the applicable background, the objective of the action taken, a description of the action taken, a summary of consultation/compliance processes for the ATMP, an identification of substantive changes to the final ATMP from the draft ATMP, and an explanation of the basis and justification for measures taken in the ATMP.

**BACKGROUND**

In July 1999, the NPS completed a Final General Management Plan and Environmental Impact Statement (GMP) that, together with a subsequent record of decision, set management direction for the Park. The GMP identified critical issues facing the Park, among them commercial air tours (which it referred to as "scenic air tours"). GMP Vol. 1 at 44. For each identified critical issue the GMP detailed a preferred action alternative, another action alternative, and a no action alternative. The NPS analyzed the expected impacts of each alternative on Park resources, including wildlife, natural sounds, scenic resources, cultural resources, and visitor experience.

With respect to commercial air tours, the GMP identified a preferred alternative under which the NPS would request the FAA to prohibit all new commercial air tours over the Park and phase out commercial air tour operators existing as of 1997. GMP Vol. 1 at 64. Though the GMP acknowledged that commercial air tours could provide some Park visitors with a way to experience the grandeur of the Park's interior, it explained that "[t]he Going-to-the-Sun Road offers a singular experience, comparable to seeing the park by air" and that "many other roads in and around the park also provide magnificent views" that are available to everyone. *Id.* at 61. Under the preferred alternative, the NPS reasoned that "[t]he Going-to-the-Sun Road will continue to provide access to interior portions of the park for all visitors, especially those unable to hike or ride horseback." *Id.* The negative impacts to visitor experience, potential effects to wildlife, and overwhelming public support for banning commercial air tours were cited as justifications for the preferred alternative. *Id.* at 63, iv.<sup>1</sup>

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<sup>1</sup> Another alternative was examined under which the NPS would work with the FAA to allow commercial air tours in certain areas of the Park, while prohibiting them in others. *Id.* at 65. The

At the time the GMP was issued, legislation that would eventually give rise to NPATMA had already been introduced in Congress. The GMP acknowledged that such legislation could authorize the NPS to work with the FAA to develop an ATMP for each National Park System unit. Should that occur, the GMP anticipated that it would provide guidance for the Park's ATMP. GMP Vol. 1 at 61. In a September 1999 record of decision, the NPS decided to implement the preferred alternative identified in the July 1999 Environmental Impact Statement and General Management Plan. With respect to commercial air tours, the NPS specifically stated that it "will request that the Federal Aviation Administration prohibit all commercial sightseeing tours over the park" and that a "management plan will be developed if provided for and directed by law." 1999 Record of Decision at 5.

The ATMP, Appendix A to this ROD, provides further background regarding the Park and its resources, as well as other relevant Park management objectives.

### **National Parks Air Tour Management Act**

NPATMA requires that all commercial air tour operators conducting or intending to conduct a commercial air tour operation over a unit of the National Park System apply to the FAA for authority to undertake such activity. 49 U.S.C. § 40128(a)(2)(A). NPATMA, as amended, further requires the FAA, in cooperation with the NPS, to establish an ATMP or voluntary agreement for each park for which applications were made, unless a park has been otherwise exempted from this requirement. *Id.* § 40128(b)(1)(A). The objective of an ATMP is to "develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural and cultural resources, visitor experiences, and tribal lands." *Id.* § 40128(b)(1)(B). An ATMP "may prohibit" commercial air tour operations over a national park in whole or in part, or "may establish" conditions for the conduct of commercial air tour operations over a national park. *Id.* § 40128(b)(3)(A)-(B). The need for implementation of any measures taken in an ATMP must be justified and documented in the ATMP and within a record of decision. *Id.* § 40128(b)(3)(F).

As a threshold matter, the agencies needed to define what constitutes a commercial air tour so that they could implement NPATMA's requirements. As relevant here, FAA regulations define a commercial air tour as:

[A]ny flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park, or over tribal lands during which the aircraft flies:

- (i) Below 5,000 feet above ground level (except for the purpose of takeoff or landing, or as necessary for the safe operation of an aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); [or]

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GMP also considered a no action alternative, under which commercial air tours would be permitted to continue unregulated without any annual limits, or mitigation measures in place to protect Park resources. *Id.* at 65.

- (ii) Less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary) ...

14 CFR § 136.33(d).

Because Congress understood that developing ATMPs that meet NPATMA’s requirements could take some time, NPATMA provided that prior to the establishment of an ATMP, the FAA “shall grant interim operating authority” to existing air tour operators that apply for prospective operating authority. 49 U.S.C. § 40128(c)(1); H.R. Rep. No. 106-167, at 96. The interim operating authority (IOA) issued was required to be the greater of the number of commercial air tour flights over the park during the 12-month period prior to the enactment of NPATMA or the average number of commercial air tour flights within the 36-month period prior to the enactment of NPATMA. 49 U.S.C. § 40128(c)(2). Under NPATMA, IOA terminates 180 days after an ATMP is established. *Id.* § 40128(c)(2)(E).

NPATMA was substantively amended in 2012. In addition to authorizing the agencies to enter into voluntary agreements with air tour operators in lieu of developing ATMPs, 49 U.S.C. § 40128(b)(7)(A), the 2012 amendments added reporting requirements for operators conducting commercial air tour operations over national parks. *Id.* § 40128(d). In addition, the amendments exempted parks with 50 or fewer commercial air tours from the requirement to prepare an ATMP or voluntary agreement, unless this exemption was withdrawn by the NPS. *Id.* § 40128(a)(5).

### **The Compliance Plan**

In February 2019, a petition for a writ of mandamus was filed in the U.S. Court of Appeals for the District of Columbia in which the petitioners requested an order directing the agencies to establish an ATMP or voluntary agreements under NPATMA for seven specified National Park System units, including Glacier National Park, within two years of such order. *In Re: Public Employees for Environmental Responsibility*, 957 F.3d 267, 271 (D.C. Cir. 2020). On May 1, 2020, the Court granted the petition, holding that the agencies had a mandatory duty to establish ATMPs or voluntary agreements for eligible parks under NPATMA and that mandamus relief was warranted based on delay in performance of this duty and consideration of the relevant factors. *Id.* at 273; Per Curium Order, May 1, 2020 (Mandamus Order). The Mandamus Order directed the agencies to submit, by August 31, 2020, a proposed plan for bringing all 23 eligible parks within the National Park System into compliance with NPATMA, by completing an ATMP or voluntary agreement for those parks, within two years—or to offer “specific, concrete reasons” why it will take longer than two years. *Id.* The Court retained jurisdiction to approve the agencies’ plan and monitor their progress and directed the agencies to submit quarterly progress updates.

Consistent with the Court’s order, agencies submitted a proposed plan and schedule (Compliance Plan). In general, the Compliance Plan contemplated initiating and moving forward with process to implement ATMPs at all eligible parks concurrently as part of a coordinated, omnibus effort. Because Glacier National Park was one of the 23 parks identified as requiring an ATMP or voluntary agreement under NPATMA, it was included in the Compliance Plan which was subsequently approved by the D.C. Circuit.

## The Planning Process and Public Engagement

As no ATMP had previously been implemented for any park at the time the agencies submitted the Compliance Plan to the Court, as an initial step in this process, the agencies worked collaboratively to determine the contents of and process for completing an ATMP that would be consistent with NPATMA. Together, they developed a template which could then be modified and tailored to meet the specific needs and address the unique circumstances of each park included in the planning process. Further, because air tours have been occurring over parks for decades, the agencies had institutional experience and data to draw upon in developing the ATMP template and in determining how to regulate commercial air tours over the Park.

The agencies also worked to identify the existing condition of commercial air tours over the Park and outside the Park but within ½ mile of its boundary, i.e., the average number of commercial air tours conducted per year and the general operating parameters of those tours. Currently three commercial air tour operators, Homestead Helicopters, Inc. (Homestead Helicopters), Minuteman Aviation, Inc. (Minuteman Aviation),<sup>2</sup> and Red Eagle Aviation, Inc. (Red Eagle Aviation), conduct commercial air tours over the Park. These operators have IOA for a combined total of up to 891 commercial air tours each year as follows: Homestead Helicopters (IOA for 15 air tours); Minuteman Aviation (IOA for 717 air tours); and, Red Eagle Aviation, Inc. (IOA for 159 air tours). Two additional operators, Montana By Air LLC and Kruger Helicopter Service previously held IOA for the Park and conducted commercial air tours in 2017-2019, but surrendered their operating certificates in 2021 and their IOA was extinguished at that time. IOA includes only an annual cap on the number of commercial air tours that may be conducted by an operator, but does not designate the route(s), time-of-day, altitude(s), or other conditions for such tours.

In 2017, the agencies reached out to all operators with IOA for the Park and requested that they provide information regarding the commercial air tours they conduct over the Park including routes used for tours, the elevation at which tours were flown, duration of tours, and how often each route was flown. The agencies requested this information because it was needed for an NPS noise modeling project to analyze the noise effects of commercial air tours. The noise modeling was done to inform a wilderness stewardship plan for the Park.<sup>3</sup> Four of the five operators with IOA for the Park at that time provided the requested information. Homestead Helicopters, Inc., did not respond, and its information was not considered. The information provided by operators in 2017, together with the semi-annual operator reports required by NPATMA, was used by the agencies to identify the existing condition of air tour operations over the Park.

The agencies decided to use a three-year average of operator-reported air tours operations to identify the existing condition, rather than reports from a single year. In order to identify the three-year average, the agencies decided to use reported air tours from 2017, 2018, and 2019.

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<sup>2</sup> Minuteman Aviation does business under the name Montana Air Adventures.

<sup>3</sup> Beeco, J. A., and B. Lignell. 2019. Glacier National Park: Air tour noise modeling report. Natural Resource Report NPS/NSNSD/NRR—2019/1912. National Park Service, Fort Collins, Colorado. This report is publicly available at:

<https://irma.nps.gov/DataStore/DownloadFile/621318>

These years were selected because they reflected relatively current air tour conditions, represented reliable operator reporting of air tours, accounted for variations across multiple years, and excluded 2020 which was atypical due to the COVID-19 pandemic. The agencies also decided against using 2021 data due to continued abnormalities associated with COVID-19 pandemic and the unavailability of reporting data for 2021 during most of the planning effort. The ATMP would authorize the three-year average of air tours conducted from 2017 to 2019 by operators who currently hold IOA for the Park. The chart below depicts available reporting information regarding the number of commercial air tours conducted on an annual basis.

	2013	2014	2015	2016	2017	2018	2019	2020 <sup>4</sup>
Homestead Helicopters	8	7	5	9	3	4	0	0
Kruger, James W. (Kruger Helicopter Service)	119	0	51	75	0	138	187	0 <sup>5</sup>
Minuteman Aviation	106	715	582	640	0	6	8	5
Montana By Air LLC	2	2	3	3	2	0	4	0 <sup>6</sup>
Red Eagle Aviation	37	24	19	40	104	150	153	158

Based on the three-year average of reporting data from 2017-2019, the operators (including the two operators who surrendered their operating certificates) conducted an average of 253 flights over the Park each year. However, the three-year average of flights conducted by current operators (excluding those conducted by the two operators who surrendered their operating certificates in 2021) is 144 flights over the Park each year, as follows: Homestead Helicopters conducts an average of 3 air tours; Minuteman Aviation conducts an average of 5 air tours; and Red Eagle Aviation, Inc. conducts an average of 136 air tours.

Air tours over the Park are generally flown at altitudes between 7,500 to 10,000 feet (ft.) mean sea level (MSL), which corresponds to an estimated altitude of 500 ft. to 6,800 ft. above ground level (AGL). Altitude expressed in AGL units is a measurement of the distance between the ground surface and the aircraft, whereas altitude expressed in MSL units is a measurement of the distance between sea level and the aircraft. Commercial air tours may occur at any time and on any day of the week. Based on operator reported data:

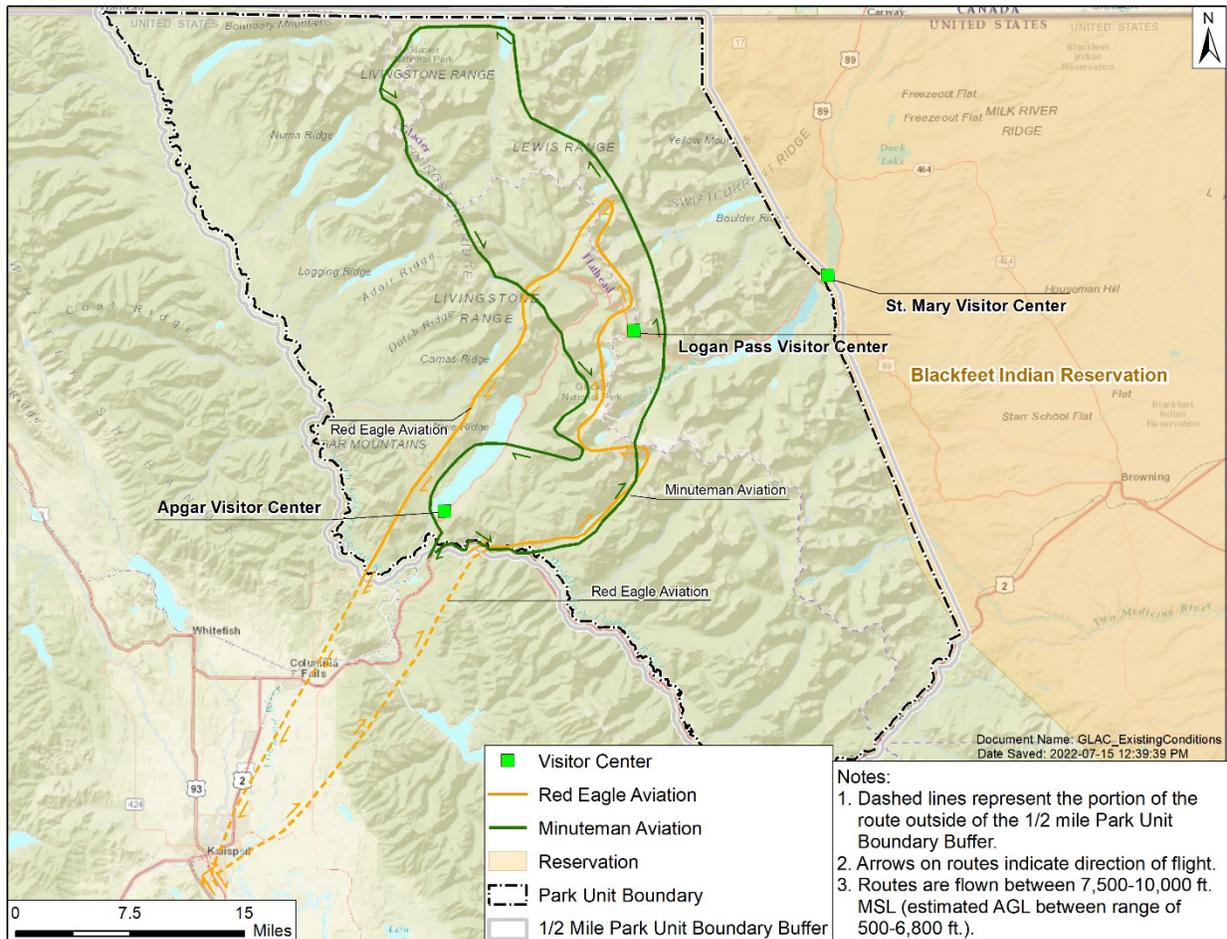
- Minuteman Aviation conducts commercial air tours on one route over the Park (green route) using BHT-206-B, BHT-206-B3, BHT-206-L3, BHT-206-L4, BHT-210-210, BHT-407-407, and CE-182-P aircraft (fixed-wing and rotorcraft).
- Red Eagle Aviation conducts commercial air tours on one route over the Park (yellow route) using BELL-206-L3, CE-206-U206E, CE-206-U206G aircraft (fixed-wing and rotorcraft).

<sup>4</sup> Based on unpublished reporting data.

<sup>5</sup> Operator surrendered operating certificate and IOA in 2021.

<sup>6</sup> Operator surrendered operating certificate and IOA in 2021.

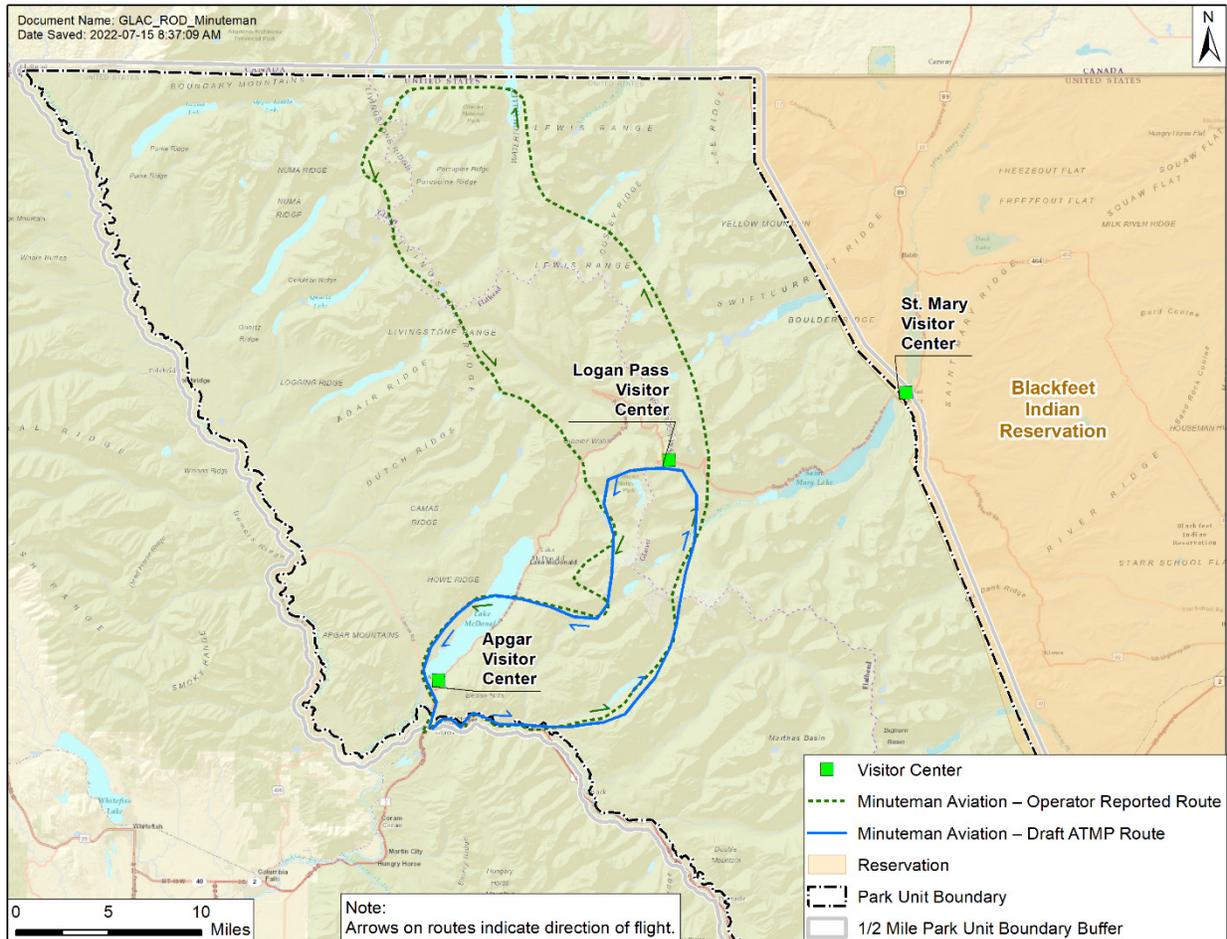
- Homestead Helicopters did not provide commercial air tour route information in response to a 2017 request from the FAA and the NPS. The operator conducts commercial air tours using a BHT-407-407 rotorcraft.



**Figure 1.** Air tour routes over Glacier National Park as reported by Minuteman Aviation and Red Eagle Aviation (2017-2019).

The air tour routes provided by the operators were modeled to predict noise effects using the FAA's Aviation Environmental Design Tool, a software system that models aircraft performance in space and time to estimate fuel consumption, emissions, noise, and air quality. This information was then considered, in addition to acoustic monitoring information, and analyzed by an interdisciplinary team of subject matter experts from the NPS's Natural Sounds and Night Skies Division, the NPS's Environmental Quality Division, the NPS Intermountain Regional Office, and the Park, including the Deputy Superintendent, Natural Resource Program Manager, Chief of Commercial Services, Chief of Science and Natural Resources management, Chief of Interpretation and Education, Wilderness and Wild and Scenic River Coordinator, Cultural Resources specialist, park planning and National Environmental Policy Act (NEPA) specialists, and wildlife biologists. The NPS interdisciplinary team conducted a series of biweekly meetings to identify a proposed action. In these meetings the subject matter experts

considered the routes and operations that were occurring, the Park’s noise sensitive resources, and the Park’s existing and natural acoustic environment, visitor experience, as well as potential mitigation or protective measures that could be included in an ATMP. The interdisciplinary planning team recommended several measures including raising the minimum altitude of commercial air tours over the Park, annual caps on flights, daily caps on flights, measures to mitigate impacts on or avoid wildlife, a process for phasing out air tours through operator attrition, and modifications to Minuteman Aviation’s route in order to protect grizzly bear habitat and the Park’s wilderness character. See Figure 2. This modified route was included in the draft ATMP.



**Figure 2.** Minuteman Aviation - Operator Reported Route and NPS Interdisciplinary Team Recommended Route.

The proposed action identified by the NPS and justifications for restrictions on air tours were further reviewed by the FAA, including the FAA’s Flight Standards District Office with geographic oversight of the airspace. During this time, the agencies conducted preliminary environmental analysis, including noise analysis, to identify the appropriate NEPA pathway for a draft ATMP implementing the proposed action; initiated consultation pursuant to Section 106 of the National Historic Preservation Act, including tribal consultation; and began preliminary

analysis for potential effects on listed species and critical habitat consistent with Section 7 of the Endangered Species Act.

NPATMA requires that the agencies publish notification of the availability of a draft ATMP in the Federal Register for public comment and to hold at least one public meeting for each draft ATMP. The FAA published a notice of availability of the draft ATMP for Glacier National Park in the Federal Register on September 3, 2021. Public Meeting/Notice of Availability for Proposed Air Tour Management Plans at Bandelier National Monument; Great Smoky Mountains National Park; Arches National Park; Glacier National Park; Canyonlands National Park; Natural Bridges National Monument; and Bryce Canyon National Park, 86 Fed. Reg. 49,593 (Sept. 3, 2021). The agencies held the public meeting for the draft ATMP for Glacier National Park on September 21, 2021 and accepted public comments between September 3 and October 3, 2021. The agencies received 2,668 comment letters on the draft ATMP, of which 1,343 were unique individual letters. The remainder of the comments received were form letters.<sup>7</sup> The agencies' review and analysis of the public comments, including comments regarding draft ATMPs for other parks that were generally applicable to the ATMP for Glacier National Park, were used to inform this ROD, the final ATMP, and the attached environmental compliance documentation.

## **OBJECTIVE**

The objective of the ATMP is to implement “acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural and cultural resources, visitor experiences, and tribal lands.” 49 U.S.C. § 40128(b)(1)(B).

The ATMP is necessary for the following reasons:

- An ATMP or voluntary agreement for Glacier National Park is required by NPATMA. The agencies have chosen to satisfy this requirement by implementing an ATMP.
- Currently, commercial air tours are operating under IOA which does not include mitigation measures that the NPS believes are necessary to protect Park resources and values, consistent with the NPS's obligations under the National Park Service Organic Act and the 2006 Management Policies.
- An ATMP is needed to achieve the NPS's Park management objective of phasing out commercial air tours over the Park set in the Park's 1999 GMP and its associated record of decision.

## **DESCRIPTION OF ACTION**

The agencies will implement the ATMP for Glacier National Park, and the FAA will update the operations specifications (OpSpecs)<sup>8</sup> of all air tour operators with IOA for the Park to

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<sup>7</sup> Nineteen different form letters were identified.

<sup>8</sup> OpSpecs are issued by the FAA to each operator and prescribe the authorizations, limitations, and procedures under which air tour operations must be conducted and require certain other procedures under which each class and size of aircraft is to be operated.

incorporate the terms and conditions of the ATMP accordingly. The ATMP authorizes the existing condition of commercial air tour operations for current operators with measures designed to mitigate impacts to Park resources, visitor experience, and tribal lands as a result of commercial air tour operations, until commercial air tours are phased out. It also includes additional measures required by NPATMA. In general, the ATMP:

- Authorizes up to 144 commercial air tours per year until commercial air tours are permanently phased out over the Park and outside the Park but within ½ mile of its boundary on December 31, 2029, consistent with the Park's GMP. Until December 31, 2029, commercial air tours will be phased out through attrition and, during that period, if an operator ceases operations the total number of commercial air tours authorized per year over the Park will automatically be reduced by the number of operations allocated to that operator.
- Includes additional measures in support of the management goal of phasing out commercial air tours over the Park by prohibiting the transfer of allocations between operators and providing that new entrant operators will not be considered.
- Designates a single route for commercial air tours, as depicted on an included map (see Figure 2 in the ATMP, Appendix A).
- Sets minimum altitudes for tours conducted via helicopters (2,600 ft. AGL) and via fixed-wing aircraft (3,100 ft. AGL), with limited exceptions for takeoff, landing and emergency situations.
- Includes daily air tour limitations of no more than three air tours per operator.
- Includes safety requirements such as vertical separation of different types of aircraft and requirements relating to in-flight communications.
- Authorizes specific types of aircraft to be used on commercial air tours and specifies that any new or replacement aircraft must not be noisier than the authorized aircraft.
- Provides that authorized commercial air tours may not operate until one hour after sunrise and must end by one hour before sunset, unless they have been approved by the agencies for quiet technology incentive, in which case they may operate tours beginning at sunrise or ending by sunset.
- Provides for the establishment of no-fly periods by the NPS for Park management or events, including tribal events, with two weeks advance notice to the operators.
- Provides for operator training and education, as well as annual meetings between the FAA's Flight Standards District Office, Park staff and the operators until commercial air tours are phased out.
- Requires operators to install and use flight monitoring technology on all authorized commercial air tours, and to include flight monitoring data in their semi-annual reports to the agencies, along with the number of air commercial air tours conducted.
- Allows for minor modifications to the ATMP through adaptive management, so long as the impacts of such changes have already been analyzed in previous environmental compliance.
- Outlines a process for amending the ATMP.
- Sets forth a general process for conducting competitive bidding for air tour allocations, where appropriate, though this process may not be used to circumvent the phasing out of commercial air tours consistent with the Park's GMP.

- Explains that compliance with terms of the ATMP will be mandatory, and IOA for the Park will be terminated, as of the effective date of the ATMP (the date the revised or updated operations specifications are issued to implement the ATMP) which will be on or before 90 days from the date the ATMP is signed.

## CONSULTATION AND COMPLIANCE

- **National Environmental Policy Act:** The NPS applied a documented categorical exclusion to the ATMP. The categorical exclusion that the NPS applied is set forth in the Department of the Interior, Departmental Manual at 516 DM 12.5 A(1), and is reproduced in the NPS NEPA Handbook at categorical exclusion 3.3.A.1. It applies to “[c]hanges or amendments to an approved action when such changes would cause no or only minimal environmental impacts.” For the purpose of the categorical exclusion, the 1999 ROD selecting the preferred alternative in the Park’s GMP (to request that the FAA prohibit commercial air tours over the Park) is an approved action, though not one that the NPS has the authority to implement on its own. The IOA issued by the FAA consistent with NPATMA, which was a non-discretionary authorization directed by Congress, is also an approved action for the purpose of the categorical exclusion. The agencies used the NPS environmental screening form to document that there are no or minimal impacts from the ATMP. The NPS evaluated the extraordinary circumstances in 43 CFR § 46.215 and determined that no extraordinary circumstances apply and the ATMP will not result in significant impacts. The FAA performed its own extraordinary circumstances analysis and analysis under Section 4(f) of the Department of Transportation Act, codified at 49 U.S.C. § 303(c), and adopted the NPS’s categorical exclusion determination pursuant to 40 CFR § 1506.3(d). *See* Appendices B, C, and D.
- **Endangered Species Act:** The agencies analyzed potential impacts for all threatened or endangered species that occur in or have suitable habitat within the project area with a focus on Canada lynx (*Lynx canadensis*) and grizzly bears (*Ursus arctos horribilis*), as well as North American wolverines (*Gulo gulo luscus*) which have been proposed for listing as a threatened species. Due to the mitigations in the ATMP, including the single fixed route, minimum altitudes, time of day limitations, daily limit, annual limit, and sunset date of December 31, 2029, after which time no commercial air tours will be authorized, the commercial air tours authorized under the ATMP, will have no effect on these species or on other listed species that may be present in the project area. Thus, in accordance with Section 7 of the Endangered Species Act, the agencies determined that the ATMP would have no effect on threatened or endangered species or their critical habitats. *See* No Effect Determination Memorandum, Appendix E.
- **National Historic Preservation Act:** The agencies complied with Section 106 of the National Historic Preservation Act and completed the Section 106 consultation process with respect to this undertaking—implementing an ATMP for Glacier National Park. The FAA, acting as lead agency for the Section 106 process, initiated consultation under Section 106 with six federally recognized tribes. Via letter dated March 26, 2021, the FAA initiated consultation with the following tribes: Apache Tribe of Oklahoma; Blackfeet Tribe of the Blackfeet Indian Reservation of Montana; Chippewa-Cree Indians of the Rocky Boy’s Reservation, Montana; Confederated Salish and Kootenai Tribes of

the Flathead Reservation; Crow Tribe of Montana; and, Fort Belknap Indian Community of the Fort Belknap Reservation. In the same letter, the agencies also invited these tribes to engage in government-to-government consultation under Executive Order 13175.<sup>9</sup> The FAA then initiated consultation via letter to the Montana State Historic Preservation Officer (SHPO) and all other identified Section 106 consulting parties on March 29, 2021. *See* Appendix F.

Via the same and/or subsequent letters the FAA identified the area potentially affected by the undertaking, requested information regarding historic properties within the area of potential effects and proposed a finding of no adverse effect to historic properties as a result of the undertaking. The undertaking was defined consistent with the proposed action in the Categorical Exclusion Documentation Form, Appendix C, and is discussed above. The identified tribes were copied on all correspondence with the SHPO regarding Section 106 consultation.

During the consultation process, the agencies conducted additional outreach to consulting parties for this undertaking and for other ATMPs included in the current planning process via webinar. The agencies conducted webinars on April 28, May 4, and May 6, 2021, for SHPOs, tribes, and other identified consulting parties to introduce key agency participants and the air tour management planning process, and to discuss next steps in the Section 106 process. The FAA also held a webinar for commercial air tour operators currently conducting air tours over any of the parks included in the planning process on November 19, 2021, to introduce them to the Section 106 consultation process. In addition, the FAA conducted further outreach efforts to the tribes identified as consulting parties for this ATMP, which is detailed in Appendix F.

Public involvement for this undertaking was integrated with the public involvement required under NPATMA, discussed above. During the public comment period for the draft ATMP, the agencies did not receive any comments related to historic properties or the undertaking's potential effect on them.

Via letter dated June 28, 2022, the FAA proposed a finding of no adverse effect to the SHPO. *See* Appendix F. The SHPO replied to FAA and requested additional information about historic properties on July 7, 2022. The FAA provided the requested information to the SHPO and all consulting parties via letter dated August 4, 2022. The SHPO concurred with the finding of no adverse effect on August 23, 2022. The Blackfeet Tribe of the Blackfeet Indian Reservation of Montana also concurred with the finding. Red Eagle Aviation originally responded in a July 27, 2022 letter, stating they objected to the FAA's finding, but explained in the same letter that they "disagree that [their] Fixed Wing flights and routes would have an adverse effect on historical sites or Structures." The FAA sent an email dated August 4, 2022, clarifying the agency's finding and explaining that the agency understands Red Eagle Aviation's position to actually be in agreement with the

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<sup>9</sup> None of the tribes indicated an interest to consult on a government-to-government level so tribal consultation for the undertaking occurred under the Section 106 framework.

FAA. Therefore, as noted in the August 4, 2022 email, the FAA is treating Red Eagle Aviation's response as a concurrence with the Section 106 finding.

- **Aviation Safety:** The draft ATMP, in particular the routes and altitudes included in the draft ATMP, was reviewed by the FAA's Flight Standards District Office (FSDO)<sup>10</sup> with jurisdiction, to identify and address any safety concerns associated with the draft ATMP. The FAA's FSDO also reviewed all public comments received on the draft ATMP that raised safety concerns as well as the routes and altitudes included in the final ATMP.

## **CHANGES FROM THE DRAFT ATMP**

In addition to minor, editorial changes made for clarity, the final ATMP includes the following substantive changes from the draft ATMP made in response to public comments on this or other draft ATMPs,<sup>11</sup> or based on further agency review, as follows:

- **Section 3.1 Commercial Air Tours Authorized**

In the 1999 GMP and its associated record of decision, the NPS set Park management direction to work with the FAA to phase out commercial air tours over the Park. The draft ATMP included provisions intended to accomplish this direction by phasing out commercial air tours through attrition, which was reflected in several provisions in the draft ATMP. However, as pointed out by public comments, because all three operators currently operating commercial air tours over the Park are corporations, relying on attrition could mean that commercial air tours continue over the Park without end. In order to address this concern, the agencies included a sunset date in the final ATMP. After December 31, 2029, all commercial air tour operations over the Park, or outside the Park but within ½ mile of its boundary, will be phased out and no operations will be authorized. The date of December 31, 2029 was selected because it will enable the NPS to accomplish its management objective within thirty years of the issuance of the GMP and allows current operators more than seven years to transition their business operations.

- **Section 3.2 Commercial Air Tour Routes and Altitudes**

The two routes included in the draft ATMP were consolidated into a single route in the final ATMP that generally tracks the Going-to-the-Sun Road corridor within the Park. This change was made in response to a comment by one of the operators expressing safety concerns with respect to the designated routes and altitudes, noting that the routes and altitudes required in the draft ATMP would require operators to fly for a period of time above 10,000 ft. MSL and could require the use of supplemental oxygen. In consultation with the FSDO, the interdisciplinary planning team identified a consolidated route that will allow both helicopters and fixed-wing aircraft to conduct tours over the Park without flying above 10,000 ft. MSL, while still maintaining the minimum altitude AGL needed for the protection of Park resources and visitor experience and also maintaining the vertical separation of 500 ft. for different types of aircraft needed for safety reasons (2,600 ft. AGL for helicopters and 3,100 ft. AGL for fixed-wing aircraft). The consolidated route authorized by the ATMP is depicted in the map designated

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<sup>10</sup> A FSDO is a local FAA field office that deals with various aviation issues including airmen and aircraft certifications, accident investigations, and enforcement and investigation issues.

<sup>11</sup> In August and October of 2021, the agencies released an additional five draft ATMPs covering eight other parks for public review and comment.

as Figure 2 in the ATMP, Appendix A. The final ATMP also includes a provision that acknowledges that operators may deviate from the designated route to implement the wildlife avoidance measures in Section 3.7D of the ATMP.

- **Section 3.6 Required Reporting**

This section was revised to address to the inclusion of a date certain by which time all air tours over the Park would be phased out. The revisions make clear that the reporting requirement will end when all air tours over the Park are phased out through attrition, or on December 31, 2029, whichever occurs first.

- **Section 3.7D Wildlife Avoidance**

The provision in the draft ATMP intended to prevent stress to wintering ungulates was not included in the final ATMP because it was unnecessary due to the route modifications in the final ATMP. The wolverine was added as one of the species for which lateral avoidance measures are required because its status as a species proposed for listing in the Endangered Species List was recently restored. Further, for safety reasons, the final ATMP specifies that if lateral avoidance measures are required, they should be accomplished through lateral movement away from Going-to-the-Sun Road.

- **Sections 3.7F Non-transferability of Allocations and 3.7G Annual Allocation Adjustment**

Section 3.7F in the draft ATMP was intended to achieve the goal of phasing out commercial air tours through attrition. It provided that allocations of air tour operations were not transferrable between operators, that the number of authorized air tour operations would be automatically adjusted downward if an operator closed its business, and further stated that allocations of commercial air tour operations under the ATMP could not be assumed by successor corporations. Because the final ATMP includes a sunset date for all commercial air tours over the Park, this section was substantially revised to address the sunset date and an additional section was added to address the transferability issue. Given that all air tour operations over the Park will cease by December 31, 2029, unless they are phased out earlier through attrition, the agencies removed the restrictions on the assumption of allocations by successor businesses, as these restrictions would have been difficult for the agencies to administer and may never have achieved the goal of phasing out air tours. A corresponding change was also made to Section 6.0 New Entrants. Allocations of operations remain non-transferable between operators and the final ATMP retains the provision under which the number of authorized air tours is automatically adjusted downward if an operator closes its business without a successor corporation.

- **Section 3.7I Limit on Concurrent Operations**

In response to a comment from an operator in the Section 106 consultation process expressing safety concerns with the single consolidated route included in the ATMP, the agencies consulted with the appropriate FSDO who recommended addressing this concern by limiting concurrent operations. Thus, the ATMP includes a new Section 3.7I which provides that only one commercial air tour may be conducted on the designated route at a time.

- **Section 3.8 Quiet Technology Incentives**

The agencies revised the language in Section 3.8 regarding the quiet technology incentive required by NPTMA in response to comments on this and other draft ATMPs requesting a definition of the term “quiet technology” or suggesting a definition for such term. The agencies have not included a definition of quiet technology in the ATMP. Instead, the ATMP provides for a consultation with operators regarding which of their aircraft qualify for the incentive at the time this ATMP is implemented. Subsequently, should operators wish to purchase new aircraft or make appropriate modifications to existing aircraft, they are encouraged to consult with the agencies prior to making such investment to determine whether the aircraft would qualify for the incentive. In response to comments regarding whether the incentive should or should not be applied retroactively to aircraft that may already qualify for the incentives, the agencies revised the language in the ATMP to make clear that the incentive may apply to operators that have already converted to quiet technology aircraft, if the agencies determine that they qualify for the incentive. To do otherwise, would unfairly penalize operators that were early adopters of quiet technology. The language in this section was also modified to make clear that not only will the effectiveness of the quiet technology incentive be monitored, but the effects of this incentive on Park resources and visitor experiences will be monitored by the NPS. If unanticipated effects are observed, the agencies may need to amend the ATMP to modify this or other sections. The quiet technology incentive itself—that operators using quiet technology aircraft may conduct air tours that begin at sunrise or end at sunset—did not change from the draft ATMP to the final ATMP.

- **Section 5.0 Justification for Measures Taken**

This section was Section 4.0 in the draft ATMP. It was moved as a result of comments on one or more of the draft ATMPs expressing the opinion that the monitoring and compliance measures were not justified or explained. In order to include a justification for these requirements in the same section as the explanations for the other requirements included in the ATMP, the agencies thought it made more logical sense to move Section 5, *Compliance*, as well as Section 5.1, *Aircraft Monitoring Technology*, forward in the ATMP, and they are Sections 4 and 4.1, respectively, in the final ATMP. This section was also revised to explain why the agencies set a date certain, December 31, 2029, as the date by which all commercial air tour operations over the Park, or outside the Park but within ½ mile of its boundary would cease, and to explain the justifications for the designated route and minimum altitudes set in the final ATMP. Text was added to explain the justification for the new Section 3.7I that limits concurrent operations on the designated route. Further, language specifically addressing tribal lands was added, including language making clear that the ATMP does not authorize any air tour routes over the Blackfeet Indian Reservation. Additional changes to this section better align the justification for the annual operator training with purpose of the training and the justification for the annual meeting with the purpose of this meeting. Though these requirements may be combined, they are separate requirements with slightly different justifications.

- **Section 4.0 Compliance, Section 10 Conformance with Operations Specifications, and Section 11 Effective date**

These sections were revised to make clear that the effective date of the ATMP is the date on which the operators’ updated OpSpecs are issued by the FSDO with jurisdiction. Because OpSpecs are used to inform the operators of the conditions under which they must operate and

will be relied on by the FAA to enforce the terms and conditions of the ATMP, if necessary, it made sense for the effective date of the ATMP to be tied to the date that OpSpecs are modified and reissued to the operator and not to some other date. Section 4.0 of the ATMP (Section 5.0 in the draft ATMP) was revised to delete language that incorrectly assumed that there would be a difference between the effective date of the ATMP and modification of OpSpecs. Section 10.0 of the ATMP was revised to make clear that the FAA will issue new OpSpecs that incorporate the ATMP's operating parameters within 90 days of the date the ATMP is signed. Section 11.0 of the ATMP was revised to make clear that the effective date is the date new OpSpecs are issued, not some other date. In response to public comments, Section 4.0 Compliance was also revised to make clear that the public may report allegations of noncompliance and that the appropriate FSDO will investigate written reports of noncompliance consistent with FAA policy.

- **Additional changes**

In addition to the above changes, the draft ATMP was edited to clarify that the restrictions imposed by the ATMP apply not only when the operator is flying over lands or waters within the Park boundary but also when the operator is flying over lands or waters outside of the Park boundary that are within ½ mile of the boundary. Further edits were made to explain that none of the routes designated in the ATMP fly over tribal lands, that the restrictions in the ATMP are protective of tribal use of the Park, and that adaptive management measures could be taken as a result of tribal input. Qualifying statements were added to multiple sections, including 7.0 Competitive Bidding and 9.0 Amendment, to make clear that the agencies will not implement these sections in conflict with the management goal of phasing out commercial air tours.

Appendix A was edited to make clear that, consistent with NPATMA, all IOA for the Park and for Blackfeet tribal land terminates on the effective date of the ATMP and that no operations will be authorized after 11:59 PM local time on December 31, 2029. Given that the operators will be required to fly consistent with the reissued OpSpecs, it would be inconsistent with the terms of the ATMP for IOA to remain after the ATMP is implemented. Though NPATMA provides that IOA “shall terminate 180 days” after the establishment of an ATMP, the agencies do not interpret this provision as precluding an earlier termination consistent with the terms and conditions of an ATMP. *See* 49 U.S.C. § 40128(c)(2)(E).

## **BASIS AND JUSTIFICATION FOR DECISION**

- **Annual and daily commercial air tour limits**

The ATMP authorizes 144 commercial air tours per year until commercial air tours are permanently phased out. The annual limit of 144 commercial air tours was selected because it is consistent with the average number of air tours conducted during the period from 2017-2019 by operators that currently have IOA for the Park and continue to conduct air tours over the Park. As explained above, two operators who conducted commercial air tours from 2017-2019 subsequently surrendered their operating certificates and their IOA for the Park. The existing condition of commercial air tours over the Park, including tours conducted by the two operators that no longer have IOA for the Park, is 253 commercial air tours. However, given the management direction in the Park's GMP in which the NPS committed to work with the FAA to phase out commercial air tours over the Park, the agencies decided not to authorize 253

commercial air tours and to instead authorize the three-year average of commercial air tours conducted by current operators from 2017-2019—144 commercial air tours.

The ATMP achieves the Park management objective of phasing out commercial air tours over the Park in two ways. First, the ATMP includes a period (from the effective date of the ATMP through December 31, 2029) during which commercial air tours will be phased out through attrition (attrition period). It does this by authorizing the three-year average of current operators (144 air tours) not the three-year average of all operators who conducted air tours from 2017-2019 (253 air tours). During the attrition period, the annual limit of commercial air tours authorized per year will automatically adjust downwards in the event an operator ceases operations without a successor corporation. The automatic downward adjustment will be equal to the number of commercial air tours allocated to that operator on an annual basis. Second, the ATMP sets December 31, 2029, as the sunset date for all commercial air tours. As explained above, this was a change from the draft ATMP which did not include a sunset date for commercial air tours and instead relied entirely on attrition to eventually meet the NPS's management goal of phasing out all air tours over the Park. By setting a date certain by which all commercial air tours will be phased out and after which no commercial air tours would be authorized over the Park, or outside the Park but within ½ mile of its boundary, the ATMP ensures that the NPS's Park management objective to phase out air tours will be met approximately 30 years after the signing of the record of decision for the Park's GMP. The agencies selected December 31, 2029 as the sunset date because it would give current operators seven full years after the effective date of this ATMP to adjust their operations and business practices, and because it would allow the NPS to meet its Park management objective within a reasonable timeframe.

As explained above, the agencies decided to include a sunset date (a date after which no commercial air tours would be permitted) in response to comments received on the draft ATMP. Many commenters advocated for an immediate ban on commercial air tours, or suggested an earlier phase out of commercial air tours than the date selected in the ATMP (December 31, 2029), a percentage reduction in the number of air tours permitted on an annual basis until such tours were phased out, or a permanent cap on the number of air tours. Some commenters supported the ATMP's limit of 144 flights per year, suggested that the number of air tours authorized should equal usage in 2000, opposed phasing out commercial air tours, and/or advocated for a higher limit of flights per year. Ultimately, the NPS found that phasing out commercial air tours through attrition only could result in air tours continuing indefinitely, as all three current operators are corporations, and thus the agencies decided to set a reasonable future date after which time the attrition period would end and air tours would be permanently phased out.

During the attrition period, the ATMP sets a daily maximum of three commercial air tours per operator. Some commenters on the draft ATMP favored a lower daily limit on flights or no flight days, while others opposed daily limits to allow operators flexibility to reschedule flights that may have been delayed due to weather or to allow greater operator flexibility. The agencies declined to modify the daily cap. It was selected in part because it was aligned with existing reporting data. Operators reported flying more than three air tours in a single day on only 15% of the days when air tours occurred during the three-year period from 2017 to 2019.

The daily cap sets an upper limit on the number of air tours that may occur in a single day, while still providing sufficient flexibility to allow all current operators to exhaust their annual allocations of air tour operations. The interdisciplinary planning team analyzed the amount of noise that would be estimated to occur during a busy air tour day (defined as a 90<sup>th</sup> percentile day), and determined that it would not result in significant adverse impacts, especially considering that the ATMP provides for a permanent phase out of air tours over the Park. *See* Environmental Screening Form, Appendix B.

The agencies decided to implement the existing condition, as modified by the management direction set in the Park's GMP, together with reasonable mitigation measures included in the ATMP, because it would not result in significant adverse impacts on the natural and cultural resources, visitor experiences, and tribal lands. The agencies did not use IOA as the number of air tour operations authorized under the ATMP because IOA was based on numbers reported by operators more than 20 years ago, does not represent the most current or reliable operational data, is not verifiable by the agencies, and is not consistent with the NPS's management objective of phasing out commercial air tours over the Park. Similarly, though some commenters advocated for a higher annual limit for commercial air tours, increasing the number of tours would be inconsistent with the management direction in the Park's GMP.

- **Designated route and minimum altitudes**

The ATMP includes a single designated route, prohibits hovering or circling, and allows only one air tour to be conducted at a time on the designated route. The ATMP also includes a minimum altitude of 2,600 ft. AGL for helicopters and 3,100 ft. AGL for fixed-wing aircraft. As noted above, the NPS interdisciplinary planning team considered the routes reported by the operators and modified the yellow route, reducing the area of the Park overflown by the tour and the length of the tour to protect grizzly bear habitat and the Park's wilderness character. This modified route was one of the designated routes included in the draft ATMP. However, in response to comments on the draft ATMP that raised concerns regarding the potential need for the use of supplemental oxygen if air tours were required to fly above 10,000 ft. MSL, the agencies reviewed the two routes included in the draft ATMP and consolidated them into a single modified route that tracks the lower elevations and more developed areas of the Park. Air tours on this consolidated route will not be required to fly above 10,000 ft. MSL, and thus supplemental oxygen will not be required. This consolidated route focuses the air tours over lower elevations of the Park and over a more developed portion of the Park where noise from other transportation (i.e., cars and trucks) may mask noise from air tours. The designated route is intended to protect visitor experience and the Park's natural and cultural resources by aligning commercial air tours with existing transportation corridors, avoiding noise-sensitive wildlife habitat, and avoiding historical and cultural resources. As compared to the routes included in the draft ATMP, the consolidated route offers more protection for Park resources because it reduces that amount of time air tours would be above grizzly bear habitat and areas managed as wilderness. The vertical separation of aircraft and the limit on concurrent operations over the Park are safety measures included to deconflict the airspace.

In their comments submitted during the public comment period, Red Eagle Aviation contended that the agencies did not consult with air tour operators regarding flight routes included in the draft ATMP, and submitted a map of five proposed routes that the operator

requested be included in the ATMP. However, in developing the routes included in the draft ATMP the agencies reviewed and relied on operator submitted reporting data from 2013-2019 and the information provided by the operators in response to the agencies' 2017 request for such data to be used in NPS acoustic modeling. In its semi-annual reports required by the 2012 amendments to NPATMA, Red Eagle Aviation only reported conducting commercial air tours on a single air tour route "GLAC-Logan." And, when the agencies requested the operator to, among other things, identify its air tour routes in 2017, so that the NPS could include them in noise modeling, Red Eagle Aviation responded by identifying a single route that roughly corresponds to the orange route that was included in the draft ATMP. None of the 5 routes included in Red Eagle Aviation's comment letter and attached map are an exact match to the route identified by the operator in 2017 that was considered in the NPS's noise modeling. The agencies are entitled to rely on information previously reported to them by the operators. Accordingly, the agencies declined to include new routes not previously reported by the operator. Moreover, some of the routes proposed by the operator conflict with NPS management goals for the Park by spending more time over the Park, including the backcountry and noise sensitive habitat. And, as noted above, due to the safety concerns raised by the operator related to maintaining the minimum altitude required for resource protection, the final ATMP authorizes only a single route that will allow operators to comply with the minimum altitude restrictions while maintaining an altitude below 10,000 ft. MSL. One of the routes proposed by the operator does not appear to fly over the Park, or within ½ mile of its boundary, and thus is outside the scope of the ATMP.

Though some commenters advocated for higher minimum altitudes (even altitudes more than 5,000 ft. AGL<sup>12</sup>) or lower minimum altitudes, than those included in the draft ATMP, the NPS interdisciplinary team found it important to retain a minimum altitude of 2,600 ft AGL for the protection of wildlife, which is consistent with the National Bald Eagle Management Guidelines and raptor protection guidelines cited in the ATMP. The minimum altitude also provides cascading acoustic environment improvements for visitor experience and wilderness character. The map included in the ATMP as Figure 2 sets corresponding fixed points for the MSL altitudes along the route to ensure that the minimum altitudes AGL are met. *See Appendix A.* The NPS found that the minimum altitudes in the ATMP, together with the other mitigations in the ATMP, including the designated routes, are sufficient to protect the Park's natural and cultural resources and visitor experience until commercial air tours are permanently phased out.

- **Hours of operation**

The ATMP authorizes air tours to operate beginning one hour after sunrise until one hour before sunset unless they are flown using aircraft that qualify for the quiet technology incentive, a mitigation measure that offers resource protection during these times of day which are important to wildlife and visitor experience. Though commenters requested changes further restricting the hours during which commercial air tours are permitted to operate, the agencies declined to change these operating parameters because the NPS found the hours of operation in

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<sup>12</sup> Because the term commercial air tour over a national park is defined by regulation as a flight below 5,000 ft. AGL, 14 CFR § 136.33(d)(i), raising the altitude to more than 5,000 ft. AGL would be tantamount to a ban on commercial air tours over the Park or outside the Park but within ½ mile of its boundary.

the ATMP together with the designated routes, altitude restrictions, and other restrictions in the ATMP to be sufficiently protective of Park's natural and cultural resources and visitor experience until air tours are phased out.

- **Annual meetings**

The ATMP requires operators to attend an annual meeting at the request of either agency. Commenters requested changes to these provisions including making the meetings public and requiring that the operators distribute certain materials to passengers. The agencies declined to change these provisions of the ATMP. It is important to allow Park staff the flexibility to tailor meetings to meet Park needs and incorporate new information as Park management needs change. It is not necessary, at this point, to prescribe the format for information to be provided to the operators and would be burdensome on operators and Park staff to require operators to provide specific printed material to air tour patrons. The agencies also declined to make operator meetings public as it would not serve the communication and coordination purposes of these meetings. The NPS needs to be able to meet with the operators as it does with other commercial service providers that operate within Park boundaries. However, other avenues remain available for stakeholders to provide the agencies with their input regarding commercial air tour operations. For example, the National Parks Overflights Advisory Group meets every year to discuss various aspects of air tour management throughout the National Park System, and those meetings are open to the public. Though not expressly stated in the ATMP, annual meetings will not be held or required after all commercial air tour operations are phased out.

- **Annual Training**

The ATMP also provides that operators/pilots will be invited to attend an annual springtime interpretive training and education event the NPS hosts for concessionaires when it is made available by the NPS staff at the Park in the period during which commercial air tours are authorized under the ATMP. The training would include information that the operators can use to further their own understanding of the Park management priorities or objectives as well as enhance the interpretive narrative for air tour clients. Some commenters expressed that the training should be required. Given the low number of flights authorized until they are phased out the NPS did not deem it necessary to require operators to attend the annual training event.

- **Monitoring and Compliance**

In order to successfully implement the ATMP, the agencies determined that it should include provisions to allow them to adequately monitor and ensure compliance with its conditions. To this end, Section 4.1 of the ATMP requires that operators equip aircraft used for air tours with flight monitoring technology, use such technology when conducting air tours, and include flight monitoring data in their semi-annual reports. The agencies consulted with the National Parks Overflights Advisory Group regarding the cost of various flight following technologies and found that there are relatively inexpensive off-the-shelf options that could meet the requirements of the ATMP. Though the agencies received comments suggesting alternative monitoring methodologies, including requiring equipping and using automatic dependent surveillance-broadcast (ADS-B) systems (which is a system that periodically transmits location data information in real-time) or providing for monitoring by the public, the agencies declined to include such options in the ATMP. As long as the tracking technology selected by the operators meet the performance requirements in the ATMP, the agencies did not find it necessary to

require operators to install and use a specific technology. It is important to note that many air tour operators also provide other services to the public, State, and Federal agencies that are not air tours (e.g., survey flights, search and rescue, and firefighting), or conduct air tours that are not governed by this ATMP (i.e., are more than ½ mile outside the Park boundary). Requiring ADS-B as a method of compliance would place an undue burden on the agencies for processing, cross checking, and validating all observed flights. As to public monitoring, the agencies do not have the resources to stand up and staff a complaint response line and, given the monitoring measures included in the ATMP, such a line would be unnecessary. Further, given that commercial air tours are not the only flights conducted over Park, information from a public tip line would likely be less reliable as the public would likely have difficulty distinguishing between, for example, a commercial air tour flight and a general aviation flight. However, the ATMP acknowledges that the public may report allegations of noncompliance to the appropriate FSDO. Written reports of noncompliance will be investigated by the relevant FSDO consistent with FAA Policy.

Though the agencies received comments complaining about the lack of specific penalties, the agencies do not believe it is necessary or appropriate at this time to set out a schedule of penalties for noncompliance, as instances of noncompliance are likely to be very fact specific and may be justified by safety considerations. As to comments contending that unreported commercial air tours have occurred over the Park, the monitoring and reporting requirements in the ATMP mean that the agencies will be better able to determine whether commercial air tours have occurred that do not comply with or are not authorized by the ATMP. Section 4.0 provides that the appropriate FSDO will investigate reports of noncompliance and states that an administrative determination of noncompliance may result in loss of air tour allocations. However, the agencies note that the ATMP does not regulate flights over the Park that do not meet the definition of a commercial air tour, for example, general aviation flights.

A current operator commented contending that two commercial air tour operators are offering air tours over the Park, not under IOA, but under letters of agreement. Letters of agreement are an exception to NPATMA's requirement that all commercial air tours must operate under the terms prescribed by an ATMP or voluntary agreement. *See* 49 U.S.C. § 40128(a)(3)(B). The operator claimed that such operators were disparately treated and that it was unfair that they were not subject to regulation under the ATMP. However, contrary to the operator's assertions, no operator has secured a letter of agreement from the agencies to conduct commercial air tours over the Park or outside the Park but within ½ mile of its boundary. As noted in Section 4.0 of the ATMP, as of the ATMP's effective date all commercial air tours over the Park, or outside the Park but within ½ mile of its boundary, are required to comply with the terms and conditions of the ATMP in all respects, except that operators have additional time to implement the requirements of Section 4.1 with respect to flight monitoring technology. Any operators conducting commercial air tours that are not allocated air tour operations under the ATMP should be reported to the appropriate FSDO.

- **Adaptive Management**

The provisions in Section 8.0 of the ATMP are included to allow minor modifications to the authorized operating parameters (for example, slight deviations in routes) to avoid adverse impacts to Park resources, values, or visitor experiences; address safety concerns; or address new information or changed circumstances (including information received through tribal input

and/or consultation). Such modifications could only be made through adaptive management if the impacts to Park resources are within the scope of impacts already analyzed under NEPA, the Endangered Species Act, and Section 106 of the National Historic Preservation Act. This process was designed to ensure that actions that are potentially more impactful to resources would only be authorized through the amendment process, which requires public participation, and further environmental compliance. At least one commenter expressed concern that adaptive management would be used to remove, or lessen, measures designed to mitigate impacts on Park resources and visitor experience or increase the number of commercial air tours allowed, but the agencies believe that the provisions of Section 8.0 are clear that adaptive management could not be used in this way. Authorization of additional air tours beyond the those authorized in the ATMP, including an increase of commercial air tour operations authorized annually or an increase or daily commercial air tour operations, would require an amendment to the ATMP, which requires public notice and comment as well as environmental compliance. Likewise, any extension of the sunset date by which all commercial air tours over the Park will be phased out could not be accomplished through adaptive management.

- **Competitive bidding**

NPATMA requires that where an ATMP limits the number of authorized commercial air tours within a specific time frame, the agencies must develop an open and competitive process for evaluating competing proposals to conduct commercial air tours. 49 U.S.C. § 40128(a)(2)(B). At present, because the ATMP includes an annual cap that is consistent with the three-year average of commercial air tours conducted by current operators from 2017-2019 and restricts operators to a single designated route, the agencies do not plan to conduct a competitive bidding process for the Park. However, this does not preclude the agencies from holding a competitive bidding process in the future, consistent with NPATMA. The ATMP identifies conditions under which a competitive bidding process may be appropriate and provides that it cannot be used to circumvent the NPS's management goal of phasing out commercial air tours.

- **Quiet Technology Incentive**

The ATMP includes a quiet technology incentive that allows aircraft utilizing quiet technology to fly commercial air tours that begin at sunrise, or end at sunset, whereas non-quiet technology aircraft would be required to operate commercial air tours that begin one hour after sunrise or that end one hour before sunset. Though many commenters on this and other draft ATMPs requested a definition for quiet technology, the agencies found that creating a definition for quiet technology in this ATMP was not practicable because aviation technology continues to evolve and advance and because the FAA periodically updates its noise certification standards. An aircraft that may qualify as quiet technology today soon may be out of date.

The agencies also declined to extend the definition of quiet technology established for commercial air tours over Grand Canyon National Park to the ATMPs developed under NPATMA. The standard for Grand Canyon National Park was developed pursuant to legislation specific to that park through a rulemaking process that was completed in 2005. That standard applies only to Grand Canyon National Park and was based on narrow site-specific noise requirements. In addition, quiet aircraft technology has advanced substantially since that time. The aircraft used to conduct air tours over Grand Canyon National Park are much larger and heavier than the aircraft used to conduct tours over Glacier National Park, and since noise

certification standards are based on the size and weight of the aircraft, the noise standards used to support the Grand Canyon quiet technology definition would not be appropriate for aircraft conducting tours over Glacier National Park.

As noted above, the ATMP provides for a consultation with operators regarding which of their aircraft qualify for the incentive at the time this ATMP is implemented. Though some commenters requested that the incentive only apply to future aircraft purchases, the agencies included current aircraft in the incentive so as not to penalize early adopters of quiet technology. In the future, should operators wish to purchase new aircraft, the ATMP allows for consultation with the agencies before the operator makes the investment in a new aircraft to determine whether such aircraft would qualify for the incentive.

Some commenters questioned the effectiveness of the quiet technology incentive itself and its inclusion in the ATMP, while others suggested different or stricter quiet technology requirements or a requirement to use a specific type of aircraft. The agencies note that NPATMA requires that a quiet technology incentive be included in the ATMP. 49 U.S.C. § 40128(b)(3)(D). The agencies believe this incentive should be strong enough to encourage the adoption of quiet technology by operators balanced with the fact that quiet technology equipped aircraft still produce noise. The agencies believe the quiet technology incentive in the ATMP strikes the appropriate balance.

- **Analysis of impacts**

Many commenters noted the lack of impact analysis in the ATMP. Impact analysis is not required content in an ATMP. However, the impacts of the ATMP were evaluated using an Environmental Screening Form, Appendix B to this ROD, to determine the applicability of a categorical exclusion and whether any extraordinary circumstances were present that would preclude the application of a categorical exclusion, consistent with NPS practice. Likewise, the FAA conducted an analysis of potential effects under Section 4(f) of the Department of Transportation Act and analyzed whether there were any extraordinary circumstances under FAA Order 1050.1F, Paragraph 5-2 and subsequently adopted the NPS's categorical exclusion determination under 40 CFR § 1506.3(d). The agencies acknowledge that no previous NEPA analysis of IOA occurred because the issuance of IOA was a nondiscretionary action directed by Congress. Because of this, the agencies considered the impacts of air tours on the Park resources and visitor experience. There are numerous ways to measure the potential impacts of noise from commercial air tours on the acoustic environment of a park including the intensity, duration, and spatial footprint of the noise. Several metrics were modeled and considered. The NPS considered maximum sound level ( $L_{Amax}$ ) and the amount of time that aircraft from commercial air tour operations were above specific sound levels that relate to different Park management objectives (e.g., 35 and 52 decibels). The FAA used the average sound level over 12 hours ( $L_{Aeq}$ ) in order to compute their standard noise metric of Day-Night Average Sound Level (DNL). The agencies used their respective modeling results to compare the acoustic environment at the Park with existing air tour operations to the predicted changes due to the mitigation measures under the ATMP.

The impact analysis provided in the Environmental Screening Form for this ATMP demonstrates that the ATMP does not result in significant impacts when considering the change

from existing conditions (253 air tours). The analysis also discloses the impacts associated with the use itself; 144 commercial air tours over the Park, subject to the operating parameters included in the ATMP until such tours are permanently phased out. The impacts of the action, whether evaluating the change from existing condition or the impacts from the air tours authorized under the ATMP, are minimal as demonstrated in the analysis in the Environmental Screening Form, Appendix B. Park resources and values impacted from air tours, including the acoustic environment, will continue to exist in a condition that will allow the American people to have present and future opportunities to enjoy them. *See* NPS Management Policies § 1.4.4.

As to specific concerns regarding acoustic environment impacts noted by commenters, during the attrition period the ATMP includes several provisions that mitigate the on-the-ground effects of noise, including setting a minimum altitude of 2,600 ft. AGL, a single designated route, and an annual limit on air tours, as well as other measures. Section 3.3 of the ATMP specifically provides that “any new or replacement aircraft must not exceed the noise level produced by the aircraft being replaced.” A plan amendment, supported by further environmental analysis, would be required to authorize operation of an aircraft that exceeds the noise level of the currently authorized aircraft.

The number of air tours authorized by the ATMP is based on the three-year average of reported tours conducted by the three current operators during the three years immediately preceding the COVID-19 pandemic. Accordingly, during the period in which commercial air tours are authorized, any impacts on visitor spending on air tours or economic activity in the local communities are expected to be minimal. Operators have over seven years to adjust their business practices and transition their operations before the sunset date, December 31, 2029, after which their operating authority for the Park will be terminated. Even after air tours over the Park are phased out, ample opportunities still remain for scenic air tours more than ½ mile outside of the Park’s boundary. Further, the ATMP does not limit other revenue stream opportunities otherwise available to the operators such as charter flights or flight training. Thus, the agencies did not find that a study of economic impacts was warranted, and significant socioeconomic impacts are not anticipated to occur as a result of the ATMP. The agencies did consider the economic effects of the ATMP in the Environmental Screening Form. *See* Appendix B.

- **Wildlife**

Many commenters focused on potential effects to threatened and endangered species, which are addressed in a no effect determination memorandum. *See* Appendix E. As noted above, the agencies analyzed potential impacts for all threatened or endangered species that occur in or have suitable habitat within the Park, or outside the Park but within ½ mile of its boundary, with a focus on Canada lynx, grizzly bears, and wolverines (proposed for listing as a threatened species) and found that due to the mitigations in the ATMP it will have no effect on any threatened or endangered species or their critical habitats. Many commenters also expressed general concerns about the potential effects of commercial air tours on other Park wildlife, their communication, migration, reproductive, and other behaviors. Comments noted specific species found within the Park including mountain goats, bighorn sheep, bald eagles, elk, and wolves. In the period during which commercial air tours are authorized, the ATMP includes measures that are also protective of these and other species of wildlife within the Park. Though the minimum

altitudes for helicopters and fixed-wing aircraft are largely in place to protect bird species that can be found at higher altitudes or may be nesting, these altitude restrictions also reduce noise impacts of commercial air tours on other species. In addition, because the consolidated route overflies the Park's more developed areas, it not only avoids prime grizzly bear habitat but also much of the habitat of other species within the Park. The ATMP also provides for adaptive management measures to be taken which could be used to address unanticipated effects to wildlife in the period during which commercial air tours are authorized.

One commenter stated that Section 3.7D, which requires operators to avoid areas where wolverines, Canada lynx, or grizzly bears are present by lateral movement away from Going-to-the-Sun Road, is not workable unless dealing with radio tagged animals or nests. The agencies disagree. Operators may observe the movement of these species while conducting air tours, and if they do, the ATMP requires operators to avoid them and to give notice to the agencies about any such observations. The ATMP also accounts for the circumstance under which Federal, State, or tribal agencies may become aware of the presence of these species (whether through radio tags, nest mapping, or other means) and would alert operators of their presence, triggering the avoidance requirement in Section 3.7D.

- **Wilderness**

Many commenters noted concerns related to the protection of wilderness and some commented that the Wilderness Act prohibits commercial air tours. Though there is no Congressionally designated wilderness within the Park, the Park contains 927,550 acres of recommended wilderness that the NPS manages as designated wilderness pursuant to its 2006 Management Policies. Neither the 2006 NPS Management Policies nor the Wilderness Act prohibit overflights of wilderness. No commercial air tours are permitted to land within the Park. Though NPATMA does not require the ATMP to include analysis of impacts to recommended wilderness, consistent with the requirements of NEPA, the agencies evaluated the impacts of the commercial air tours authorized by the ATMP on the qualities of wilderness character in the development of the ATMP, including impacts on the opportunity for solitude, impacts to the natural quality of wilderness, and impacts to other features of value, which is documented in the Environmental Screening Form, Appendix B. In the period during which commercial air tours are authorized by the ATMP, it includes multiple measures that are protective of the Park's recommended wilderness character, including setting a single consolidated route over a transportation corridor, setting minimum altitudes, time-of-day restrictions, and daily caps on the number of flights that may occur. NPATMA contemplates that air tours may be an acceptable use over parks where an ATMP is in place to protect park resources. During this period, if a wilderness visitor does hear noise from an air tour, it is unlikely that the visitor will hear more than a few flights per day and will experience the noise for a very short duration of time and at a very low sound level. The analysis demonstrates that noise from air tours may temporarily disrupt the opportunity for solitude in recommended wilderness for some visitors. After commercial air tours are permanently phased out, even these limited effects will no longer be present. Under the ATMP visitors can still experience solitude and the sounds of nature during their visit. The NPS found the ATMP to be consistent with the Park's enabling legislation and with Section 4.9 of the NPS Management Policies because it reduces noise impacts from air tour operations and protects Park wilderness character.

- **Interim Operating Authority**

In 2005, FAA granted IOA to conduct commercial air tours over Glacier National Park to eight operators for a total of 1,793 commercial air tour operations per year, as follows: Homestead Helicopters (15 commercial air tours); Kruger, James W. (dba Kruger Helicopter Service (750); Minuteman Aviation (717 commercial air tours); Montana By Air, LLC (12 commercial air tours); Osprey Aero (60 commercial air tours); Red Eagle Aviation (159 commercial air tours); Selway Aviation LLC (20 commercial air tours); Wilson Aviation, LLC (60 commercial air tours). *See* 70 Fed. Reg. 36,456 (June 23, 2005). Subsequently, IOA for five of the eight operators was extinguished due to an expired operating certificate or business closure including Montana By Air LLC and Kruger Helicopter Service both of whom surrendered their operating certificates in 2021. Currently, three operators hold IOA for a combined total of 891 commercial air tours each year.

The ATMP provides that the FAA, through the relevant FSDO, will update the OpSpecs of all operators with IOA for the Park to incorporate the terms of the ATMP within 90 days of the date on which the ATMP is fully signed (meaning 90 days from the date on which the ATMP and has been signed by all required signatories). The operators' OpSpecs currently allow them to overfly the Park in accordance with their IOA. Once the ATMP is effective, only those operators that hold allocations of operations under the ATMP will be permitted to conduct commercial air tours over the Park, or within ½ mile of its boundary, and then all commercial air tours conducted will be required to comply with the ATMP in all respects, except that operators allocated commercial air tours under the ATMP will have 180 days to equip their aircraft with compliant flight monitoring technology. IOA for the Park will terminate when the OpSpecs are modified, which will be the effective date of the ATMP.

The Federal Register notice detailing IOA issued for the Park also lists IOA granted to the existing operators for commercial air tours over Blackfeet Tribal lands that corresponds to the IOA granted to each operator for the Park. This IOA was coextensive with and issued in connection with the IOA issued for the Park—it was not separate from or in addition to the IOA for the Park. Because NPATMA provides that IOA terminates on the establishment of an ATMP and provides that an ATMP extends ½ mile outside the boundary of a National Park System unit, the IOA issued for Blackfeet Tribal lands was necessarily limited to those portions of the Blackfeet Indian Reservation that are outside the Park but within ½ mile of its boundary. IOA for Blackfeet Tribal lands did not apply to those portions of the Blackfeet Indian Reservation or any other Blackfeet lands that are more than ½ mile outside the Park and the regulatory status of those lands remains unchanged by the ATMP. As noted above, the ATMP does not authorize any commercial air tour routes that fly over any portion of the Blackfeet Indian Reservation. Like IOA for the Park, IOA for Blackfeet Tribal lands will terminate on the effective date of the ATMP.

One operator opposed the number of commercial air tours authorized by the ATMP because they were allocated fewer air tour operations than permitted under IOA. IOA is not property. *See* Notice of Final Opinion on the Transferability of Interim Operating Authority Under the National Parks Air Tour Management Act, 72 Fed. Reg. 6,802 (Feb. 13, 2007). Nor was IOA intended to last indefinitely. It was intended by Congress to be a stopgap measure to preserve the status quo until an ATMP for the Park could be established. NPATMA specifically

provides that IOA for the Park terminates a maximum of 180 days after the establishment of an ATMP for the Park, 49 U.S.C. § 40128(c)(2)(E), though the agencies determined that because the modification of OpSpecs was required to implement the ATMP, IOA would terminate when the OpSpecs were modified, and not at some later date.

- **Providing access for individuals with disabilities**

Some commenters noted that air tours are needed in order to accommodate or expand access to individuals with disabilities, older persons, or those with mobility issues. However, air tours are not the only way for a person with disabilities or mobility issues to experience the Park. As explained above, the Going-to-the-Sun Road offers magnificent views and an experience available to everyone comparable to seeing the Park by air. Moreover, the NPS works to ensure that people with disabilities can participate in the same programs, activities, and opportunities available to those without disabilities in the most integrated setting possible. The NPS has a full team dedicated to breaking physical and programmatic barriers to make parks more inclusive for people with sensory, physical, and cognitive disabilities including a full accessibility program with accessibility coordinators in all 12 regions systems wide who work to make sure that NPS staff have the tools and training necessary to provide accessible and inclusive outdoor recreation and interpretation opportunities for park visitors. Information regarding accessibility at Glacier National Park is available at: <https://www.nps.gov/glac/planyourvisit/accessibility.htm>

- **NEPA compliance**

Commenters in general noted concerns that an environmental analysis was not released for public review and comment and either advocated for the consideration of various alternatives or criticized that consideration and analysis of alternatives was required under NEPA. Consistent with the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA, agencies may, but are not required to, develop a range of alternatives to the proposed action when using a categorical exclusion to comply with NEPA. *See* 40 CFR §§ 1501.4, 1502.14. The ATMP implements the management direction set in the Park's GMP by phasing out commercial air tours over the Park first through attrition, then by setting a sunset date for commercial air tour operations. Actions covered by categorical exclusions, by definition, do not have significant impacts and therefore are not subject to the requirement to develop alternatives to reduce significant impacts. In this case, the agencies evaluated the potential impacts of the proposed action (ATMP) when compared to current conditions, and determined that the proposed ATMP would not result in significant impacts to Park resources. The agencies considered actions to reduce impacts to Park resources and included those mitigations in the ATMP, e.g., altitude and route restrictions. Public review of categorical exclusions is not required. Public scoping is also not required where a categorical exclusion is applied. Though NPATMA provides that both agencies must "sign the environmental decision document required by section 102 of [NEPA] which may include a finding of no significant impact, an environmental assessment, or an environmental impact statement and the record of decision" the agencies do not interpret NPATMA to preclude the application of a categorical exclusion for an ATMP. *See* 49 U.S.C. § 40128(b)(2).

- **Tribal Consultation**

The tribal consultation conducted by the agencies prior to the signing of this ROD is described above in the section that discusses the agencies' compliance with the National Historic Preservation Act. The agencies remain committed to engaging in tribal consultation after the ATMP is implemented to address ongoing tribal concerns as needed. Further, the ATMP itself includes mechanisms that could be used to address tribal concerns post-implementation. Tribes may be invited to the annual meeting provided for in Section 3.7B of the ATMP to discuss their concerns directly with both the operators and the agencies. Section 3.5 of the ATMP authorizes the NPS to set temporary no-fly periods for special events, including tribal events, ceremonies, or other practices, with advance notice to the operators. Section 8.0 of the ATMP provides for adaptive management measures to be taken as a result of tribal input or information received through tribal consultation, without a formal plan amendment if the impacts of any changes are within the impacts already analyzed by the agencies in their compliance documentation for the ATMP. If tribal concerns cannot be addressed through adaptive management, the agencies may consider amending the ATMP consistent with the process outlined in Section 9.0 of the ATMP. In addition, the aircraft monitoring technology that operators are required to install and use (Section 4.1), coupled with the ATMP's reporting requirements (Section 3.6), will not only aid the agencies in ensuring compliance with the terms and conditions of the ATMP, but will also aid in determining whether overflights that are concerning to tribes are commercial air tours, or some other type of overflight not subject to the requirements of NPATMA.

- **Compliance with NPS-specific laws and policies**

In managing National Park System units, the NPS is bound by the Organic Act of 1916, 54 U.S.C. §§ 100101 *et seq.*, which requires the NPS to manage parks to "conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." In addition, NPS management of System units is guided by the 2006 Management Policies and other policy and guidance documents that do not apply to the FAA. The Statement of Compliance appended to this ROD as Appendix G details the NPS's compliance with its Organic Act, as well as NPS policy documents.

## **DECISION**

The undersigned have carefully considered the agencies' common and respective goals in relation to the issuance of an Air Tour Management Plan for Glacier National Park including the environmental impacts of their decision, the mitigation measures available to preserve Park resources, visitor experience and tribal lands, and aviation safety. Based on the record of this proposed Federal action, and under the authority delegated to the undersigned by the Administrator of the FAA and the Director of the NPS, the undersigned find that the issuance of the Air Tour Management Plan for Glacier National Park is reasonably supported. The undersigned hereby direct that action be taken, together with the necessary related and collateral actions, to carry out the agency decisions as detailed in this ROD including the issuance of an Air Tour Management Plan for Glacier National Park and issuance or modification of applicable operations specifications.

Approved by:

**KATHARINE  
HAMMOND**

Digitally signed by KATHARINE  
HAMMOND  
Date: 2022.09.19 09:54:42 -06'00'

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Kate Hammond  
Acting Regional Director  
Interior Region 6, 7, 8  
National Park Service

**GRADY B  
STONE**

Digitally signed by GRADY B  
STONE  
Date: 2022.09.16 12:35:00 -07'00'

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Grady Stone  
Regional Administrator  
Northwest Mountain Region  
Federal Aviation Administration

**RAYMOND  
SAUVAJOT**

Digitally signed by RAYMOND  
SAUVAJOT  
Date: 2022.09.16 18:42:36 -04'00'

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Raymond M. Sauvajot  
Associate Director  
Natural Resource Stewardship and  
Science Directorate  
National Park Service

**KEVIN W.  
WELSH**

Digitally signed by KEVIN W.  
WELSH  
Date: 2022.09.16 08:40:48 -04'00'

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Kevin Welsh  
Executive Director  
Office of Environment & Energy  
Federal Aviation Administration

## **RIGHT OF APPEAL**

This Record of Decision constitutes a final order of the FAA Administrator and is subject to exclusive judicial review under 49 U.S.C. § 46110 by the U.S. Circuit Court of Appeals for the District of Columbia or the U.S. Circuit Court of Appeals for the circuit in which the person contesting the decision resides or has its principal place of business. Any party having substantial interest in this order may apply for review of the decision by filing a petition for review in the appropriate U.S. Court of Appeals no later than 60 days after the order is issued in accordance with the provisions of 49 U.S.C. § 46110.

## **Appendices**

- A. Air Tour Management Plan for Glacier National Park
- B. Environmental Screening Form
- C. Categorical Exclusion Documentation Form
- D. FAA Categorical Exclusion Adoption
- E. Endangered Species Act Section 7 Compliance Documentation
- F. National Historic Preservation Act Section 106 Compliance Documentation
- G. NPS Statement of Compliance
- H. Summary of Public Comments and Comment Analysis on the Draft Air Tour Management Plan for Glacier National Park

## **APPENDIX A**

### **Final Air Tour Management Plan for Glacier National Park**

**FINAL AIR TOUR  
MANAGEMENT PLAN  
GLACIER NATIONAL PARK**

**SUMMARY**

This Air Tour Management Plan (ATMP) provides the terms and conditions for commercial air tours conducted over Glacier National Park (Park) pursuant to the National Parks Air Tour Management Act (Act) of 2000.

**1.0 INTRODUCTION**

The Act requires that commercial air tour operators conducting or intending to conduct commercial air tours over a unit of the National Park System apply to the Federal Aviation Administration (FAA) for authority before engaging in that activity. The Act further requires that the FAA in cooperation with the National Park Service (NPS) establish an ATMP for each National Park System unit for which one or more applications has been submitted, unless that unit is exempt from this requirement.<sup>1</sup>

The objective of this ATMP is to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tours on natural and cultural resources, visitor experiences and tribal lands.

**2.0 APPLICABILITY**

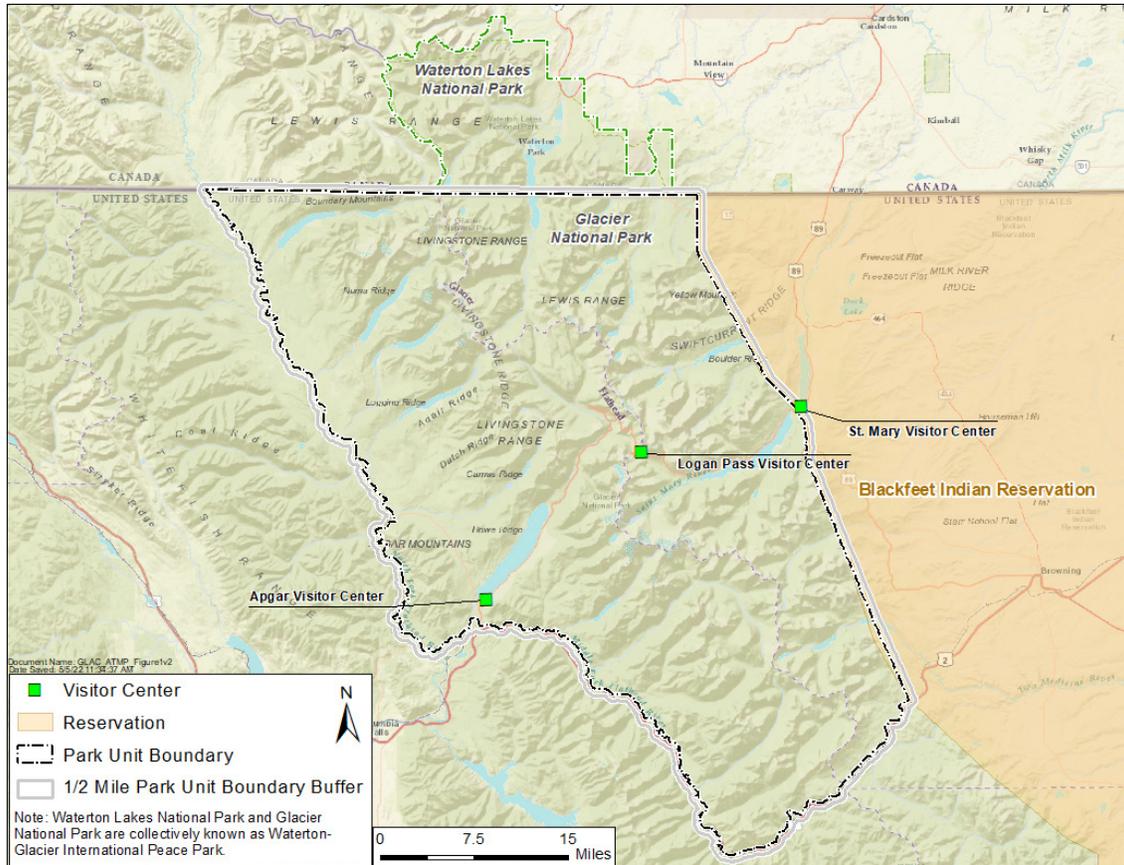
This ATMP applies to all commercial air tours over the Park and commercial air tours within ½ mile outside the boundary of the Park, including any tribal lands within that area, as depicted in Figure 1 below. A commercial air tour subject to this ATMP is any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over the Park, or within ½ mile of the Park boundary, during which the aircraft flies:

- (1) Below 5,000 feet above ground level (except solely for the purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the FAA requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or
- (2) Less than one mile laterally from any geographic feature within the Park (unless more than ½-mile outside the Park boundary).

*See* 14 CFR § 136.33(d).

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<sup>1</sup> The Act provides an exemption to the ATMP requirement for parks with 50 or fewer commercial air tour operations each year unless the exemption is withdrawn by the Director of the NPS. *See* 49 U.S.C. § 40128(a)(5). As an alternative to an ATMP, the agencies also have the option to execute voluntary agreements with all operators operating at any of the parks.



**Figure 1.** Map of area subject to the ATMP for Glacier National Park

## 2.1 Park Overview

The Park preserves the scenic glacially carved landscape, wildlife, natural processes, and cultural heritage at the heart of the Crown of the Continent for the benefit, enjoyment, and understanding of the public. The Park consists of 1,013,839 acres in northern Montana and is bordered to the north by Waterton Lakes National Park in Canada. Together both parks were legislated as the world’s first International Peace Park in 1932 and are named Waterton-Glacier International Peace Park. The parks are designated together as a World Heritage Site and the world’s first Transboundary International Dark Sky Park. They are designated separately as International Biosphere Reserves. The Park lies on the North American Continental Divide, and represents one of the largest, most intact ecosystems in North America. It lies at the center of the Crown of the Continent Ecosystem, almost 18 million acres. The vast majority of the Park (927,550 acres representing 91% of the Park) is recommended wilderness and, pursuant to the 2006 NPS Management Policies, is managed in accordance with the Wilderness Act.

The Park attracts more than three million annual visitors from all over the world. Most visitation occurs during the summer. Notable visitor attractions include driving the Going-to-the-Sun Road, visiting the valleys with glacial lakes, as well as experiencing the Park’s approximately 735 miles of trails that penetrate the backcountry and interweave and connect all sections of the Park.

The Park protects important habitat for numerous sensitive and/or endangered species including the Federally-listed grizzly bear and Canada lynx, the North American wolverine (proposed for listing), as well as bighorn sheep, mountain goat, black bear, wolves, bald eagle, golden eagle, peregrine falcon, and loons. Core habitat for grizzly bears, as defined by the Interagency Grizzly Bear Committee,<sup>2</sup> is present in all of the Park's backcountry areas. Grizzly bear habitat throughout the Park includes denning sites and food congregation sites, including sites that do not provide cover (e.g., high elevation moth foraging sites). The Park is one of the few places in the contiguous 48 states that continues to support natural populations of all indigenous carnivores and most of their prey species.

The headwaters of major river systems are found within the Park, including rivers that flow to the Pacific Ocean, Gulf of Mexico, and Hudson Bay. Within the Park, the North Fork and Middle Fork of the Flathead River have received Wild and Scenic River designation. Specifically, the portion of the Middle Fork that runs along the southwest boundary of the Park along U.S. Highway 2 is designated as Recreational, while the North Fork that is the western boundary is designated as Scenic and Recreational. Management direction for the North Fork and Middle Fork of the Wild and Scenic Flathead River is to maintain their classification, protect and enhance the Outstandingly Remarkable Values (ORVs), and preserve the free-flowing conditions and water quality.<sup>3</sup>

The Blackfoot Indian Reservation of Montana is adjacent to the Park's eastern boundary, the Helena Lewis and Clark National Forest to the southeast, and the Flathead National Forest to the south and west. To the north, the Park is bordered by Akamina-Kishinena Provincial Park to the northwest in British Columbia and Waterton Lakes National Park in Alberta directly north. Tribes attach religious or cultural significance to areas within and adjacent to the Park.

In addition, the Park is a landscape filled with various types of cultural resources such as archaeological sites, historic buildings, and Native American sensitive sites. Numerous historic districts, National Historic Landmarks and National Register listed and eligible cultural resources have been identified throughout the Park. Cultural landscape inventories have been completed for Going-to-the-Sun Road Historic District, Lake McDonald Lodge Historic District, Many Glacier Hotel Area, and Glacier National Park Headquarters Historic District. The periods of historic significance for each of these landscapes extends into the mid-twentieth century. Each landscape includes buildings and infrastructure to support Park management and visitation including accommodations for vehicle traffic. Specific sites within these landscapes that are considered nationally significant include, but are not limited to the following:

- Lake McDonald Lodge (National Historic Landmark; National Register Listed - 1987)

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<sup>2</sup> IGBC Taskforce Report (1998): Grizzly bear/motorized access management.

<sup>3</sup> Flathead Wild and Scenic River Management Plan. August (1980); Flathead Wild and Scenic River Management Direction, amendment to Flathead National Forest Management Plan (1987); Outstandingly Remarkable Values Assessment of the Flathead River System (2013).

- Going-to-the-Sun Road (National Historic Landmark; National Register Listed - 1997)
- Great Northern Railway Buildings (National Historic Landmark; National Register Listed - 1987)

The following Park management objectives relate to the development of this ATMP:

- Areas of the Park managed as wilderness allow visitors to have the opportunity for solitude and to experience natural sounds with few intrusions of non-natural sounds. Acoustic conditions should also allow wildlife to perceive natural sounds and not interfere with critical ecological processes.
- The classification of the Scenic segment of the Wild and Scenic North Fork of the Flathead River, the Recreational segment of the Wild and Scenic North Fork of the Flathead River, and the Recreational segment of the Wild and Scenic Middle Fork of the Flathead River is maintained and ORVs are protected and enhanced.
- As stated in the Park’s General Management Plan and subsequent planning efforts, natural sounds and visitor enjoyment are preserved by addressing noise issues, including working with FAA to phase out commercial air tours through attrition, which has been and remains a priority management objective for the Park.

### **3.0 CONDITIONS FOR THE MANAGEMENT OF COMMERCIAL AIR TOUR OPERATIONS**

#### 3.1 Commercial Air Tours Authorized

Under this ATMP, 144 commercial air tours are authorized per year until such tours are phased out through attrition or until 11:59 PM local time on December 31, 2029 when all operating authority for the Park will be terminated, whichever occurs first. Appendix A identifies the operators authorized to conduct commercial air tours and annual flight allocations.

#### 3.2 Commercial Air Tour Routes and Altitudes

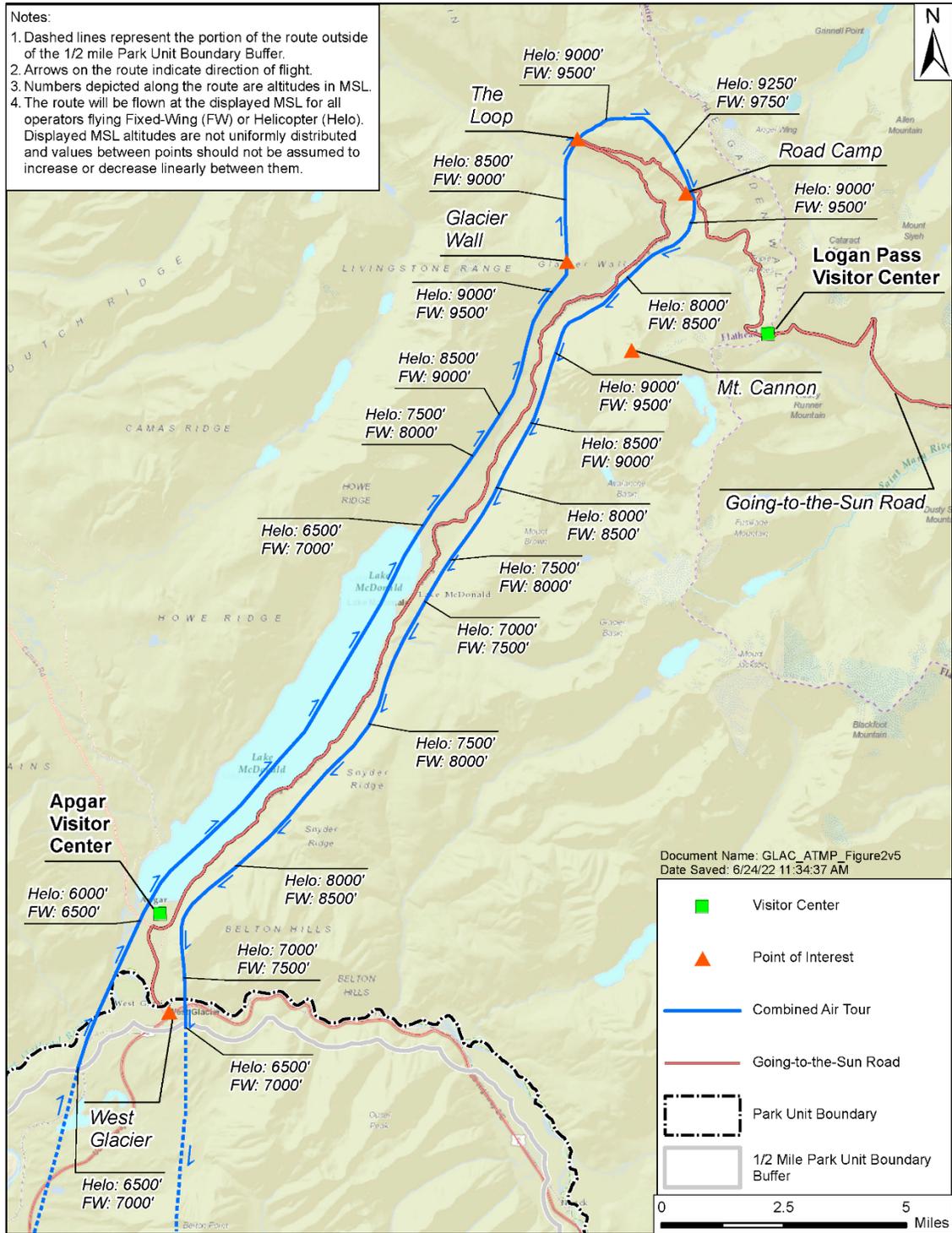
Commercial air tours authorized under this ATMP shall be conducted on a single designated air tour route for both fixed-wing aircraft and helicopters as depicted in Figure 2 below.<sup>4</sup> The route will be flown clockwise with operators adhering to the altitudes assigned at each point throughout the route. Operators should transition altitudes slowly between points to minimize noise and should not fly below the mean sea level (MSL) value of the lower of any two adjacent points. Altitude expressed in feet (ft.) above ground level (AGL) is a measurement of the distance between the ground surface and the aircraft, whereas altitude expressed in MSL refers to the altitude of an aircraft above sea level, regardless of the terrain below it. The altitudes in Figure 2 below are expressed in MSL. Fixed-wing aircraft will fly 500 ft. higher than helicopters. These MSL altitudes ensure commercial air tours conducted by helicopters will fly no lower than 2,600 ft.

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<sup>4</sup> Appendix B contains an enlarged Figure 2.

AGL and commercial air tours conducted by fixed-wing aircraft will not fly lower than 3,100 ft. AGL. Neither aircraft type will need to fly above 10,000 ft. MSL at any point along the authorized route. This route allows for variance of 0.5 miles on either side of the route. However, for safety reasons, inbound air tours to the Park should not cross over the Going-to-the-Sun Road until they reach The Loop. Additionally, once air tours are outbound from the Park, air tours should not cross over Going-to-the-Sun Road after the aircraft passes south of Mt. Cannon.

Except when necessary for takeoff or landing, or in an emergency or to avoid unsafe conditions, or unless otherwise authorized for a specified purpose such as the wildlife avoidance measures identified in Section 3.7D, operators may not deviate from the designated route and altitudes.



**Figure 2.** Commercial air tour route over Glacier National Park

### 3.3 Aircraft Type

The aircraft types authorized to be used for commercial air tours are identified in Appendix A. Any new or replacement aircraft must not exceed the noise level produced by the aircraft being replaced. In addition to any other applicable notification

requirements, operators will notify the FAA and the NPS in writing of any prospective new or replacement aircraft and obtain concurrence before initiating air tours with the new or replacement aircraft.

### 3.4 Day/Time

Except as provided in Section 3.8 “Quiet Technology Incentives,” air tours may operate one hour after sunrise until one hour before sunset, as defined by the National Oceanic and Atmospheric Administration (NOAA).<sup>5</sup> Air tours may operate any day of the year, except under circumstances provided in Section 3.5 “Restrictions for Particular Events.”

### 3.5 Restrictions for Particular Events

The NPS can 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 two weeks’ notice to the operators in writing in advance of the no-fly period. Events may include, but are not limited to, tribal traditional activities or other similar events.

### 3.6 Required Reporting

Operators will submit to the FAA and the NPS semi-annual reports regarding the number of commercial air tours over the Park or within ½ mile of its boundary that are conducted by the operators. These reports will also include the flight monitoring data required under Section 4.1 of this ATMP and such other information as the FAA and the NPS may request. Reports are due to both the FAA and the NPS no later than 30 days after the close of each reporting period. Reporting periods are January 1 through June 30 and July 1 through December 31. Operators shall adhere to the requirements of any reporting template provided by the agencies. The reporting requirement for each operator identified in Appendix A, Table 1, will end when that operator’s allocations are phased out through attrition or on December 31, 2029, when all operating authority under this ATMP terminates if they are still operating at that time.

### 3.7 Additional Requirements

3.7A Operator Training and Education: When made available by Park staff, operators/pilots will be invited to attend an annual springtime interpretive training and education event the Park hosts for concessionaires. The training will include the Park information that operators can use to further their own understanding of Park priorities and management objectives as well as enhance the interpretive narrative for air tour clients and increase understanding of parks by air tour clients.

3.7B Annual Meeting: At the request of either of the agencies, the Park staff, the local FAA Flight Standards District Office (FSDO), and all operators will meet

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<sup>5</sup> Sunrise and sunset data are available from the NOAA Solar Calculator, <https://www.esrl.noaa.gov/gmd/grad/solcalc/>

once per year to discuss the implementation of this ATMP and any amendments or other changes to the ATMP.

3.7C In-Flight Communication: For situational awareness when conducting commercial air tours of the Park, the operators will utilize frequency 122.9 and report when they enter and depart a route. The pilots will identify their company, aircraft, and route to make any other aircraft in the vicinity aware of their position.

3.7D Wildlife Avoidance: Once operators become aware (through visual identification, communication from the NPS or other federal agencies, state or tribal agencies, or through other means) of the presence of wolverines, Canada lynx, or grizzly bears along the flight route, operators are required to avoid these areas by lateral movements away from the Going-to-Sun-Road and are required to inform the NPS and FSDO with geographic oversight of the Park of this information. Once the NPS and FSDO are made aware of these locations, the agencies will advise the operator(s) as to the lateral or altitude adjustments required and inform the operator(s) on the length of time (e.g., seasonal or other time-bound basis) these adjustments are required to continue. The areas to be avoided could include open alpine meadows and talus slopes where animals will not have access to cover.

3.7E Daily Air Tour Limitation: No operator may conduct more than 3 commercial air tours per day.

3.7F Non-transferability of Allocations: Annual operations under this ATMP are non-transferable. An allocation of annual operations may be assumed by a successor purchaser that acquires an entity holding allocations under this ATMP in its entirety. In such case, the prospective purchaser shall notify the FAA and NPS of its intention to purchase the operator at the earliest possible opportunity to avoid any potential interruption in the authority to conduct commercial air tours under this ATMP. This notification must include a certification that the prospective purchaser has read and will comply with the terms and conditions in the ATMP. The FAA will consult with the NPS before issuing new or modified operations specifications (OpSpecs) or taking other formal steps to memorialize the change in ownership.

3.7G Annual Allocation Adjustment: If an existing operator closes its business or otherwise ceases operations, the total number of commercial air tours authorized under this ATMP per year will be reduced automatically by the number of allocations held by that operator, and reference to the operator will be removed from Table 1 and Table 2 in Appendix A. Consistent with the NPS's 1999 General Management Plan for the Park, any remaining operating authority for the Park under this ATMP will terminate at 11:59 PM local time on December 31, 2029, and no commercial air tours will be permitted over the Park or within ½ mile of its boundary thereafter.

3.7H Hovering: Aircraft hovering in place or circling is prohibited.

3.7I Limit on Concurrent Operations: Only one commercial air tour at a time is permitted over the Park or outside the Park but within ½ mile of its boundary. Operators shall communicate using the frequency and procedures in Section 3.7C “In-Flight Communication” to monitor the status of commercial air tours and to prevent more than one commercial air tour occurring at a time.

### 3.8 Quiet Technology Incentives

This ATMP incentivizes the use of quiet technology aircraft by commercial air tour operators conducting commercial air tours over the Park. Operators that have converted to quiet technology aircraft, or are considering converting to quiet technology aircraft, may request to be allowed to conduct air tours beginning at sunrise or ending at sunset on all days that flights are authorized. Because aviation technology continues to evolve and advance and the FAA updates its noise certification standards periodically, the aircraft eligible for this incentive will be analyzed on a case-by-case basis at the time of the operator’s request to be considered for this incentive. The NPS will periodically monitor Park conditions and coordinate with the FAA to assess the effectiveness of this incentive. If implementation of this incentive results in unanticipated effects on Park resources or visitor experience, further agency action may be required to ensure the protection of Park resources and visitor experience.

## **4.0 COMPLIANCE**

On the effective date of this ATMP, all commercial air tours over the Park or within ½ mile of the Park boundary must comply with the terms of this ATMP in all respects, except as provided in Section 4.1 below. The NPS and the FAA are both responsible for the monitoring and oversight of the ATMP. If the NPS identifies instances of non-compliance, the NPS will report such findings to the FAA’s FSDO with geographic oversight of the Park. The public may also report allegations of non-compliance with this ATMP to the FSDO. The FSDO will investigate and respond to all written reports consistent with applicable FAA guidance.

Investigative determination of non-compliance may result in partial or total loss of authorization to conduct commercial air tours authorized by this ATMP. Any violation of OpSpecs shall be treated in accordance with FAA Order 2150.3, *FAA Compliance and Enforcement Program*.

### 4.1 Aircraft Monitoring Technology

Operators are required to equip all aircraft used for air tours with flight monitoring technology, to use flight monitoring technology during all air tours under this ATMP, and to report flight monitoring data as an attachment to the operator’s semi-annual reports. The required flight monitoring data shall be provided in a file format approved by the agencies, such as a .csv or .xlsx format. Data must include the following information for each row of data (i.e., each ping):

- Unique flight identifier
- Latitude

- Longitude
- Geometric altitude
- Tail number
- Date
- Time stamp
- Operator and Doing Business As (DBA), if different
- Aircraft type
- Aircraft model

The ping rate should be set to a maximum of 15 seconds. Operators already using aircraft equipped with flight monitoring technology shall ensure it meets the performance standards listed above or acquire and install acceptable flight monitoring technology within 180 days of the effective date of this ATMP. For aircraft not already equipped with flight monitoring technology, within 180 days of the effective date of this ATMP, operators shall equip those aircraft with suitable flight monitoring technology.

## **5.0 JUSTIFICATION FOR MEASURES TAKEN**

The provisions and conditions in this ATMP are designed to protect Park resources, visitor experience, and tribal lands from the effects of commercial air tours, and to support NPS management objectives for the Park.

Under the Act, the FAA was required to grant Interim Operating Authority (IOA) for commercial air tours over the Park or within ½ mile of the Park’s boundary. IOA does not provide any operating conditions (e.g., routes, altitudes, time of day, etc.) for air tours other than an annual limit.

The preservation of natural sounds, protection of natural and cultural resources, wilderness character, and preserving visitor experience by addressing noise issues are priority NPS management objectives for the Park. The Park’s General Management Plan sets management direction to address commercial air tours by working with the FAA to phase out these tours. The ATMP accomplishes this goal first through attrition but, because corporations may exist indefinitely, sets December 31, 2029, thirty years after the Park’s General Management Plan was established, as a sunset date after which time no commercial air tours would be authorized over the Park or within ½ mile of its boundary.

The NPS management objectives for the Park include working with FAA to phase out commercial air tours through attrition. Several measures are taken in this ATMP to protect noise sensitive resources and the visitor experience at the Park as an interim step towards achieving the Park management objective of phasing out commercial air tours. A major complaint that the NPS receives from visitors at the Park is the intrusion that overflights have on opportunities for solitude, hearing natural sounds, and views without aircraft within the Park. Over the years, the NPS has received in excess of 1,000 visitor complaints related to these concerns from visitors at the Park. The daily operation limits included in this ATMP are intended to reduce the number of intrusions of non-natural sounds across the Park to protect visitor experience.

The commercial air tour route authorized under this ATMP, and the conditions that require lateral adjustments as needed, once operators become aware of denning sites, feeding areas, or other known areas of congregation for Canada lynx, wolverines and grizzly bears, is intended to protect portions of the Park that are important habitat for all of the Park's wildlife and considered core habitat for the Federally-listed grizzly bear, as determined by the Interagency Grizzly Bear Committee Task Force Report.<sup>6</sup> Aircraft-specific guidance from U.S. Forest Service and U.S. Fish and Wildlife Service in Montana<sup>7</sup> suggests that "helicopter use in core habitat likely results in more pronounced disturbance reaction" for grizzly bears. This guidance also notes that recurrent helicopter use could result in reduction in or loss of core habitat, and that if repeated, low-altitude flights continue into multiple seasons, the effects upon grizzly bear behavior (i.e., avoidance beyond temporary displacement) may become more long-lasting. Further, this guidance suggests focusing lower-level aircraft traffic over roads to avoid core habitat. Therefore, the commercial air tour route included in this ATMP has been concentrated over or near road corridors (e.g., Going-To-the-Sun-Road corridor) when possible to avoid impacts to core habitat for the grizzly bear. The commercial air tour route included in this ATMP will further avoid and protect areas of the Park that are managed as primitive areas, as well as bighorn sheep and mountain goat range. The ATMP does not authorize any air tour routes over the Blackfoot Indian Reservation.

The MSL altitudes which ensure commercial air tours conducted on helicopters will fly no lower than 2,600 ft. AGL and commercial air tours conducted on fixed-wing aircraft will not fly lower than 3,100 ft. AGL are intended to protect bald eagles and other raptors from the impacts of commercial air tours, and is consistent with the National Bald Eagle Management Guidelines (2007)<sup>8</sup> and applicable raptor protection guidelines.<sup>9,10</sup> Nesting bald and golden eagle habitat exists throughout the Park, and nests may change locations over time. Therefore, the minimum altitude restrictions in Figure 2 apply to the entirety of the route over the Park or within ½ mile of the Park's boundary. Additionally, the minimum altitudes and route designated by the ATMP will improve habitat protection for other wildlife species (including bears and ungulates), preservation of wilderness character, and visitor experiences on the ground (including interpretive programming) and traditional use by reducing the intensity of air tour noise to people and wildlife.

The restrictions on concurrent operations and required vertical separation for helicopter and fixed-wing aircraft are safety measures necessary to de-conflict the airspace within the scope of this ATMP. Further, the required altitudes along the designated route do not require operators to fly above 10,000 ft MSL.

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<sup>6</sup> IGBC Taskforce Report (1998): Grizzly bear/motorized access management.

<sup>7</sup> Guide to effects analysis of helicopter use in grizzly bear habitat (2009). Montana/Northern Idaho Level I Terrestrial Biologist Team – Forest Service and U.S. Fish and Wildlife.

<sup>8</sup> National Bald Eagle Management Guidelines (2007). U.S. Fish and Wildlife Service.

<sup>9</sup> Richardson, C. & Miller C. (1997). Recommendations for protecting raptors from human disturbance: A review. *Wildlife Society Bulletin*, 25(3), 634-638; Also see *Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors* (2008). Colorado Division of Wildlife.

<sup>10</sup> The peregrine falcon is protected under the Migratory Bird Treaty Act. The peregrine falcon is a state-listed Species of Concern in the State of Montana.

The condition that commercial air tours may not hover in place or circle, and the conditions that require lateral adjustments as needed, are intended to prevent disturbances to noise sensitive wildlife including ungulates, avian species, the Federally-listed Canada lynx and grizzly bear, as well as wolverine (proposed for listing as threatened). Further, the prohibition of hovering in place or circling is also intended to minimize disturbance to visitor experience and traditional activities.

Sunrise and sunset are important times of the day for wildlife and visitor use and experience. Biologically important behaviors for many species occur during this time, such as the dawn chorus for songbirds and foraging and predation for many other species. Wildlife viewing by park visitors is often conducted during this time of day as well. The day/time restrictions have been included in this ATMP to protect these Park resources and values.

Restrictions for particular events are intended to prevent noise interruptions of Park events or tribal practices.

Operator training and education will provide opportunities to enhance the interpretive narrative for air tour clients and increase understanding of parks by air tour companies and their clients.

The annual meeting will facilitate effective implementation of the ATMP because it will be used to review and discuss implementation of this ATMP between Park staff, local FAA FSDO, and all operators, while operations are occurring. It will thus serve to ensure that air tour operators remain informed regarding the terms and conditions of this ATMP, including any adaptive management measures or amendments, and are made aware of new or reoccurring concerns regarding Park resources.

The requirements to equip aircraft with flight monitoring technology, use flight monitoring technology during all air tours under this ATMP, and to report flight monitoring data as an attachment to the operator's semi-annual reports are necessary to enable the agencies to appropriately monitor operations and ensure compliance with this ATMP.

## **6.0 NEW ENTRANTS**

For the purposes of this ATMP, a "new entrant" is a commercial air tour operator that has not been granted any operations under this ATMP. The management objectives of the Park include preservation of wilderness character and values, natural soundscapes, wildlife and visitor experience which supports phasing out commercial air tours through attrition, and therefore, the agencies will not consider applications from new entrant operators.

## **7.0 COMPETITIVE BIDDING**

When appropriate, the FAA and the NPS will conduct a competitive bidding process pursuant to the criteria set forth in 49 U.S.C. § 40128(a)(2)(B) and other criteria developed by the agencies. Competitive bidding may be appropriate to address: a request

by an existing operator for reallocation of operating authority or consideration by the agencies of Park-specific resources, impacts, or safety concerns; or for other reasons.

The agencies will request information necessary for them to undertake the competitive bidding process from operators. Operators who do not provide information in a timely manner may be disqualified from further consideration in the competitive bidding process.

Competitive bidding may necessitate an amendment to this ATMP, additional environmental review, and/or the issuance of new or revised OpSpecs. If updated OpSpecs are required, they will be issued within 90 days.

The competitive bidding process will not be implemented in any way that would conflict with the Park management objective of phasing out commercial air tours.

## **8.0 ADAPTIVE MANAGEMENT**

Adaptive management allows for minor modifications to this ATMP without a formal ATMP amendment if the impacts of such changes are within the impacts already analyzed by the agencies under the National Environmental Policy Act, the National Historic Preservation Act, and the Endangered Species Act. Adjustments to the number of commercial air tours allocated to individual operators as a result of the competitive bidding process and minor changes to the route, altitudes, or other operating parameters are examples of adaptive management measures that may not require a formal ATMP Amendment. Such modifications may be made if: 1) the NPS determines that they are necessary to avoid adverse impacts to Park resources, values, or visitor experiences; 2) the FAA determines the need for such changes due to safety concerns; or 3) the agencies determine that appropriate, minor changes to this ATMP are necessary to address new information (including information received through tribal input and/or consultation) or changed circumstances.

In the event that any operator ceases operations at the Park for any reason or transfers its interest in the business entity identified in Table 1 to any other entity or individual, reference to such operator will automatically be removed from this ATMP, and the total number of annual commercial air tours authorized by this ATMP will be reduced by the number of allocations held by such operator.

## **9.0 AMENDMENT**

This ATMP may be amended at any time: if the NPS, by notification to the FAA and the operators, determines that the ATMP is not adequately protecting Park resources and/or visitor enjoyment; if the FAA, by notification to the NPS and the operators, determines that the ATMP is adversely affecting aviation safety and/or the national aviation system; or, if the agencies determine that appropriate changes to this ATMP are necessary to address new information or changed circumstances that cannot be addressed through adaptive management. Amendments will be consistent with the Park's management

objective of phasing out commercial air tours through attrition and will not be used to increase the number of air tours.

The FAA and the NPS will jointly consider requests to amend this ATMP from interested parties. Requests must be made in writing and submitted to both the FAA and the NPS. Requests must also include justification that includes information regarding how the requested amendment: is consistent with the objectives of this ATMP with respect to protecting Park resources, tribal lands, or visitor use and enjoyment; and would not adversely affect aviation safety or the national aviation system. The FAA and the NPS will publish additional information for interested parties about the form and manner for submitting a request.

Notice of all amendments to this ATMP will be published in the Federal Register for notice and comment.

## **10.0 CONFORMANCE OF OPERATIONS SPECIFICATIONS**

New OpSpecs that incorporate the operating parameters set forth in this ATMP will be issued within 90 days of the date of signature on this ATMP.

## 11.0 EFFECTIVE DATE

This ATMP is effective on the date new OpSpecs incorporating its operating parameters are issued.

David M. Roemer Superintendent Glacier National Park National Park Service	Date	Grady Stone Regional Administrator Northwest Mountain Region Federal Aviation Administration	Date
Kate Hammond Acting Regional Director Interior Regions 6, 7, & 8 National Park Service	Date	Kevin Welsh Executive Director Office of Environment & Energy Federal Aviation Administration	Date
Raymond M. Sauvajot Associate Director Natural Resource Stewardship and Science Directorate National Park Service	Date		

## APPENDIX A

### 1.0 COMMERCIAL AIR TOUR ALLOCATIONS

Table 1 provides allocations of the annual operations along with authorized aircraft type by operator. Requests for additional allocations by an existing operator that would result in an overall increase of annual commercial air tours at the Park will not be considered. IOA previously issued for the Park and Blackfoot tribal lands terminates on the effective date of this ATMP. No operations will be authorized after 11:59 PM local time on December 31, 2029.

**Table 1.** Air Tour Operations and Aircraft Type by Operator

Air Tour Operator	Annual Operations	Daily Operations	Aircraft Type
Homestead Helicopters, Inc.	3	Up to three flights per day	BHT-407-407
Minuteman Aviation, Inc.	5	Up to three flights per day	BHT-206-B, BHT-206-B3, BHT-206-L3, BHT-206-L4, BHT-210-210, BHT-407-407, CE-182-P
Red Eagle Aviation, Inc.	136	Up to three flights per day	BELL-206-L3, CE-206-U206E, CE-206-U206G

### 2.0 DAY/TIME RESTRICTIONS

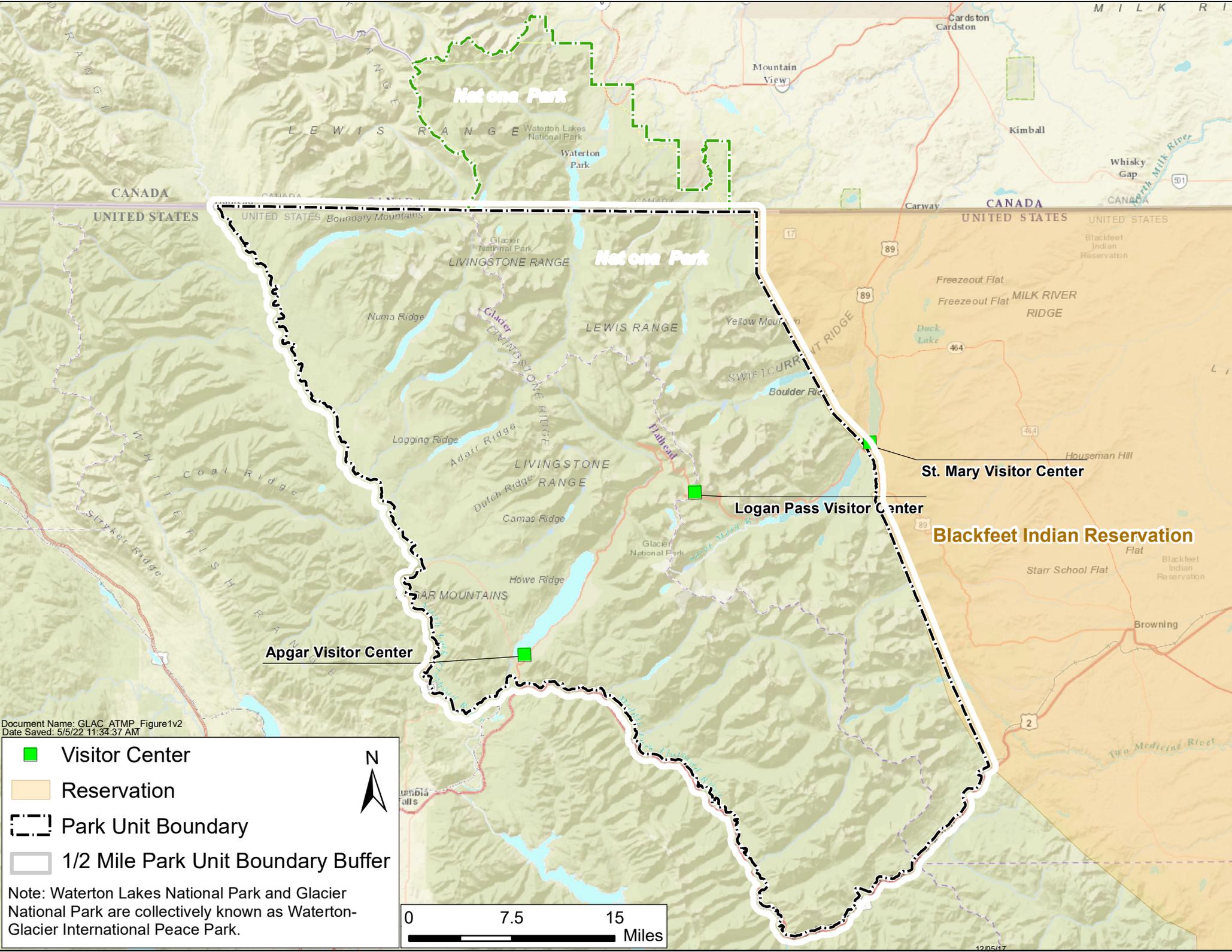
Table 2 lists the time-of-day and day-of-week operating parameters.

**Table 2.** Air Tour Time-of-Day and Day-of-Week Restrictions by Operator

Air Tour Operator	Time-of-Day	Day-of-Week
Homestead Helicopters, Inc.	One hour after sunrise until one hour before sunset	The NPS can establish temporary no-fly periods that applies to air tours for special events or planned Park management.
Minuteman Aviation, Inc.	One hour after sunrise until one hour before sunset	The NPS can establish temporary no-fly periods that applies to air tours for special events or planned Park management.
Red Eagle Aviation, Inc.	One hour after sunrise until one hour before sunset	The NPS can establish temporary no-fly periods that applies to air tours for special events or planned Park management.

## **APPENDIX B**

Enlarged Figures 1 and 2

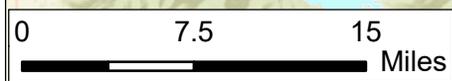


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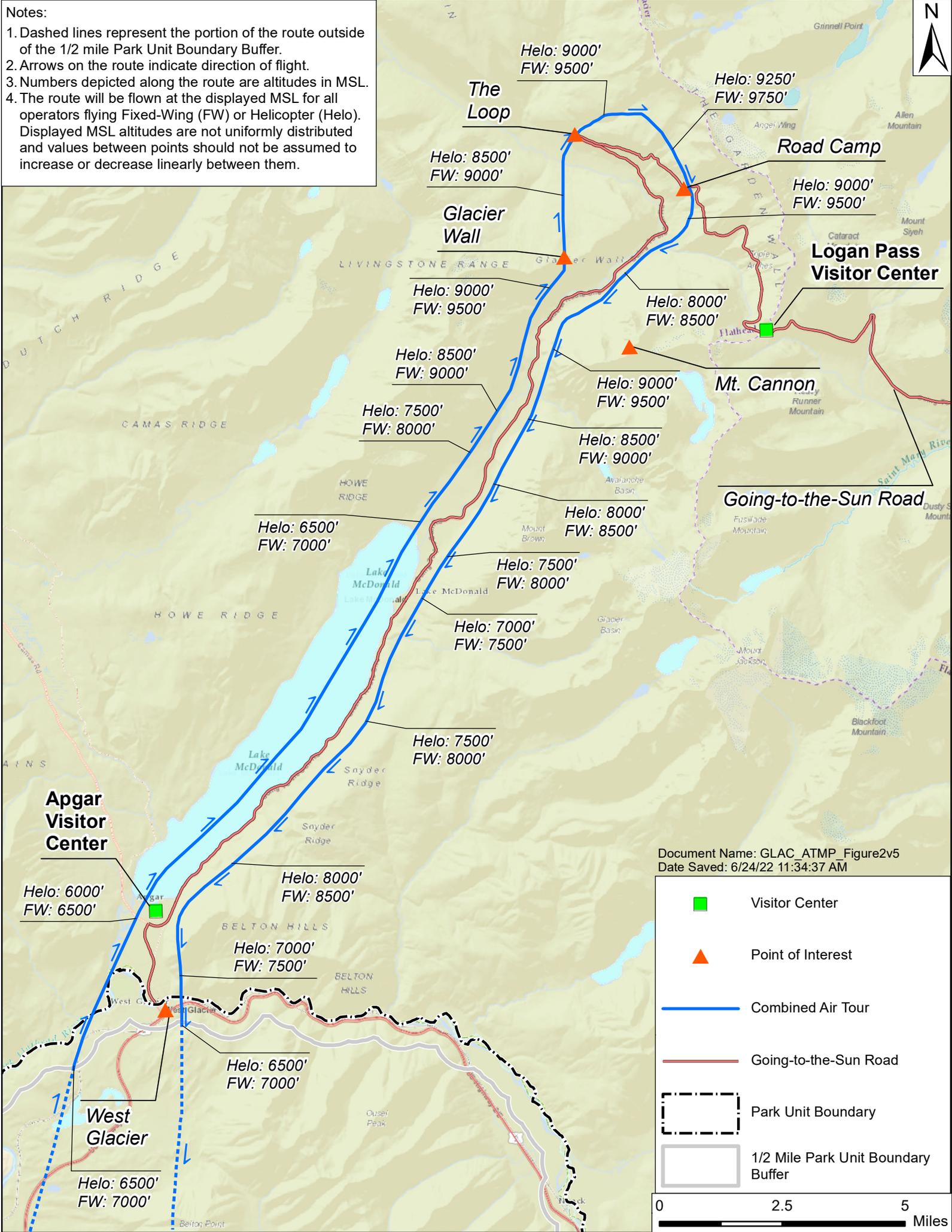
- Visitor Center
- Reservation
- Park Unit Boundary
- 1/2 Mile Park Unit Boundary Buffer



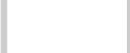
Note: Waterton Lakes National Park and Glacier National Park are collectively known as Waterton-Glacier International Peace Park.



- Notes:
1. Dashed lines represent the portion of the route outside of the 1/2 mile Park Unit Boundary Buffer.
  2. Arrows on the route indicate direction of flight.
  3. Numbers depicted along the route are altitudes in MSL.
  4. The route will be flown at the displayed MSL for all operators flying Fixed-Wing (FW) or Helicopter (Helo).
- Displayed MSL altitudes are not uniformly distributed and values between points should not be assumed to increase or decrease linearly between them.



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	Visitor Center
	Point of Interest
	Combined Air Tour
	Going-to-the-Sun Road
	Park Unit Boundary
	1/2 Mile Park Unit Boundary Buffer

0 2.5 5 Miles

# **APPENDIX B**

## **Environmental Screening Form**



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## ENVIRONMENTAL SCREENING FORM (ESF)

### PROJECT INFORMATION

**Project Title:** Glacier National Park Air Tour Management Plan

**PEPC Project Number:** 103520

**Project Type:** Categorical Exclusion

**Project Location:** Flathead County and Glacier County, Montana

### PROJECT DESCRIPTION

The proposed action is to implement an Air Tour Management Plan (ATMP) for Glacier National Park (the Park) which implements the decision made in the Record of Decision (ROD) for the Park's 1999 General Management Plan. The "Project Description" section of the Categorical Exclusion (CE) Form for the ATMP sets out the elements of the ATMP and is incorporated herein by reference.

### RESOURCE IMPACTS TO CONSIDER

#### *Definition of Effects or Impacts (40 C.F.R. § 1508.1(g))*

Effects or impacts means changes to the human environment from the proposed action or alternatives that are reasonably foreseeable and include direct effects, indirect effects, and cumulative effects. Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effects will be beneficial.

For the purposes of considering environmental impacts, the National Park Service (NPS) evaluated the change to the human environment resulting from implementation of the ATMP. Consistent with Council on Environmental Quality regulations, the baseline from which to measure environmental impacts of the ATMP is the existing condition of the human environment. In this case, the baseline is the existing condition of Park resources and values, as impacted by 253 commercial air tours per year (the three-year average of tours conducted on an annual basis from 2017-2019) along with other planned actions and trends. The baseline also includes the route and altitude information of commercial air tours provided by the operators, as well as the timing and daily commercial air tour information from commercial air tour reports provided by the operators from 2017-2019.

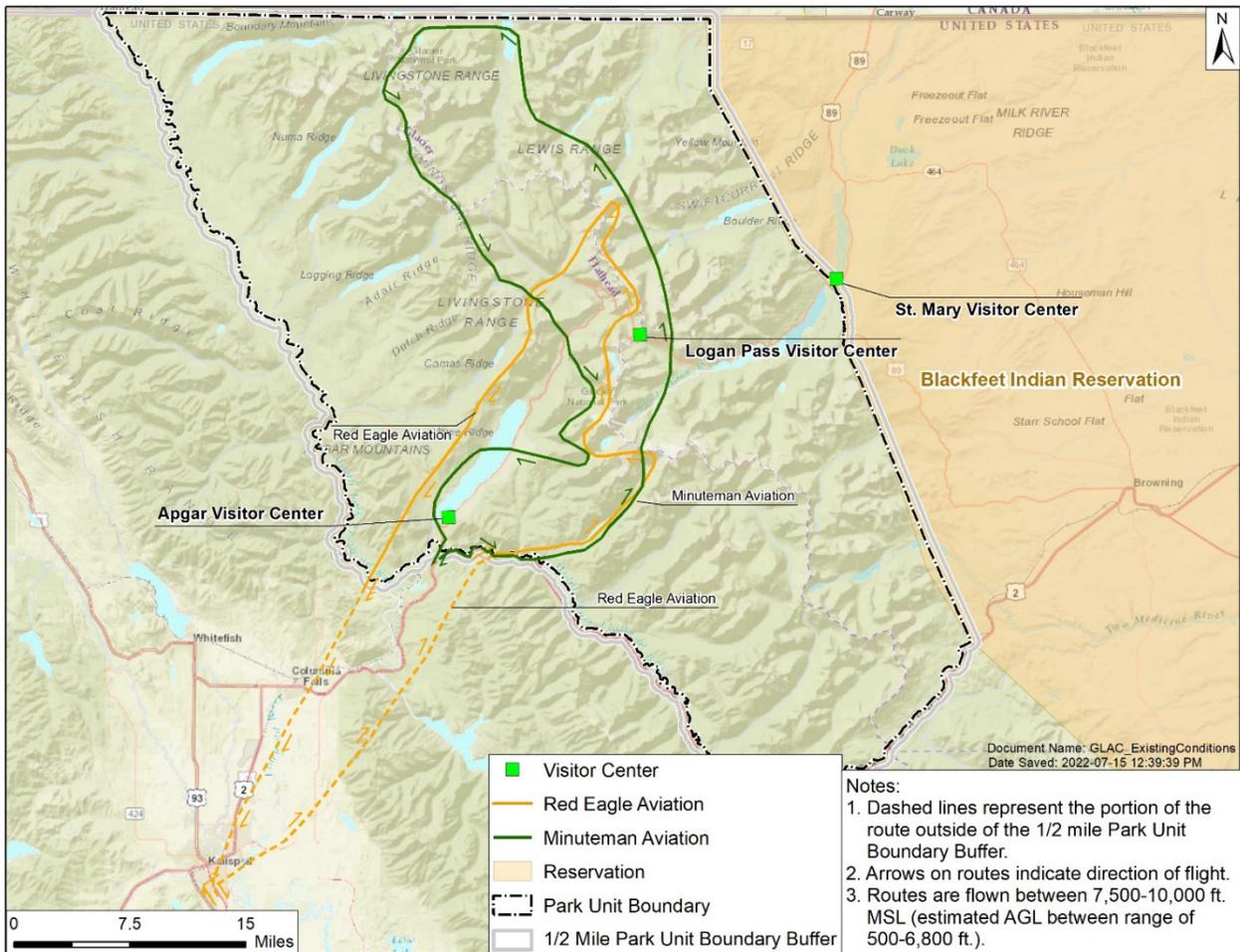
Three commercial air tour operators, Homestead Helicopters, Inc., Minuteman Aviation, Inc., and Red Eagle Aviation, Inc. (DBA Montana Air Adventures), currently hold Interim Operating Authority (IOA) to conduct a combined total of 891 commercial air tours over the Park each year. Homestead Helicopters, Inc., holds IOA for 15 flights per year, Minuteman Aviation, Inc., holds IOA for 717 flights per year, and Red Eagle Aviation, Inc. holds IOA for 159 flights per year over the Park. Two additional operators, Montana By Air LLC and Kruger, James W. (Kruger Helicopter Service) previously held IOA for the Park and conducted commercial air tours over

the Park in 2017-2019, however, these operators surrendered their operating certificates in 2021 and their IOA was extinguished. Montana by Air LLC held IOA for 12 flights per year and James W. Kruger held IOA for 750 flights per year. Thus, although the combined total IOA held by all five operators that conducted air tours over the Park from 2017-2019 was 1,653 air tours, the current IOA for the Park is 891 air tours.<sup>1</sup> Based on the three-year average of reporting data from 2017-2019, the operators (including those with surrendered operating certificates) conducted an average of 253 commercial air tours over the Park each year. Excluding those operators who surrendered their operating certificates, an average of 144 flights per year were reported over the Park from 2017-2019. This three-year average is the existing condition for the purpose of this analysis.

Homestead Helicopters, Inc. did not provide commercial air tour route information in response to a 2017 request from the Federal Aviation Administration (FAA) and the NPS. The operator conducts commercial air tours using a BHT-407-407 rotorcraft. Minuteman Aviation, Inc. conducts commercial air tours on one route over the Park using BHT-206-B, BHT-206-B3, BHT-206-L3, BHT-206-L4, BHT-210-210, BHT-407-407, and CE-182-P aircraft (fixed-wing and rotorcraft). Red Eagle Aviation, Inc. also conducts commercial air tours on one route over the Park using BELL-206-L3, CE-206-U206E, CE-206-U206G aircraft (fixed-wing and rotorcraft). The operators conduct commercial air tours between 7,500 and 10,000 feet (ft.) mean sea level (MSL), which corresponds to an estimated above ground level (AGL) range between 500 and 6,800 ft. Altitude expressed in AGL units is a measurement of the distance between the ground surface and the aircraft, whereas altitude expressed in MSL units is a measurement of the distance between sea level and the aircraft. Refer to Figure 1 below for a depiction of commercial air tour routes reported over the Park by Red Eagle Aviation and Minuteman Aviation from 2017-2019. The two operators who surrendered their operating certificates reported conducting air tours over the Park on three routes; however, since those operators no longer have authority to conduct commercial air tours over the Park, their routes are not depicted below.

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<sup>1</sup> Note that the ATMP will have no effect on the IOA for 762 air tours previously held by the two operators that surrendered their operating certificates, and thus their IOA, in 2021 because that IOA has already been extinguished.



**Figure 1.** Commercial air tour routes reported over the Park by Red Eagle Aviation and Minuteman Aviation from 2017-2019

### *Summary of the ATMP*

The ATMP authorizes the average number of flights flown from 2017-2019 by the three operators who currently conduct air tours over the Park (144 flights per year). As noted above, two operators who conducted air tours over the Park within that timeframe surrendered their operating certificates during the planning process. Consistent with the management direction in the Park’s General Management Plan to phase out commercial air tours, the flights of operators who conducted air tours from 2017-2019 but subsequently surrendered their operating certificates are not reflected in the annual limit set by the ATMP (144 flights per year).

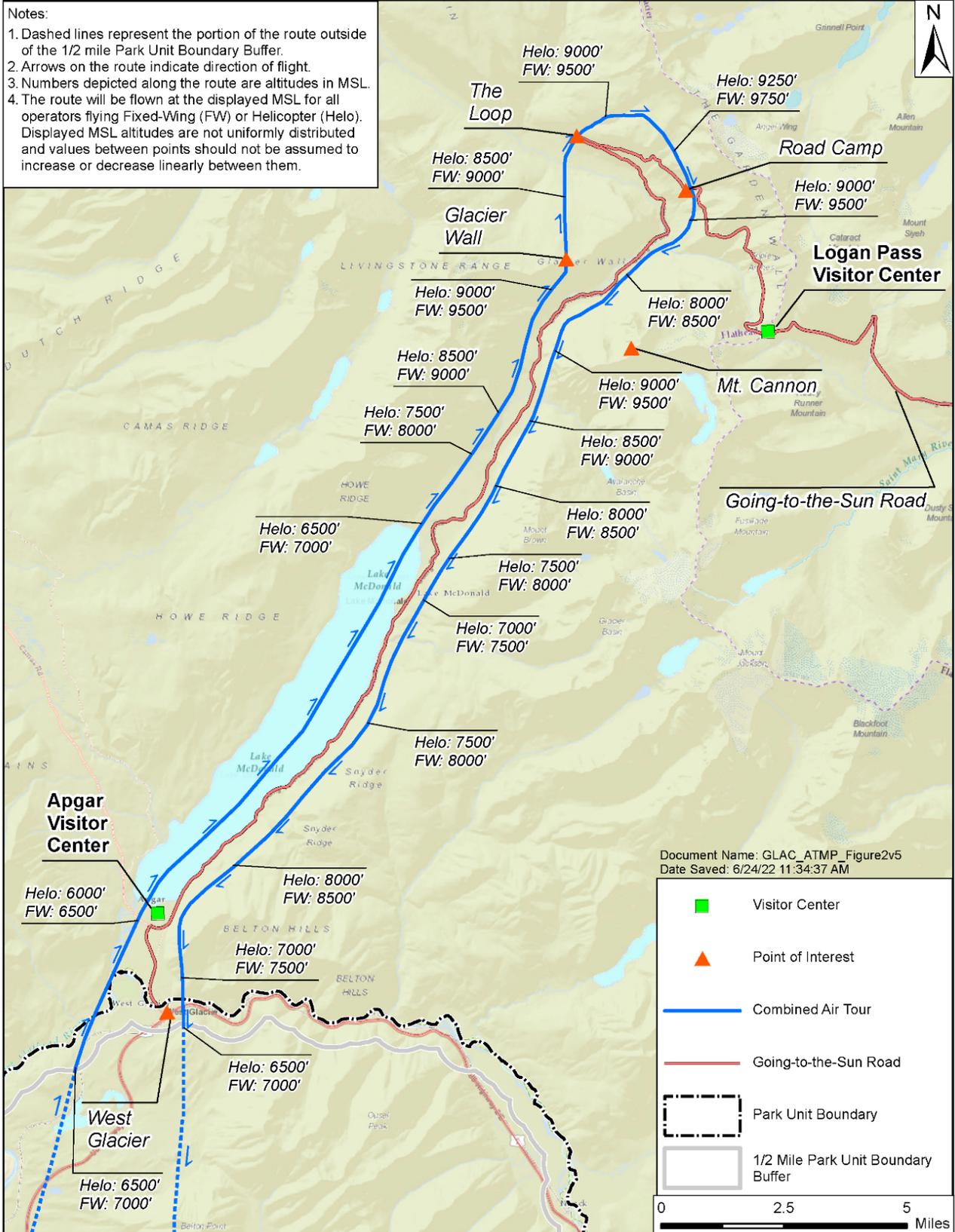
Further, under the ATMP, all commercial air tours over the Park will be phased out. The ATMP accomplishes this goal first through attrition, then through the inclusion of a sunset date of 11:59 PM local time on December 31, 2029 when all operating authority for the Park will be terminated. After commercial air tours are phased out (whether through attrition or on December 31, 2029) no commercial air tours will be authorized over the Park or within ½ mile of its boundary.

During the period in which commercial air tours are authorized, Homestead Helicopters, Inc., is authorized to conduct up to three tours per year, Minuteman, Inc., is authorized to conduct up to five tours per year, and Red Eagle Aviation, Inc., is authorized to conduct up to 136 tours per year, for a combined total of up to 144 tours per year over the Park. The ATMP restricts the number of commercial air tours that an operator may conduct to no more than three commercial air tours per day and no more than one commercial air tour may be conducted over the Park at a time. Until commercial air tours are permanently phased out, the ATMP requires that the number of

commercial air tours per year will be automatically adjusted downward if an operator allocated commercial air tours under the ATMP ceases operations by reducing the total number of authorized commercial air tours by the number allocated to the operator. The ATMP prohibits transferability of operating authority or allocations between operators. The route authorized by the ATMP is modified from an existing route for the protection of the Park's natural and cultural resources and visitor experience, as well as for aviation safety reasons (Figure 2). The ATMP increases the minimum altitude at which the operators may conduct commercial air tours, from minimum 500 ft. AGL under existing operations to MSL altitudes which ensure that commercial air tours conducted using helicopter aircraft will fly no lower than 2,600 ft. AGL, and commercial air tours conducted using fixed-wing aircraft will fly no lower than 3,100 ft. AGL. The ATMP prohibits aircraft from hovering and/or circling while conducting commercial air tours over the Park. The ATMP requires operators to avoid denning sites, feeding areas, or other known areas of congregation for Canada lynx and grizzly bear by lateral movements away from Going-to-the-Sun Road. The ATMP restricts the hours during which commercial air tours may be conducted over the Park, beginning one hour after sunrise until one hour before sunset, except as provided for by quiet technology incentives. The ATMP allows the Park to establish no-fly periods for special events or planned Park management.

**Notes:**

1. Dashed lines represent the portion of the route outside of the 1/2 mile Park Unit Boundary Buffer.
2. Arrows on the route indicate direction of flight.
3. Numbers depicted along the route are altitudes in MSL.
4. The route will be flown at the displayed MSL for all operators flying Fixed-Wing (FW) or Helicopter (Helo). Displayed MSL altitudes are not uniformly distributed and values between points should not be assumed to increase or decrease linearly between them.



**Figure 2.** Commercial air tour route over the Park

## Evaluation of the ATMP

**Table 1.** Potential Issues and Impacts to Resources

Resource	Potential Issues & Impacts
<p><b>Air</b> Air Quality</p>	<p>The findings from the screening analysis demonstrate that implementing the ATMP will not meaningfully impact local air quality and will not have regional impacts. Once commercial air tour operations are phased out, there would be minimal beneficial effects. See <i>Air Quality Technical Analysis</i> below.</p>
<p><b>Biological</b> Species of Special Concern or Their Habitat</p>	<p><u>Federally Listed Threatened and Endangered Species</u></p> <p>The Park has a number of Federally designated threatened and endangered species, including listed mammals, birds, fish, insects, and plants. Commercial air tours will have no effect on these species or their habitat due to the proposed commercial air tour route, altitude requirements, time of day restrictions, type of aircraft, and limit on the maximum number of flights per year that will be permitted under the ATMP.</p> <p>The agencies specifically analyzed potential impacts to grizzly bear (<i>Ursus arctos</i>), North American wolverine (<i>Gulo gulo luscus</i>), and Canada lynx (<i>Lynx canadensis</i>). The Section 7 analysis conducted by the agencies considered the potential effects of the ATMP on listed species and/or designated critical habitat without the consequences to those listed species by the existing commercial air tours, in accordance with 50 CFR § 402.02.</p> <p>A prior biological assessment of administrative flights (NPS, 2018) occurring between May 1-October 1 concluded that implementation of the proposed federal action would have no effect on the bull trout (<i>Salvelinus confluentus</i>), Spalding’s catchfly (<i>Silene spaldingii</i>), water howellia, meltwater lednian stonefly (<i>Lednia tumana</i>), western glacier stonefly (<i>Zapada glacier</i>), or whitebark pine (<i>Pinus albicaulis</i>), is not likely to jeopardize wolverines, and may affect but is not likely to adversely affect the Canada lynx or grizzly bear. This biological assessment is based upon an upper limit of 50 administrative flights per year. Similarly, the agencies determined that the ATMP would have <i>No Effect</i> on bull trout, Spalding’s catchfly, water howellia, meltwater lednian stonefly, western glacier stonefly, or whitebark pine consistent with this opinion.</p> <p>A close evaluation of the route and approved altitudes for commercial air tours under the ATMP demonstrated that unlike administrative flights, commercial air tours would have <i>No Effect</i> on wolverines, Canada lynx and grizzly bear. There is little guidance specific to commercial air tour type aircraft operation pattern’s impacts on grizzly bears. For grizzly bears, current interagency federal guidance focuses on administrative type flights with missions of a temporary nature, rather than operations that result in more seasonally chronic noise such as commercial air tours (U.S. Forest Service and U.S. Fish and Wildlife Service, 2019). This guidance does outline special considerations are needed for grizzly bear “core” habitat, defined as areas away from roads and trails. This core habitat is present in much of the Park’s backcountry areas. Special considerations were also given to areas of habitat that provide denning sites and food congregation sites, especially those site that do not provide cover (e.g., high elevation moth foraging sites). Therefore, by requiring flights to stay in nearer proximity to the Going-to-the-Sun Road than existing commercial air tour operations, the impacts to grizzly bear “core habitat” are reduced by the ATMP. In addition, the ATMP requires operators to avoid denning sites, feeding areas, or other known areas of congregation for grizzly bear and Canada lynx. These mitigations applied to the ATMP will mitigate the potential for adverse effects to the extent that the agencies have determined there will be no effect on the</p>

species. The ATMP will not jeopardize the wolverine or its habitat because commercial air tours will occur primarily over forested habitats that, while not preferred wolverine habitat, offer some visual and auditory protection. Commercial air tours will not increase wolverine mortality or have impacts that would measurably impact wolverines at the population level. Therefore, after informal discussions with the U.S. Fish and Wildlife Service, the NPS has determined that the ATMP will have *No Effect* on listed species or their critical habitat. See Appendix E in the Record of Decision, which includes the agencies' analysis.

The ATMP is expected to have beneficial impacts on listed species when compared to existing conditions (253 commercial air tours per year) because the ATMP authorizes 144 commercial air tours per year, which is less than the three-year average of reported commercial air tours from 2017-2019 because it excludes tours conducted by operators who surrendered their operating certificates in 2021. The route authorized by the ATMP is modified from existing routes for the protection of the Park's natural resources including biological resources, and the ATMP requires commercial air tour operators to fly at increased minimum altitudes compared to existing operations. Furthermore, the ATMP includes protective wildlife avoidance measures for listed species noted above. Finally, once commercial air tours are phased out, either through attrition or after the sunset date (11:59 PM local time on December 31, 2029), no air tours will be permitted over or within ½ mile of the Park. Therefore, the ATMP is expected to result in beneficial impacts to listed species when compared to the existing condition.

#### Special Status Species and Migratory Birds

Bald eagles, golden eagles, and peregrine falcons are protected raptor species that are present at the Park.<sup>2</sup> These species are especially sensitive to low flying aircraft and their associated noise. Nesting eagles that are repeatedly disturbed by noise will abandon their nests. Additionally, raptors may collide with aircraft because of the altitude at which raptors fly. Scientific and national level guidance recommends aircraft standoff of 1,000 ft. for bald eagles (U.S. Fish and Wildlife Service, 2007) and golden eagles to reduce noise impacts (Richardson and Miller, 1997). The ATMP authorizes 144 commercial air tours per year, which is less than the three-year average of reported commercial air tours from 2017-2019 (253 tours) because it excludes tours conducted by operators who surrendered their operating certificates in 2021. The route authorized by the ATMP is modified from existing routes for the protection of the Park's natural resources including biological resources, and the ATMP requires commercial air tour operators to fly at increased minimum altitudes compared to existing operations. Therefore, during the period in which commercial air tours are authorized, there would be minimal adverse effects, and potentially beneficial effects, compared to existing conditions. Additionally, as these raptors may be impacted by flights below 1,000 ft. during nesting season and near communal roost sites based on the National Bald Eagle Management Guidelines, there will be beneficial impacts from raising the minimum altitude to MSLs which ensure that commercial air tours conducted using helicopter aircraft fly no lower than 2,600 ft. AGL and fixed-wing aircraft fly no lower than 3,100 ft. AGL under the ATMP. Finally, once commercial air tours are phased out, either through attrition or after the sunset date (11:59 PM local time on December 31, 2029), no

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<sup>2</sup> Bald eagles and golden eagles are protected under the Bald and Golden Eagle Protection Act and the peregrine falcon is protected under the Migratory Bird Treaty Act and is a state-listed Species of Concern in the State of Montana.

	<p>commercial air tours will be permitted over or within ½ mile of the Park. Therefore, once operations are phased out, the ATMP will have beneficial impacts on these species when compared to existing conditions.</p> <p>A number of other migratory birds<sup>3</sup> and other avian species use the Park. Information related to migratory birds are summarized more generally below under wildlife. Migratory birds will be exposed to noise at a similar or decreased level compared to existing conditions (253 commercial air tours per year) because the ATMP authorizes 144 commercial air tours per year, which is less than the three-year average of reported commercial air tours from 2017-2019 because it excludes tours conducted by operators who surrendered their operating certificates in 2021. Therefore, during the period in which commercial air tours are authorized, there would be no or minimal adverse effects, and potentially beneficial effects, compared to existing conditions. Finally, once commercial air tours are phased out, either through attrition or after the sunset date (11:59 PM local time on December 31, 2029), no commercial air tours will be permitted over or within ½ mile of the Park. Therefore, the ATMP will have beneficial effects for these species.</p>
<p><b>Biological</b> Wildlife and/or Wildlife Habitat including terrestrial and aquatic species</p>	<p>The Park and its surroundings are home to a wide variety of wildlife. In total, the Park is home to nearly 71 species of mammals, 276 species of birds, a mix of native and invasive fish species, six species of amphibians, three species of reptiles, and numerous insects. Several noise-sensitive species are present within the Park, including bighorn sheep, mountain goats, wolverine, black bears, wolves, and loons.</p> <p>Noise from commercial air tours may impact wildlife in a number of ways, migratory birds in particular: altered vocal behavior, breeding relocation, changes in vigilance and foraging behavior, and impacts on individual fitness and the structure of ecological communities to name a few (Shannon et al., 2016; Kunc et al., 2016; Kunc &amp; Schmidt, 2019). Understanding the relationships between commercial air tour noise attributes (e.g., timing, intensity, duration, and location) and ecosystem responses is essential for understanding impacts to these species and developing management actions to address them (Gutzwiller et al., 2017).</p> <p>The ATMP authorizes 144 commercial air tours per year, which is less than the three-year average of tours conducted from 2017-2019 (253 commercial air tours) because it excludes tours conducted by the two operators who surrendered their operating certificates in 2021. Thus, it is anticipated that during the period in which commercial air tours are authorized, there will be an improvement compared to existing operating conditions and the resultant disturbances to wildlife. Furthermore, the route authorized by the ATMP is modified from existing routes for the protection of the Park’s natural resources including biological resources. Therefore, on days when commercial air tours will occur over the Park, disturbance to wildlife associated with the noise from a commercial air tour will have minimal effects compared to existing conditions and will be limited to a few minutes per day in a few limited areas of the Park.</p> <p>The ATMP also requires commercial air tour operators to fly at increased altitudes (the MSLs ensure that commercial air tours conducted using helicopter aircraft fly no lower than 2,600 ft. AGL and fixed-wing aircraft fly no lower than 3,100 ft. AGL under the ATMP) as compared to existing conditions, which will reduce impacts to wildlife by</p>

<sup>3</sup> Migratory bird species are protected under the Migratory Bird Treaty Act.

	<p>reducing the maximum sound levels compared to existing conditions. It should be noted that when the altitude of an aircraft is increased, the total area exposed to the noise from that aircraft may also increase depending on the surrounding terrain. Although the area exposed to noise might increase, this would not meaningfully impact wildlife because of the attenuation of the noise from higher altitude and transient nature of the impacts. Many species of wildlife move, making daily maximum exposure less likely.</p> <p>Sunrise and sunset are important times of the day for wildlife. Biologically important behaviors for many species occur during these times, such as the dawn chorus for songbirds, foraging, and communication. The day/time restrictions and quiet technology incentives included in the ATMP provide protection to wildlife that are active during sunrise and sunset, which represents an improvement to existing conditions. In the event that operators request and are authorized to use the quiet technology incentive, those tours would result in the possibility of noise during the sunrise/sunset time periods. The impacts from these flights would be less than the noise modeled in the <i>Noise Technical Analysis</i> but could be more than when there are no flights during this time of day.</p> <p>In conclusion, while wildlife will continue to be exposed to noise, effects are expected to be minimal and insignificant compared to existing conditions, and will not be widespread throughout the Park. Any disturbances will likely be temporary in nature and infrequent on both a daily and annual basis. Noise from commercial air tours will be experienced by only those wildlife under or near the designated route, leaving most wildlife in the Park unaffected. The level of noise exposure is expected to decrease compared to existing conditions (253 commercial air tours per year) because the ATMP authorizes 144 commercial air tours per year, which is less than the three-year average of reported commercial air tours from 2017-2019 because it excludes tours conducted by operators who surrendered their operating certificates in 2021. Finally, once commercial air tours are phased out, either through attrition or after the sunset date (11:59 PM local time on December 31, 2029), no commercial air tours will be permitted over or within ½ mile of the Park. Therefore, impacts to wildlife are not significant, and once phased out will be beneficial for these species when compared to existing conditions. See also the discussion above for special status species.</p>
<p><b>Cultural</b> Cultural Landscapes</p>	<p>The NPS defines a Cultural Landscape as: a geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. There are four general kinds of Cultural Landscapes, not mutually exclusive: historic sites, historic designed landscapes, historic vernacular landscapes, and ethnographic landscapes (National Park Service, 2002).</p> <p>An impact to a Cultural Landscape will occur if the project alters any of the characteristics that help make the Cultural Landscape eligible for listing the National Register of Historic Places (NRHP). This includes any diminishment of the Cultural Landscape’s integrity of location, design, setting, materials, workmanship, feeling, or association. The potential impacts to cultural landscapes from the ATMP are limited to the continuation of visual and audible elements that diminish the integrity of the landscape setting and/or feeling.</p> <p>Cultural landscape inventories have been completed for Going-to-the-Sun Road Historic District, Lake McDonald Lodge Historic District, Many Glacier Hotel Area, and Glacier National Park Headquarters Historic District. The periods of historic significance for each of these landscapes extends into the mid-twentieth century. Each landscape</p>

	<p>includes buildings and infrastructure to support Park management and visitation including accommodations for vehicle traffic.</p> <p>The number of authorized flights under the ATMP is the same as the average number of flights from 2017-2019 by current operators (144 tours) and excludes tours conducted during that period by the two operators who surrendered their operating certificates in 2021. The ATMP thus authorizes fewer tours than the three-year average of existing operations from 2017-2019 (253 tours). The route authorized by the ATMP is modified from existing routes and more closely follows a segment of Going-to-the-Sun Road, a National Historic Landmark. Based on the <i>Noise Technical Analysis</i>, on days when commercial air tours occur, the noise associated with commercial air tours may be audible (exceed 35 dBA) for less than 35 minutes a day (see Figure 3). Because two operators surrendered their operating certificates in 2021, the ATMP authorizes fewer flights than the average number of flights from 2017-2019. Finally, once commercial air tours are phased out, either through attrition or after the sunset date (11:59 PM local time on December 31, 2029), no commercial air tours will be permitted over or within ½ mile of the Park. Therefore, impacts to cultural landscapes will be less than existing conditions, and will be eliminated once operations are phased out.</p> <p>The FAA, in coordination with the NPS, consulted with the Montana State Historic Preservation Office, federally recognized tribes, operators, and other consulting parties on the potential impacts of the ATMP on Historic Properties, including Cultural Landscapes, as part of Section 106 consultation. That consultation process led to a finding that the ATMP will have no adverse effect on historic properties. The FAA proposed this finding to all consulting parties via letter dated July 7, 2022. On August 4, 2022, the FAA provided additional information to all consulting parties regarding historic properties per SHPO’s request. The SHPO concurred with the finding of no adverse effect on August 23, 2022. The Blackfeet Tribe of the Blackfeet Indian Reservation of Montana also concurred with the finding. Red Eagle Aviation originally responded in a July 27, 2022 letter, stating they objected to the FAA’s finding, but explained in the same letter that they “disagree that [their] Fixed Wing flights and routes would have an adverse effect on historical sites or Structures.” The FAA sent an email dated August 4, 2022, clarifying the agency’s finding and explaining that the agency understands Red Eagle Aviation’s position to actually be in agreement with the FAA. Therefore, as noted in the August 4, 2022 email, the FAA is treating Red Eagle Aviation’s response as a concurrence with the Section 106 finding.</p>
<p><b>Cultural</b> Ethnographic Resources</p>	<p>The NPS defines Ethnographic Resources as: a site, structure, object, landscape, or natural resource feature assigned traditional legendary, religious, subsistence, or other significance in the cultural system of a group traditionally associated with it (National Park Service, 2002). Ethnographic resources include Traditional Cultural Properties (TCPs) (National Park Service, 1992).</p> <p>An impact to an Ethnographic Resource will occur if the project affected those elements of the resources that make it significant to the group traditionally associated with the resource, or if the project interferes with the use of the resource by the associated groups.</p> <p>The following tribes attach religious or cultural significance to areas within and adjacent to the Park:</p> <ul style="list-style-type: none"> <li>• Apache Tribe of Oklahoma</li> </ul>

	<ul style="list-style-type: none"> <li>• Blackfeet Tribe of the Blackfeet Indian Reservation of Montana</li> <li>• Chippewa-Cree Indians of the Rocky Boy's Reservation of Montana</li> <li>• Confederated Salish and Kootenai Tribes of the Flathead Reservation</li> <li>• Crow Tribe of Montana</li> <li>• Fort Belknap Indian Community of the Fort Belknap Reservation</li> </ul> <p>The FAA has been informed by a Section 106 consulting party that TCPs are present within the Park. The ATMP includes provisions that allow for the establishment of no-fly periods. These no-fly periods may be established to avoid conflicts or impacts to tribal ceremonies or similar activities, therefore no impacts on ethnographic resources are anticipated during the period in which commercial air tours are authorized when compared to existing conditions. Sacred ceremonies or other tribal activities which occur without notice to the NPS may be interrupted by noise, however, commercial air tours have no effect on tribal access. After commercial air tours are permanently phased out, the potential for such impacts will be eliminated.</p> <p>The FAA, in coordination with the NPS, consulted with the tribes listed above on the potential impacts of the ATMP on Ethnographic Resources, through compliance with Section 106 of the National Historic Preservation Act. That consultation led to a finding that the ATMP will have no adverse effect on historic properties, which includes Ethnographic Resources. The FAA proposed this finding to all consulting parties via letter dated July 7, 2022. On August 4, 2022, the FAA provided additional information to all consulting parties regarding historic properties per SHPO's request. The SHPO concurred with the finding of no adverse effect on August 23, 2022. The Blackfeet Tribe of the Blackfeet Indian Reservation of Montana also concurred with the finding. Red Eagle Aviation originally responded in a July 27, 2022 letter, stating they objected to the FAA's finding, but explained in the same letter that they "disagree that [their] Fixed Wing flights and routes would have an adverse effect on historical sites or Structures." The FAA sent an email dated August 4, 2022, clarifying the agency's finding and explaining that the agency understands Red Eagle Aviation's position to actually be in agreement with the FAA. Therefore, as noted in the August 4, 2022 email, the FAA is treating Red Eagle Aviation's response as a concurrence with the Section 106 finding.</p>
<p><b>Cultural</b> Prehistoric/historic structures</p>	<p>Cultural resources within the Park include archaeological sites and historic structures. As noted above, impacts to these resources will occur if the ATMP alters the characteristics of an archaeological site or historic structure that make it eligible for NRHP listing. Commercial air tours, by their nature, have the potential to impact resources for which only feeling and setting are the contributing elements. Feeling and setting have been identified as contributing elements for 90 cultural resources at the Park. For purposes of Section 106 consultation, the FAA (in coordination with the NPS) are treating 152 additional properties in the area of potential effects (APE) as eligible for the National Register of Historic Places (NRHP) (see Section 106 documentation for a complete list).</p> <p>In the period during which commercial air tours are authorized by the ATMP, they will result in the continuation of visual and audible elements that are inconsistent with the feeling and setting for these resources. These intrusions will remain infrequent and limited to a maximum of 144 instances per year and of limited duration. Based on the <i>Noise Technical Analysis</i>, on days when commercial air tours occur, the noise associated with commercial air tours may be audible (exceed 35 dBA) for less than 35 minutes a day (see Figure 3). Daily flight limits in the ATMP will limit the number of audible</p>

	<p>intrusions per day. These impacts will decrease compared to existing conditions because the number of authorized flights under the ATMP (144 tours) is less than the three-year average of existing operations by all five operators who conducted commercial air tours from 2017-2019 (253 tours). It also authorizes a single route which has been modified from existing routes and more closely follows Going-to-the-Sun Road, a National Historic Landmark. Therefore, there will be no or only minimal impacts, and potentially beneficial impacts, to cultural landscapes during the period in which commercial air tours are authorized when compared to existing conditions. Finally, once commercial air tours are phased out, either through attrition or after the sunset date (11:59 PM local time on December 31, 2029), no commercial air tours will be permitted over or within ½ mile of the Park. After commercial air tours are permanently phased out, impacts will be beneficial.</p> <p>The FAA, in coordination with the NPS, consulted with the Montana State Historic Preservation Office, federally recognized tribes, operators, and other consulting parties on the potential impacts of the ATMP on Historic Properties, including Cultural; prehistoric/historic structures as part of Section 106 consultation. That consultation process led to a finding that the ATMP will have no adverse effect on historic properties. The FAA proposed this finding to all consulting parties via letter dated July 7, 2022. On August 4, 2022, the FAA provided additional information to all consulting parties regarding historic properties per SHPO’s request. The SHPO concurred with the finding of no adverse effect on August 23, 2022. The Blackfeet Tribe of the Blackfeet Indian Reservation of Montana also concurred with the finding. Red Eagle Aviation originally responded in a July 27, 2022 letter, stating they objected to the FAA’s finding, but explained in the same letter that they “disagree that [their] Fixed Wing flights and routes would have an adverse effect on historical sites or Structures.” The FAA sent an email dated August 4, 2022, clarifying the agency’s finding and explaining that the agency understands Red Eagle Aviation’s position to actually be in agreement with the FAA. Therefore, as noted in the August 4, 2022 email, the FAA is treating Red Eagle Aviation’s response as a concurrence with the Section 106 finding.</p>
<p><b>Cultural Tribal Lands</b></p>	<p>The National Parks Air Tour Management Act (NPATMA) requires that ATMPs address commercial air tours over tribal lands that are within the Park or outside the Park and within ½-mile of its boundary. The Blackfeet Indian Reservation of Montana is adjacent to the Park’s eastern boundary. Tribes attach religious or cultural significance to areas within and adjacent to the Park. None of the reported tours or route information provided by the operators indicate existing commercial air tour routes fly over Blackfeet Tribal lands and the commercial air tour route authorized by the ATMP does not fly over Blackfeet Tribal lands. While sound does travel over distances, given the location of the commercial air tour route authorized under the ATMP coupled with the altitude at which the aircraft will be flying, and the various factors that influence how far a sound travels before being absorbed into the atmosphere, NPS has determined that no impacts to Blackfeet Tribal lands will result from the commercial air tours authorized under the ATMP. Figure 1 in the CE form depicts the location of the Blackfeet Tribal lands in relation to the Park.</p>
<p><b>Lightscares Lightscares</b></p>	<p>Under the ATMP, unless they qualify for the quiet technology incentive, commercial air tours are not permitted within one hour before sunset and one hour after sunrise. Any lights from commercial air tour aircraft are not likely to be noticeable and any impacts will decrease compared to existing conditions because the number of authorized flights under the ATMP (144 tours) is less than the existing condition (253 tours) because it excludes the average number of operations conducted from 2017-2019 by the two operators who surrendered their operating certificates in 2021. As a result, there would</p>

	<p>be no or only minimal, and potentially beneficial, impacts during the period in which commercial air tours are authorized when compared to existing conditions. Further, commercial air tours will be permanently phased out on or before December 31, 2029. Therefore, impacts to lightscapes will not be significant and, after commercial air tours are phased out, will be beneficial.</p>
<p><b>Other</b> Human Health and Safety</p>	<p>Commercial air tours are subject to the FAA regulations for protecting individuals and property on the ground, and preventing collisions between aircraft, land or water vehicles, and airborne objects. The operators must continue to meet the FAA safety regulations.</p>
<p><b>Socioeconomic</b> Minority and low-income populations, size, migration patterns, etc.</p>	<p>U.S. Census data (United States Census Bureau, 2021) for census blocks surrounding the Park was reviewed to determine the presence of minority or low-income populations immediately outside and within ½-mile of the Park boundary. Based on this review, minority and low-income populations were identified in Glacier County. However, commercial air tours will not have a disproportionate impact on low-income or minority populations, since the noise associated with commercial air tours will occur in areas directly beneath and adjacent to the routes within the Park and will not be concentrated over low-income or minority populations. Additionally, in the period during which commercial air tours are authorized, flights will remain infrequent, with no more than 144 instances per year, and of limited duration. Based on the <i>Noise Technical Analysis</i>, noise levels above 52 dBA (which is associated with speech interference) will occur for less than five minutes in areas beneath and adjacent to the route (see Figure 4). Further, beginning in 2030, no air tours will be permitted over or within ½ mile of the Park. Therefore, the ATMP will not have a disproportionate impact on low-income or minority populations.</p>
<p><b>Socioeconomic</b> Socioeconomic</p>	<p>Commercial air tours generate income for operators and potentially generate income for other ancillary visitor industry businesses, which could result in a benefit to the local economy. Visitors from outside the immediate area contribute to this income. There were two other operators conducting commercial air tours between 2017-2019, but those operators surrendered their operating certificates and no longer have the authority to conduct commercial air tours. The number of commercial air tours authorized under the ATMP (144 tours) is the three-year average of commercial air tours conducted from 2017-2019 by current operators and excluding the average number of tours conducted during that period by the two operators who surrendered their operating certificates. Because the ATMP authorizes average number of tours conducted from 2017-2019 by the three operators that have remained in business, the NPS does not expect the ATMP to impact visitor spending on commercial air tours or economic activity in the local communities in the period during which commercial air tours are authorized. The competitive bidding process may redistribute the number of flights and income between individual operators during this period but is not anticipated to affect the overall average number of flights or local business activity generated by these flights.</p> <p>The agencies acknowledge that the elimination of air tours starting in 2030 could limit the potential future economic growth for commercial air tour operators that fly in the area near the Park. The agencies acknowledge that commercial air tour numbers change year to year and in some years, operators may have flown more or less tours than the average. The operators previously experienced variation in income from commercial air tours over the Park between years. This would continue to be the case under the ATMP until 2030.</p> <p>The ATMP does not limit air tour opportunities more than ½ mile outside the Park boundary where there are ample opportunities for air tours, nor does the ATMP limit</p>

	<p>other revenue stream opportunities such as charter flights or flight training (see other scenic flight opportunities and other services provided by the operator outside the ATMP boundary here: <a href="https://redeagleaviation.com/">https://redeagleaviation.com/</a>). The operators will only be limited from generating income from commercial air tour routes over the Park or outside the Park but within ½ mile of its boundary, not those outside this area. Further, operators that remain in business on December 31, 2029, after which all commercial air tours over the Park will be prohibited, will have nearly 7 years to adjust business practices and plans before their operating authority is terminated. Therefore, significant socioeconomic impacts are not anticipated to occur as a result of the ATMP.</p>
<p><b>Soundscapes</b> Acoustic Environment</p>	<p>Baseline acoustic conditions in the Park were measured in 2004 (Lee et al., 2016). At the locations nearest the commercial air tour route, the existing ambient daytime was reported to be 21-34 decibels, while the natural ambient daytime was reported to be 19-34 decibels. The existing ambient includes all sound associated with a given environment, i.e., natural, human, and mechanical sounds, such as automobiles and aircraft. Aircraft sound measured at a sampling location may include general aviation, commercial jets, military, and commercial air tours, but the purpose of the report was not to specifically measure aircraft or air tour noise data, rather the purpose was to collect ambient data that may represent large portions of the park. The natural ambient is the sound conditions found in a study area, including all sounds of nature (i.e., wind, water, wildlife, etc.) and excluding all human and mechanical sounds. Both the existing and natural ambient conditions were considered in the resource impacts analysis.</p> <p>Depending on a receiver’s location on the ground in relation to an aircraft flying overheard, aircraft sound can range from faint and infrequent to loud and intrusive. Impacts of aircraft noise range from masking quieter sounds of nature such as bird vocalizations to noise loud enough to interrupt conversational speech between visitors. To capture how noise may affect quieter natural sounds or conversations, the resource impacts analysis below examines the time above 35 decibels (for quieter natural sounds and impacts to natural resources) and time above 52 decibels for conversational speech disturbance and impacts to visitor experience.</p> <p>Overall, noise impacts associated with commercial air tours over the Park are expected to be minimal or result in an improvement compared to existing conditions (253 tours). The ATMP authorizes 144 commercial air tours per year, which is less than the three-year average of reported commercial air tours from 2017-2019 (253 tours) because it excludes tours conducted by operators who surrendered their operating certificates in 2021. Furthermore, all commercial air tours will maintain increased altitudes as compared to existing operations (the minimum MSLs in the ATMP ensure that commercial air tours conducted using helicopter aircraft fly no lower than 2,600 ft. AGL and fixed-wing aircraft fly no lower than 3,100 ft. AGL). The increase of at least 2,100 ft. (from minimum 500 ft. AGL under existing conditions) will reduce the maximum noise levels at sites directly below the commercial air tour route. It should be noted that when the altitude of an aircraft is increased, the total area exposed to the noise from that aircraft may also increase depending on the surrounding terrain. Although the area exposed to noise might increase, this would not meaningfully affect the acoustic environment because of the attenuation of the noise from higher altitude and transient nature of the impacts. Finally, once commercial air tours are phased out, either through attrition or after the sunset date (11:59 PM local time on December 31, 2029), no commercial air tours will be permitted over or within ½ mile of the Park. After commercial air tours are permanently phased out, impacts will be beneficial.</p>

	<p>For purposes of assessing noise impacts from commercial air tours on the acoustic environment of the Park under the National Environmental Policy Act (NEPA), the FAA noise evaluation is based on Yearly<sup>4</sup> Day Night Average Sound Level (DNL); the cumulative noise energy exposure from aircraft over 24 hours. The DNL analysis indicates that the ATMP would not result in any noise impacts that would be “significant” or “reportable” under FAA’s policy for NEPA. Refer to the <i>Noise Technical Analysis</i> below.</p>
<p><b>Viewsheds</b> Viewsheds</p>	<p>While studies indicate that aircraft noise in national parks can impact human perceptions of aesthetic quality of viewsheds (Weinzimmer et al., 2014; Benfield et al., 2018), because the level of commercial air tour activity under the ATMP will remain the same, there will be no change in the effect to visitors in this regard. Other literature for studies on impacts from commercial air tours or overflights generally on viewsheds conclude that the visual impacts of overflights are difficult to identify because visitors primarily notice aircraft because of the accompanying noise. Aircraft are transitory elements in a scene and visual impacts tend to be relatively short. The short duration and low number of flights (along with the position in the scene as viewed from most locations) make it unlikely the typical visitor will notice or be visually distracted by aircraft. The viewer’s eye is often drawn to the horizon to take in a park view and aircraft at higher altitudes are less likely to be noticed. Aircraft at lower altitudes may attract visual attention but are also more likely to be screened by vegetation or topography.</p> <p>The Park includes numerous outstanding viewsheds, including those viewable from Going-to-the-Sun Road. Under existing conditions, an average of 253 commercial air tours over the Park per year are flown on at least five different routes by five operators. The ATMP limits the number of commercial air tours to 144 tours per year and authorizes the use of a single commercial air tour route which is modified from existing routes for the protection of the Park’s natural and cultural resources and visitor experience. Therefore, impacts to viewsheds will decrease compared to existing conditions because the maximum number of authorized flights under the ATMP (144 tours) is less than the three-year average of reported commercial air tours from 2017-2019 (253 tours) because it excludes tours conducted by operators who surrendered their operating certificates in 2021. Furthermore, the single consolidated route authorized by the ATMP, compared to the existing condition, substantially reduces the overall area of the Park in which a visitor may notice a commercial air tour, in the period during which commercial air tours are authorized. They would therefore not be considered significant, and because altitudes will increase when compared to existing flight operations and therefore visitors are less likely to notice them, and because commercial air tours will be phased out by December 31, 2029, impacts from the ATMP are expected to result in beneficial impacts to viewsheds compared to existing conditions.</p>
<p><b>Visitor Use and Experience</b> Recreation Resources</p>	<p>Commercial air tours offer a recreational experience for those who wish to view the Park from a different vantage point. The number of commercial air tours under the ATMP is consistent with the average number of flights from 2017-2019, excluding the flights associated with the two operators who surrendered their certificates in 2021. During the</p>

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<sup>4</sup> As required by FAA policy, the FAA typically represents yearly conditions as the Average Annual Day (AAD). However, because ATMP operations in the Park occur at low operational levels per year and are highly seasonal in nature it was determined that a peak day representation of the operations would more adequately allow for disclosure of any potential impacts. A peak day has therefore been used as a conservative representation of assessment of AAD conditions.

	<p>period in which commercial air tours are authorized, there are no or minimal changes anticipated to the number offered per year, compared to existing conditions.</p> <p>Currently, customers on commercial air tours are not required to pay an entrance fee at the Park, nor are the commercial air tour operators required to pay a fee to the Park.</p>
<p><b>Visitor Use and Experience</b> Visitor Use and Experience</p>	<p>The NPS allows visitor uses that are appropriate to the purpose for which the Park was established and can be sustained without causing unacceptable impacts to Park resources or values. Unacceptable impacts are impacts that, individually or cumulatively, will unreasonably interfere with Park programs or activities including interpretive programs, or the atmosphere of peace and tranquility, or the natural soundscape maintained in wilderness and natural, historic, or commemorative locations within the Park (National Park Service, 2006, 8.2).</p> <p>Effects of commercial air tours on Park visitor experience have been well documented over many years. See <i>Report on the Effects of Aircraft Overflights on the National Park System</i> (Department of Interior/NPS, 1995). The primary effect of commercial air tours is the introduction of noise into the acoustic environment. Numerous studies have identified the value and importance of soundscapes as one of the motivations for visiting parks (Haas and Wakefield, 1998; McDonald et al., 1995; Merchan et al., 2014; Miller et al., 2018), including in a cross-cultural context (Miller et al., 2018). Other studies have focused specifically on the effects of aircraft on the visitor experience both in parks and protected areas, and a laboratory setting, indicating that aircraft noise negatively impacts the visitor experience (Anderson et al., 2011; Ferguson, 2018; Mace et al., 2013; Rapoza et al., 2015).</p> <p>Currently, some Park visitors may hear noise from commercial air tours, which may disrupt visitors or degrade the visitor experience at the Park by disturbing verbal communications and masking the sounds of nature. For example, noise from commercial air tours may disrupt visitors during interpretive and educational programs at historical sites or while hiking, camping, boating, fishing, or participating in other activities. Visitors respond differently to noise from commercial air tour overflights – noise may be more acceptable to some visitors than others. Visitors in backcountry and wilderness areas often find commercial air tours more intrusive than visitors in developed and frontcountry areas where noise from commercial air tours may not be as audible (Rapoza et al., 2015; Anderson et al., 2011).</p> <p>Noise disturbances to visitors from commercial air tours are expected to have only minimal and potentially beneficial effects compared to existing conditions (253 commercial air tours per year) because the ATMP authorizes 144 commercial air tours per year, which is less than the three-year average of reported commercial air tours from 2017-2019 because it excludes tours conducted by two operators who surrendered their operating certificates in 2021. The route authorized under the ATMP is modified from existing routes for the protection of the Park’s natural and cultural resources and visitor experience. This modified route avoids the northern portion of the Park, a noise sensitive area which is managed as the most primitive area of the Park, which will improve the conditions of the visitor experience over the backcountry of the Park compared to existing conditions. Additionally, the increased altitudes will decrease the extent and intensity of noise in areas directly under the commercial air tour route. On days when commercial air tours will occur, noise levels above 52 dBA (which is associated with speech interference) will occur for less than five minutes (non-contiguous) in areas beneath and adjacent to the route (see Figure 4). See <i>Noise Technical Analysis</i> below.</p>

	<p>Finally, limiting the operation of commercial air tours to one hour after sunrise until one hour before sunset, or from sunrise to sunset for operators that have converted to quiet technology aircraft,<sup>5</sup> provides times when visitors seeking solitude may explore the Park without disruptions from commercial air tours. Collectively, these changes from existing operations will result in some improvement to the visitor experience at the Park. Additionally, because commercial air tours will be phased out by December 31, 2029, impacts from the ATMP are expected to result in beneficial impacts to visitor experience compared to existing conditions.</p>
<p><b>Wilderness</b> Wilderness</p>	<p>Of the Park’s total 1,013,839 acres, approximately 91% is recommended wilderness (927,550 acres). Section 2(a), in the Wilderness Act states that wilderness areas “shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character.” Pursuant to the 2006 NPS Management Policies, the NPS manages recommended wilderness as designated wilderness to preserve wilderness character consistent with the Act and generally manages for the natural, untrammeled, undeveloped, solitude and unconfined recreation, and other features of value qualities of wilderness character. Commercial air tours over national parks may impact several qualities of wilderness character, including the opportunity for solitude, the natural quality, and potentially other features of value if applicable. Aircraft that land in wilderness detract from the undeveloped quality of wilderness. Because commercial air tours do not land in wilderness or parks, the undeveloped quality of wilderness is not considered here.</p> <p><i>Keeping it Wild 2, An Updated Interagency Strategy to Monitor Trends in Wilderness Character Across the National Wilderness Preservation System, (Landres et al., 2015)</i> notes that solitude includes attributes such as “separation from people and civilization, inspiration (an awakening of the senses, connection with the beauty of nature and the larger community of life), and a sense of timelessness (allowing one to let go of day-to-day obligations, go at one’s own pace, and spend time reflecting)” (p. 51). A review of research suggests that solitude encapsulates a range of experiences, including privacy, being away from civilization, inspiration, self-paced activities, and a sense of connection with times past” (Borrie and Roggenbuck, 2001). Generally, solitude improves when sights and sounds of human activity are remote. Commercial air tours can represent both a sight and sound of human activity and therefore detract from this quality of wilderness character.</p> <p>Noise from commercial air tours has the potential to disrupt the opportunity for solitude in recommended wilderness areas. On days when commercial air tours will occur, noise levels above 35 dBA are not anticipated to exceed 35 minutes (see Figure 3). The average sound level (Equivalent Sound Level or LA<sub>eq, 12hr</sub>) is not anticipated to exceed 40 dB. See <i>Noise Technical Analysis</i> below. Impacts on the natural quality of wilderness character are the same as those described under the natural resource categories above (wildlife, threatened and endangered species, etc.) and will be limited on an annual basis.</p> <p>The ATMP authorizes the 144 commercial air tours, which is less than the three-year average of reported commercial air tours from 2017-2019 (253 tours) because it excludes tours conducted by operators who surrendered their operating certificates in 2021.</p>

<sup>5</sup> Operators that have converted to quiet technology aircraft, or are considering converting to quiet technology aircraft, may request to be allowed to conduct air tours beginning at sunrise or ending at sunset on all days that flights are authorized.

	<p>Additionally, the route authorized under the ATMP is modified from existing routes for the protection of the Park’s natural and cultural resources and visitor experience and will require commercial air tours to remain within the area surrounding the Going-to-the-Sun Road corridor, rather than over large expanses of the Park that do not have roads or motorized access. The route authorized by the ATMP limits the extent to which operators may fly over recommended wilderness within the Park. Additionally, because commercial air tours will be phased out by December 31, 2029, the ATMP is expected to result in an improvement to solitude over existing conditions.</p>
<p><b>Cumulative Effects</b></p>	<p>The cumulative impact analysis for the ATMP focuses on noise and viewshed impacts. Impacts to other resources, i.e., wildlife, visitor experience, ethnographic resources, wilderness, etc. all result from noise or viewshed impacts.</p> <p>Many activities may contribute noise to the Park’s acoustic environment. Aviation activities such as commercial air tours above 5,000 ft. AGL, and overflights by high altitude jets, private aviation, or military overflights regardless of altitude are not subject to regulation under NPATMA. All of these aviation activities currently contribute noise to the project area. These flights detract from the viewshed of the Park as well.</p> <p>The Park’s developed areas and roadways also contribute to ambient noise, such as Going-to-the-Sun Road. Maintenance and other administrative activities, such as search and rescue efforts, etc. may also contribute noise to the acoustic environment, but are generally temporary, irregular, and do not last more than a few hours. Intermittent construction activities may add noise to the Park acoustic environment, though generally those occur in already developed areas where noise is generally more acceptable and expected.</p> <p>The agencies have qualitatively considered the cumulative impacts of commercial air tours along with impacts from existing activities generally described above. In some cases, the noise contribution from other sources may be substantial, such as high-altitude jets, roadway traffic noise, or developed areas within the Park. There is no known future project that would significantly contribute new noise impacts to the project area. Considering existing ambient noise sources and foreseeably future noise sources, the commercial air tour noise is a small contribution of overall noise. Furthermore, the ATMP establishes operating conditions to protect Park natural and cultural resources, and it is unlikely it would measurably change the overall acoustic environment during periods when they are authorized. Commercial air tours over roadways are likely to be masked by existing noise and therefore the impacts would be de minimis. Finally, the ATMP does not add new noise to the existing acoustic environment. Therefore, when considering other sources of noise in the Park that are likely to continue under the ATMP, the continuation of 144 commercial air tours until they are phased out through attrition or by December 31, 2029, whichever is earlier, will not result in a meaningful change to the existing condition of the visual or auditory landscape at the Park.</p> <p>As noted above under viewsheds, visual or viewshed impacts associated with aircraft are most noticeable because of noise. As described above, the ATMP will not result in significant impacts to the acoustic environment. Aircraft may also be less noticeable because the ATMP has increased the flight altitude which decreases the noise along the flight path. Additionally, the ATMP is expected to result in beneficial impacts to the Park’s viewshed when compared to existing conditions (253 commercial air tours per year) because the ATMP authorizes 144 commercial air tours per year, which is less than the three-year average of reported commercial air tours from 2017-2019 because it</p>

	<p>excludes tours conducted by operators who surrendered their operating certificates in 2021. Further, the single authorized route has been modified from existing routes, reducing the overall area of the Park in which a visitor may notice a commercial air tour. Additionally, commercial air tours will be phased out over the Park by December 31, 2029. Therefore, no significant cumulative environmental impacts are likely to result from the ATMP.</p>
<p><b>Indirect Effects</b></p>	<p>The ATMP applies to all commercial air tours over the Park and those within ½-mile outside the boundary of the Park, including any tribal lands within that area, that are flown below 5,000 ft. AGL. These flights takeoff and land from West Glacier, MT (Minuteman Aviation) and Kalispell, MT (Red Eagle Aviation). Kalispell is approximately 25 miles from the nearest point of the Park’s ½-mile boundary buffer and is outside of the area regulated by the ATMP, whereas West Glacier is located within the ½-mile boundary buffer. Land uses between the takeoff and landing locations and the Park primarily consist of low-density development, agricultural land, and undeveloped open space. Commercial air tours traveling to and from the Park could result in some temporary noise disturbances in these areas. Commercial air tours may fly over residential areas resulting in temporary noise disturbance to homeowners. Undeveloped lands will likely experience similar impacts to those described in other sections of this ESF, although flight altitudes may be different outside the Park boundary resulting in potentially more adverse impacts than those occurring within the ATMP boundary. Because of the relatively low number of flights (144 total per year) and limitations on the number of flights per day, these effects are expected to be insignificant.</p> <p>Since the ATMP authorizes 144 commercial air tours per year, which is less than the three-year average of reported commercial air tours from 2017-2019 (253 tours) until such tours are phased out, and the ATMP requires commercial air tours to fly on a route modified from existing routes, it is unlikely that the frequency and nature of these disturbances outside of the ½-mile boundary of the Park would result in a change from existing conditions. Therefore, there will be no or only minimal indirect effects from the ATMP. However, since the ATMP cannot regulate the flight path, altitude, duration, etc. of flights beyond ½-mile boundary of the Park (the operators must comply with relevant FAA regulations), the agencies are unable to require operators to continue to fly outside of the ½-mile boundary of the Park in the manner in which they currently fly under existing conditions or to require operators to change any operational parameters (e.g., altitude or routes). However, the agencies are unaware of any reason that, during the period in which air tours are authorized, operators would deviate from their current flight paths outside the ATMP boundary since routes have not substantially changed.</p>

## ADDITIONAL TECHNICAL ANALYSIS

### *Air Quality Technical Analysis*

Potential air quality impacts from proposed commercial air tour operations were estimated using an emissions inventory approach. Annual flight miles by aircraft type were calculated for the parks for which ATMPs are currently being developed and Badlands National Park (BADL) was found to have the highest annual flight miles (58,163 flight miles vs. 6,658 flight miles in Glacier National Park). BADL was thus considered the highest anticipated flight activity for parks which meet the National Ambient Air Quality Standards (i.e., attainment parks). The most common aircraft that fly commercial air tours in BADL are the Cessna 206 (fixed-wing) and Robinson R44 (helicopter) and can be considered representative of the types of fixed-wing and helicopter aircraft used for commercial air tours.

The FAA’s Aviation Environmental Design Tool (AEDT) version 3d was used to develop emission factors (pounds of emissions per mile flown) for these aircraft, which were derived from the Environmental Protection

Agency’s (EPA) AP-42: Compilation of Emission Factors (United States Environmental Protection Agency, Office of Noise Abatement and Control, 1974). Although the AP-42 emission factors represent the best available data, they have not been updated since the 1990s and most aircraft engines in use today are likely to be cleaner due to less-polluting fuels and improvements in engine emissions controls. Therefore, these emission rates are considered a conservative estimate of emission rates for aircraft used in commercial air tours.

The maximum emissions (tons per year) were calculated for BADL by multiplying the total number of operations (by aircraft type), the longest route flown by each aircraft type within BADL and the ½-mile boundary outside of BADL, and the aircraft-specific emission factor. The sum of total emissions by aircraft type represent the maximum emissions conditions for BADL. BADL emissions results were compared with the EPA’s General Conformity *de minimis* thresholds for the most stringent<sup>6</sup> nonattainment areas. Although BADL and other attainment parks are not subject to General Conformity Requirements, EPA’s General Conformity *de minimis* thresholds represent a surrogate for impacts to ambient air quality.

The NPS must also consider impacts to resources that are sensitive to air pollution under the NPS Organic Act mandates and the Clean Air Act (CAA). Such resources include (but are not limited to) sensitive vegetation, streams and lakes, aquatic biota and visibility. These resources are typically referred to as Air Quality Related Values (AQRVs). Parks designated Class I areas under the CAA also receive an additional measure of protection under the CAA provisions. The CAA gives the NPS an “affirmative responsibility to protect the air quality related values (including visibility) of any such lands within a Class I area.”

Since emissions estimates for all pollutants in BADL are well below the *de minimis* levels (Table 2), and the Park will have a lower combination of proposed annual operations and route distances using similar fixed-wing aircraft, emissions in the Park will also not exceed *de minimis*. The most stringent *de minimis* emission thresholds for federal conformity determinations are sufficiently low relative to emission thresholds the NPS will use to determine whether additional air quality analysis is necessary under a NEPA analysis. Given this, and the fact that the maximum projected emissions from overflights in the Park are well below these *de minimis* levels (< 1 TPY for nitrogen oxides, particulate matter, and sulfur dioxide – criteria pollutants that have the most significant impact on AQRVs), it is expected that emissions from overflights in the Park under the ATMP will not meaningfully impact AQRVs, or local air quality, and will not have regional impacts from implementation of the ATMP in the Park.

**Table 2.** Comparison of the emissions inventory for proposed commercial air tours in BADL with *de minimis* thresholds for the most stringent non-attainment areas.

<b>Pollutant</b>	<b><i>de minimis</i> threshold (Tons per Year)</b>	<b>Emissions Inventory for BADL (Tons per Year)</b>
Carbon Monoxide	100	73.11
Volatile Organic Compounds	10	0.61
Nitrogen Oxides	10	0.01
Particulate Matter, diam. < 2.5 µm	70	0.04
Particulate Matter, diam. < 10 µm	70	0.04
Lead	25	0.04
Sulfur Oxides	70	0.06
Carbon Dioxide	n/a	156.43

<sup>6</sup>The most stringent non-attainment areas (i.e., lowest *de minimis* thresholds) are categorized as “extreme” for ozone (VOCs or NOx) and “serious” for particulate matter and sulfur dioxide.

## NOISE TECHNICAL ANALYSIS

### *Indicators of acoustic conditions*

There are numerous ways to measure the potential impacts of noise from commercial air tours on the acoustic environment of a park, including intensity, duration, and spatial footprint of the noise. The metrics and acoustical terminology used for the ATMP are shown in Table 3.

**Table 3.** Primary metrics used for the noise analysis.

<b>Metric</b>	<b>Relevance and citation</b>
Time Above 35 dBA <sup>7</sup>	<p>The amount of time (in minutes) that aircraft sound levels are above a given threshold (i.e., 35 dBA)</p> <p>In quiet settings, outdoor sound levels exceeding 35 dB degrade experience in outdoor performance venues (American National Standards Institute (ANSI), 2007); blood pressure increases in sleeping humans (Haralabidis et al., 2008); maximum background noise level inside classrooms (American National Standards Institute/Acoustical Society of America S12.60/Part 1-2010).</p>
Time Above 52 dBA	<p>The amount of time (in minutes) that aircraft sound levels are above a given threshold (i.e., 52 dBA)</p> <p>This metric represents the level at which one may reasonably expect interference with Park interpretive programs. At this background sound level (52 dB), normal voice communication at five meters (two people five meters apart), or a raised voice to an audience at ten meters would result in 95% sentence intelligibility (United States Environmental Protection Agency, Office of Noise Abatement and Control, 1974).</p>
Equivalent sound level, $L_{Aeq, 12\text{ hr}}$	<p>The logarithmic average of commercial air tour sound levels, in dBA, over a 12-hour day. The selected 12-hour period is 7 a.m. to 7 p.m. to represent typical daytime commercial air tour operating hours.</p>
Day-night average sound level, $L_{dn}$ (or DNL)	<p>The logarithmic average of sound levels, in dBA, over a 24-hour day, DNL takes into account the increased sensitivity to noise at night by including a ten dB penalty between 10 p.m. and 7 a.m. local time.</p> <p>For aviation noise analyses, the FAA (2015, Appendix. B, B-1) has determined that the cumulative noise energy exposure of individuals to noise resulting from aviation activities must be established in terms of day-night average sound level (DNL).</p> <p>Note: Both <math>L_{Aeq, 12\text{ hr}}</math> and <math>L_{dn}</math> characterize:</p> <ul style="list-style-type: none"> <li>• Increases in both the loudness and duration of noise events</li> <li>• The number of noise events during specific time period (12 hours for <math>L_{Aeq, 12\text{ hr}}</math> and 24-hours for <math>L_{dn}</math>)</li> </ul> <p>If there are no nighttime events, then <math>L_{Aeq, 12\text{ hr}}</math> is arithmetically three dBA higher than <math>L_{dn}</math>.</p>

<sup>7</sup> dBA (A-weighted decibels): Sound is measured on a logarithmic scale relative to the reference sound pressure for atmospheric sources, 20  $\mu\text{Pa}$ . The logarithmic scale is a useful way to express the wide range of sound pressures perceived by the human ear. Sound levels are reported in units of decibels (dB) (ANSI S1.1-1994, American National Standard Acoustical Terminology). A-weighting is applied to sound levels in order to account for the sensitivity of the human ear (ANSI S1.42-2001, Design Response of Weighting Networks for Acoustical Measurements). To approximate human hearing sensitivity, A-weighting discounts sounds below 1 kHz and above 6 kHz.

	The FAA’s (2015 Exhibit 4-1) indicators of significant impacts are for an action that would increase noise by DNL 1.5 dB or more for a noise sensitive area that is exposed to noise at or above the DNL 65 dB noise exposure level, or that will be exposed at or above the DNL 65 dB level due to a DNL 1.5 dB or greater increase, when compared to the no action alternative for the same timeframe.
Maximum sound level, $L_{max}$	The loudest sound level, in dBA, generated by the loudest event; it is event-based and is independent of the number of operations. $L_{max}$ does not provide any context of frequency, duration, or timing of exposure.

*ATMP as related to indicators*

In order to provide a conservative evaluation of potential noise effects produced by commercial air tours under the ATMP during the period in which such tours are authorized to occur, the CE analysis is based on a representation of a peak day<sup>8</sup> of commercial air tour activity. For the busiest year of commercial air tour activity from 2017-2019 based on the total number of commercial air tour operations and total flight miles over the Park for the current operators, the 90th percentile day was identified for representation of a peak day in terms of number of operations, and then further assessed for the type of aircraft and route flown to determine if it is a reasonable representation of the commercial air tour activity over the Park. For the Park, the 90th percentile day was identified as the following:

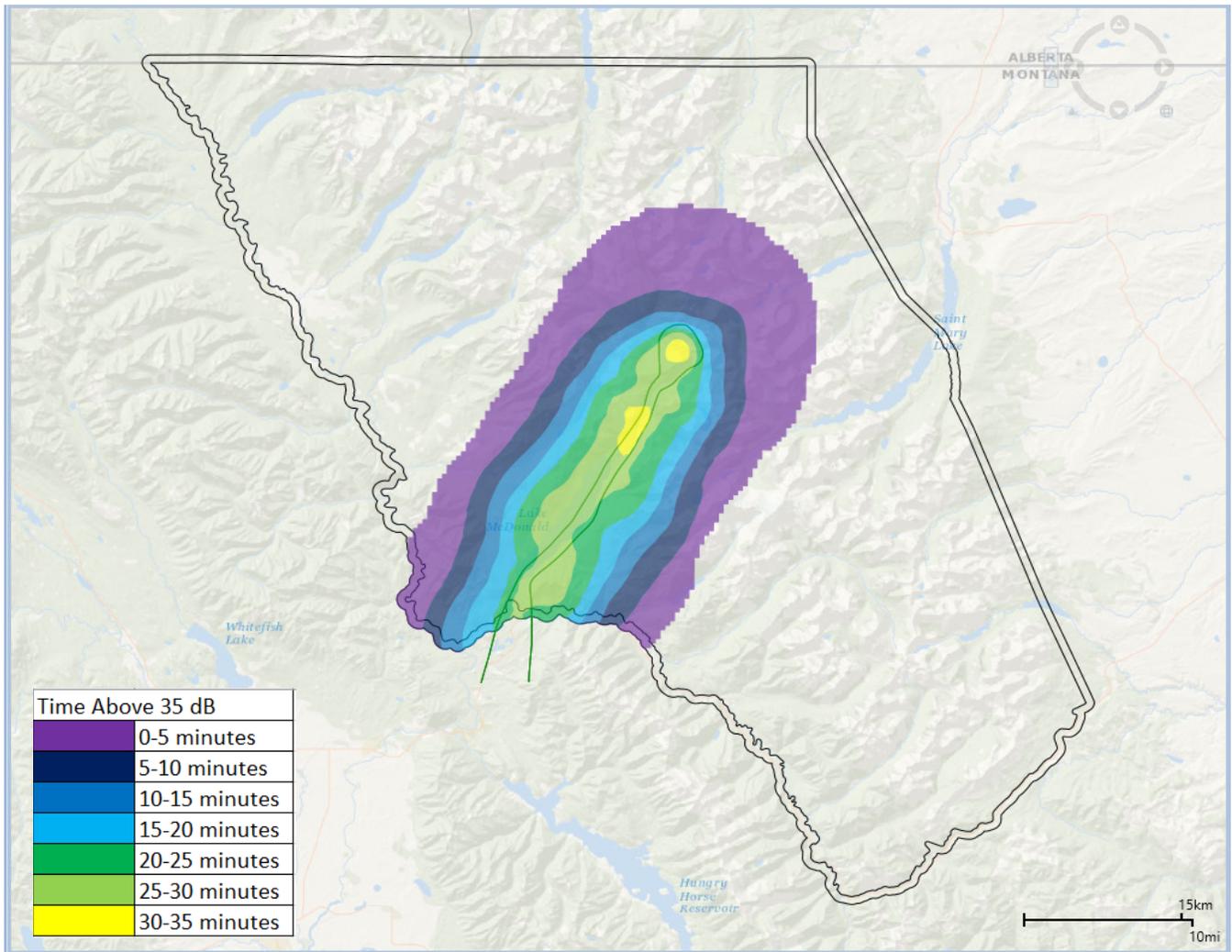
- Minuteman – 1 flight, BHT-206-L aircraft
- Red Eagle – 2 flights, CE-206-U206E or CE-206-U206G aircraft
- Red Eagle – 1 flight, BELL-206-L3 aircraft

Noise contours for the following acoustic indicators were developed using the FAA’s AEDT version 3d and are provided below. A noise contour presents a graphical illustration or “footprint” of the area potentially affected by the noise. The following metrics were mapped:

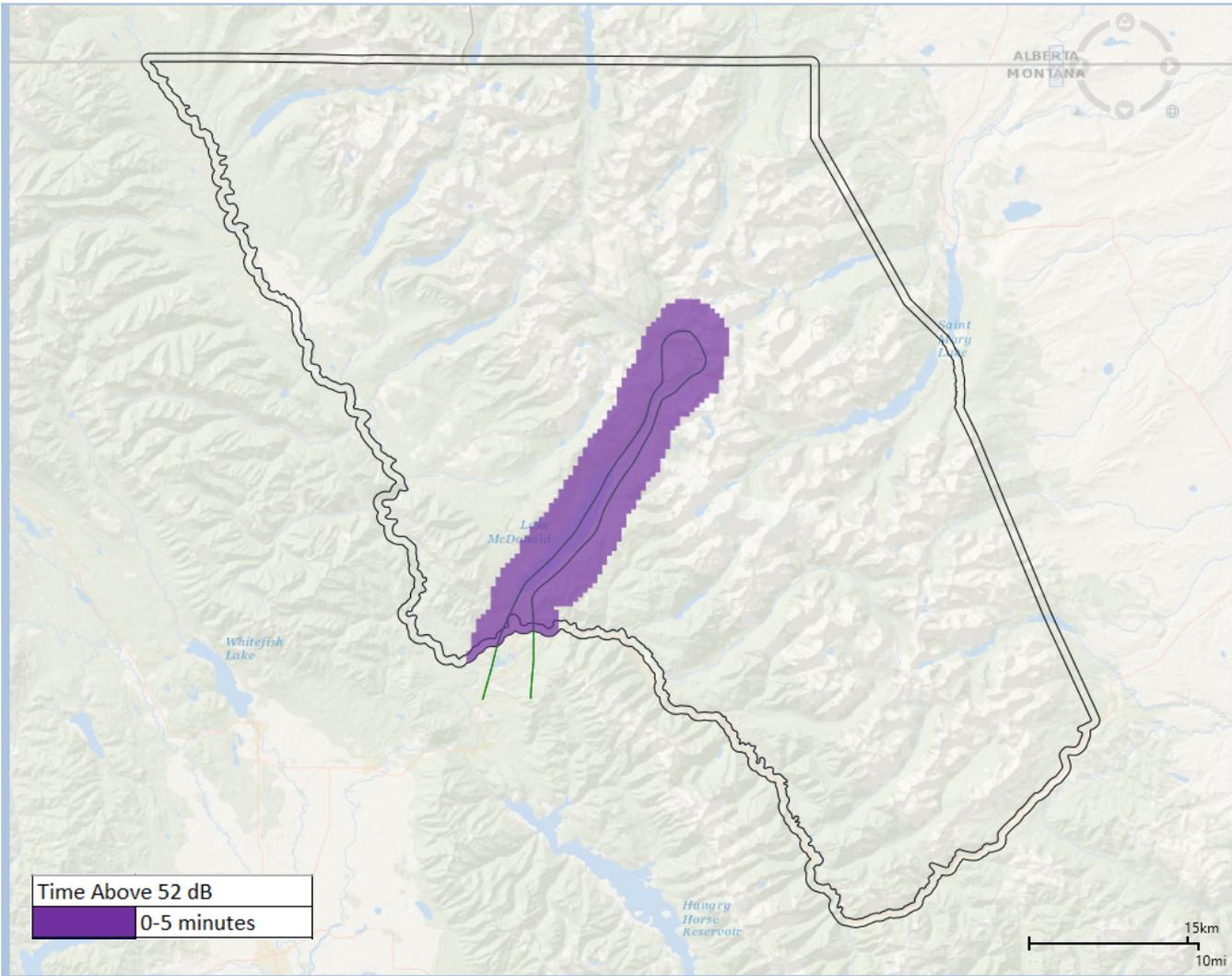
- Time above 35 dBA (minutes) – see Figure 3
- Time above 52 dBA (minutes) – see Figure 4
- Equivalent Sound Level or  $L_{Aeq, 12hr}$  – see Figure 5
  - Note: Contours are not presented for  $L_{dn}$  (or DNL) as it is arithmetically three dBA lower than  $L_{Aeq, 12hr}$  if there are no nighttime events, which is the case for the ATMP modeled at the Park.
- Maximum sound level or  $L_{max}$  – see Figure 6
  - Note: While the  $L_{max}$  for a commercial air tour may exceed 50 dBA in some areas of the Park, it should be noted that in no areas do the sound levels exceed 50 dBA for greater than five minutes as shown by the Time Above 52 dBA results.

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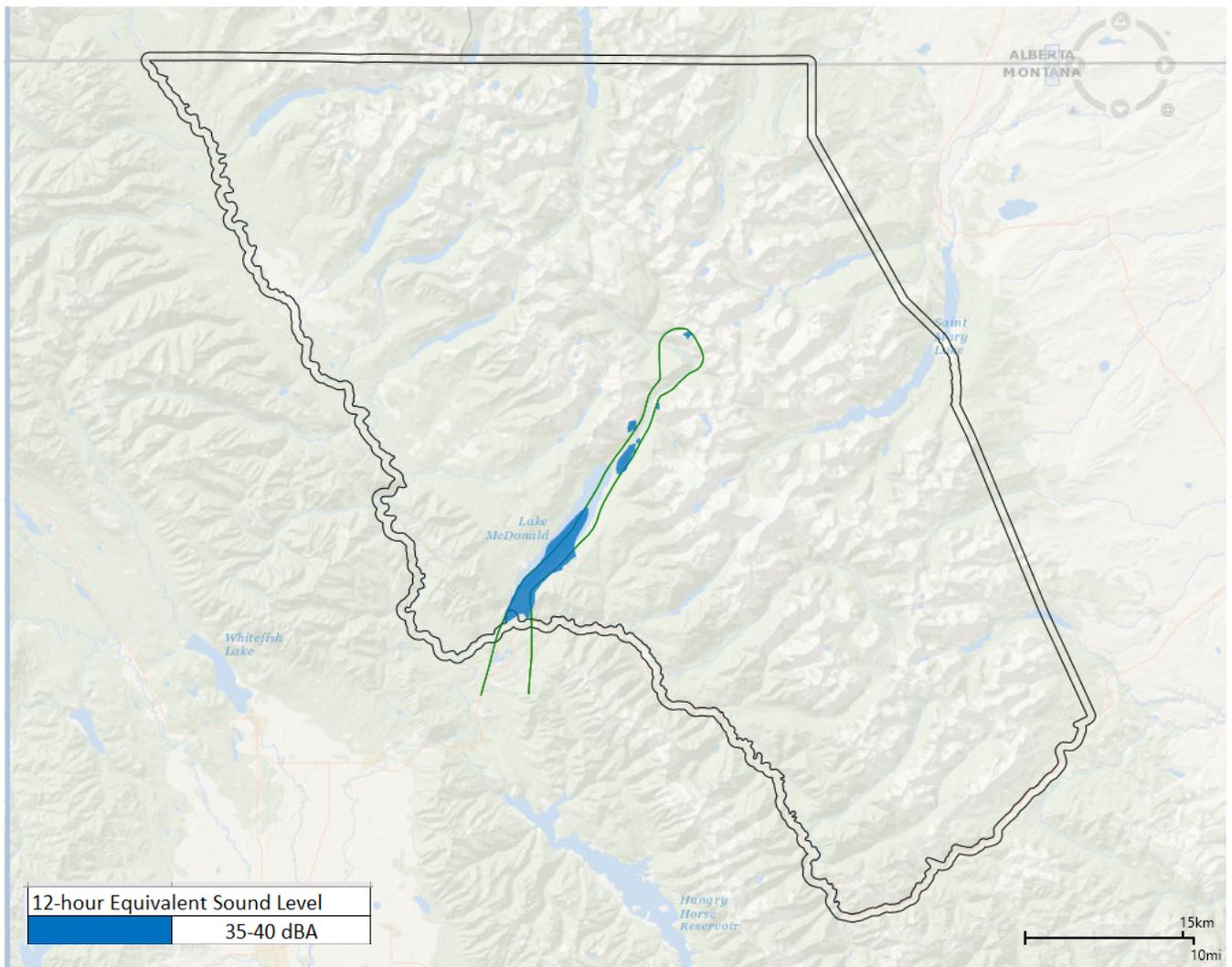
<sup>8</sup> As required by FAA policy, the FAA typically represents yearly conditions as the Average Annual Day (AAD). However, because ATMP operations in the Park occur at low operational levels per year and are highly seasonal in nature it was determined that a peak day representation of the operations would more adequately allow for disclosure of any potential impacts. A peak day has therefore been used as a conservative representation of assessment of AAD conditions.



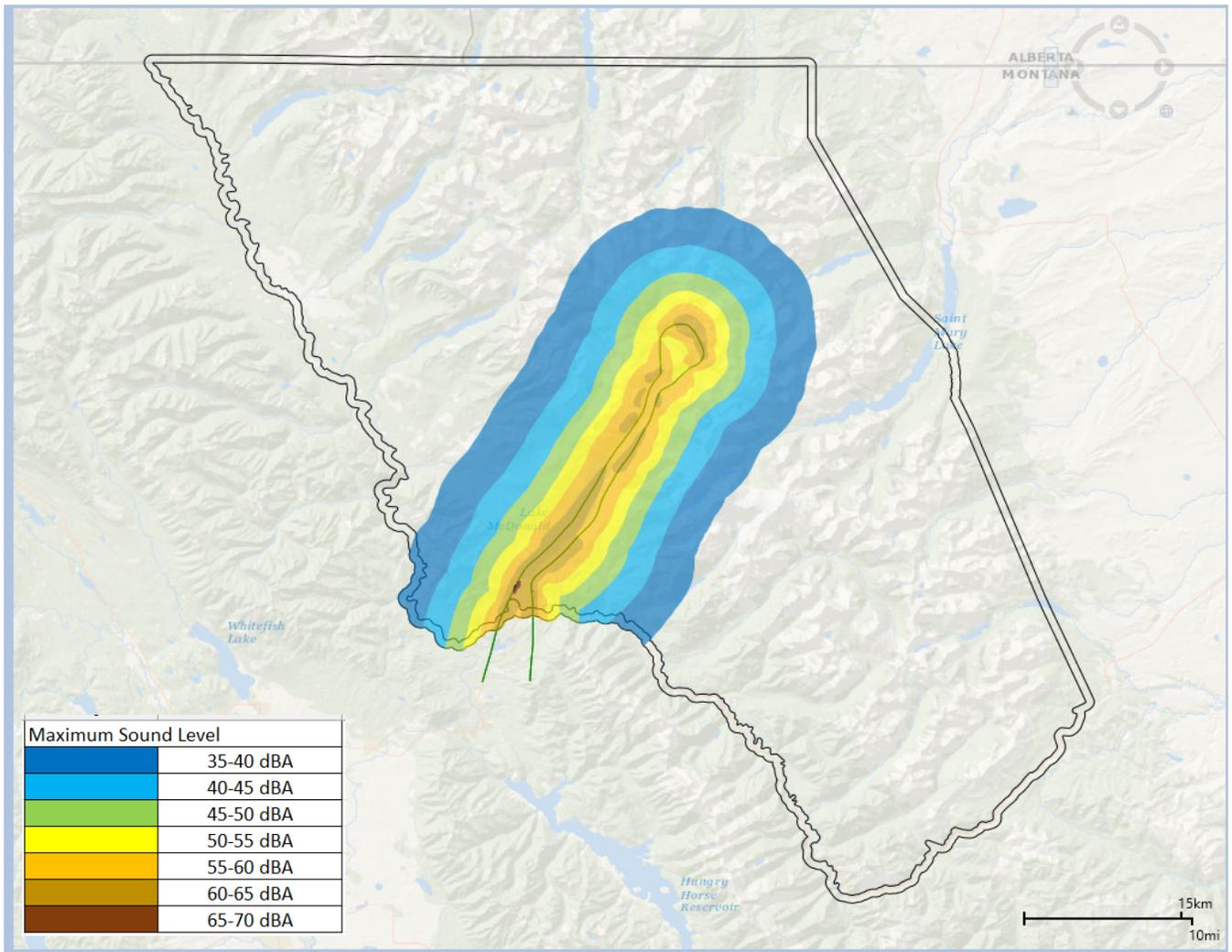
**Figure 3.** Noise contour results for Time Above 35 dBA



**Figure 4.** Noise contour results for Time Above 52 dBA



**Figure 5.** Noise contour results for  $L_{Aeq, 12hr}$



**Figure 6.** Noise contour results for  $L_{max}$

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## **APPENDIX C**

### **Categorical Exclusion Documentation Form**



## Categorical Exclusion Documentation Form (CE Form)

### PROJECT INFORMATION

**Project Title:** Glacier National Park Air Tour Management Plan

**PEPC Project Number:** 103520

**Project Type:** Categorical Exclusion

**Project Location:** Flathead County and Glacier County, Montana

### PROJECT DESCRIPTION

The proposed action is to implement an Air Tour Management Plan (ATMP) for Glacier National Park (the Park), which implements the decision made in the Record of Decision (ROD) for the Park’s 1999 General Management Plan.

The ATMP includes the following operating parameters to mitigate impacts from commercial air tours on Park resources. For a full discussion of the impacts of commercial air tours and how these operating parameters will maintain or reduce impacts to Park resources, see the *Environmental Screening Form (ESF)*.

#### *Commercial Air Tours Authorized*

Under the ATMP, 144 commercial air tours are authorized per year until such tours are phased out through attrition or until 11:59 PM local time on December 31, 2029 when all operating authority for the Park will be terminated, whichever occurs first. Table 1 identifies the operators authorized to conduct commercial air tours and annual flight allocations.

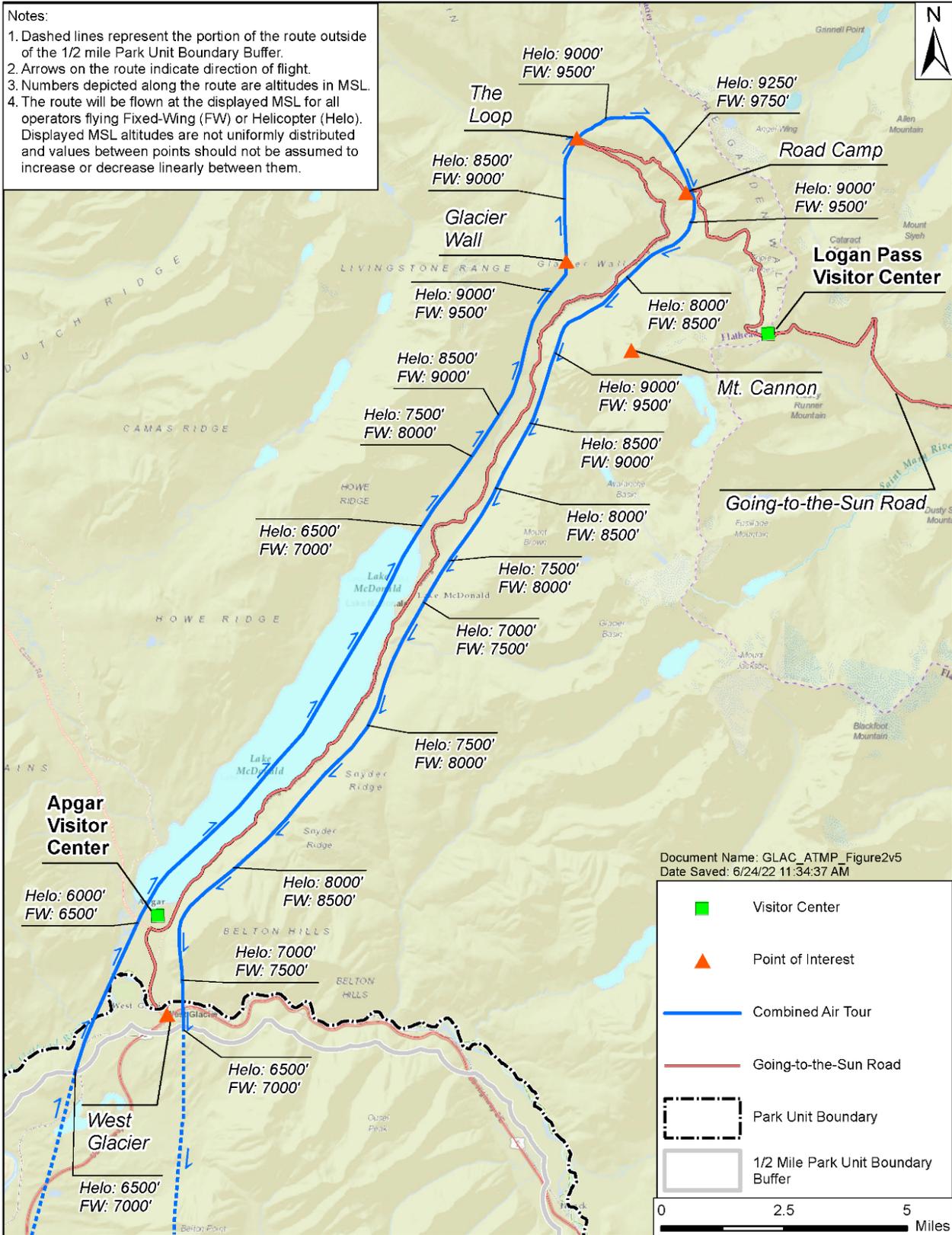
**Table 1.** Commercial Air Tour Operations and Aircraft Type by Operator

Commercial Air Tour Operator	Annual Operations	Daily Operations	Aircraft Type
Homestead Helicopters, Inc.	3	Up to three flights per day	BHT-407-407
Minuteman Aviation, Inc.	5	Up to three flights per day	BHT-206-B, BHT-206-B3, BHT-206-L3, BHT-206-L4, BHT-210-210, BHT-407-407, CE-182-P
Red Eagle Aviation, Inc.	136	Up to three flights per day	BELL-206-L3, CE-206-U206E, CE-206-U206G

### *Commercial Air Tour Routes and Altitudes*

Commercial air tours authorized under the ATMP shall be conducted on a single designated air tour route for both fixed-wing aircraft and helicopters as depicted in Figure 1 below. The route will be flown clockwise with operators adhering to the altitudes assigned at each point throughout the route. Operators should transition altitudes slowly between points to minimize noise and should not fly below the mean sea level (MSL) value of the lower of any two adjacent points. Altitude expressed in feet (ft.) above ground level (AGL) is a measurement of the distance between the ground surface and the aircraft, whereas altitude expressed in MSL refers to the altitude of an aircraft above sea level, regardless of the terrain below it. The altitudes in Figure 1 below are expressed in MSL. Fixed-wing aircraft will fly 500 ft. higher than helicopters. These MSL altitudes ensure commercial air tours conducted by helicopters will fly no lower than 2,600 ft. AGL and commercial air tours conducted by fixed-wing aircraft will not fly lower than 3,100 ft. AGL. Neither aircraft type will need to fly above 10,000 ft. MSL at any point along the authorized route. This route allows for variance of 0.5 miles on either side of the route. However, for safety reasons, inbound air tours to the Park should not cross over the Going-to-the-Sun Road until they reach The Loop. Additionally, once air tours are outbound from the Park, air tours should not cross over Going-to-the-Sun Road after the aircraft passes south of Mt. Cannon.

Except when necessary for takeoff or landing, or in an emergency or to avoid unsafe conditions, or unless otherwise authorized for a specified purpose such as the wildlife avoidance measures identified in Section 3.7D of the ATMP, operators may not deviate from the designated route and altitudes.



**Figure 1.** Commercial air tour route over the Park

### *Aircraft Type*

The aircraft types authorized to be used for commercial air tours are identified in Table 1. Any new or replacement aircraft must not exceed the noise level produced by the aircraft being replaced. In addition to any other applicable notification requirements, operators will notify the Federal Aviation Administration (FAA) and the National Park Service (NPS) in writing of any prospective new or replacement aircraft and obtain concurrence before initiating commercial air tours with the new or replacement aircraft.

### *Day/Time*

Except as provided in the section below entitled “Quiet Technology Incentives,” commercial 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> Commercial air tours may operate any day of the year, except under circumstances provided in the section below entitled “Restrictions for Particular Events.”

### *Restrictions for Particular Events*

The NPS can 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 two weeks’ notice to the operators in writing in advance of the no-fly period. Events may include, but are not limited to, tribal traditional activities or other similar events.

### *Quiet Technology Incentives*

The ATMP incentivizes the use of quiet technology aircraft by commercial air tour operators conducting commercial air tours over the Park. Operators that have converted to quiet technology aircraft, or are considering converting to quiet technology aircraft, may request to be allowed to conduct commercial air tours beginning at sunrise or ending at sunset on all days that flights are authorized. Because aviation technology continues to evolve and advance and the FAA updates its noise certification standards periodically, the aircraft eligible for this incentive will be analyzed on a case-by-case basis at the time of the operator’s request to be considered for this incentive. The NPS will periodically monitor Park conditions and coordinate with the FAA to assess the effectiveness of this incentive. If implementation of this incentive results in unanticipated effects on Park resources or visitor experience, further agency action may be required to ensure the protection of Park resources and visitor experience.

### *Additional ATMP Parameters*

- *Annual Allocation Adjustment* – If an existing operator closes its business or otherwise ceases operations, the total number of commercial air tours authorized under the ATMP per year will be reduced automatically by the number of allocations held by that operator, and reference to the operator will be removed from Table 1 and Table 2 in Appendix A of the ATMP. Consistent with the NPS’s 1999 General Management Plan for the Park, any remaining operating authority for the Park under the ATMP will terminate at 11:59 PM local time on December 31, 2029, and no commercial air tours will be permitted over the Park or within ½ mile of its boundary thereafter.
- *Wildlife Avoidance* – Once operators become aware (through visual identification, communication from the NPS or other federal agencies, state or tribal agencies, or through other means) of the presence of wolverines, Canada lynx or grizzly bears along the flight route, operators are required to avoid these areas by lateral movements away from the Going-to-the-Sun Road and are required to inform the NPS and FAA Flight Standards District Office (FSDO) with geographic oversight of the Park of this information. Once the NPS and FSDO are made aware of these locations, the agencies will advise the operator(s) as to the lateral or altitude adjustments required and inform the operator(s) on the length of time (e.g., seasonal or other time-bound basis) these adjustments are required to continue. The areas to be avoided could include open alpine meadows and talus slopes where animals will not have access to cover.
- *Daily Air Tour Limitation* – No operator may conduct more than 3 commercial air tours per day.

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<sup>1</sup> Sunrise and sunset data are available from the NOAA Solar Calculator, <https://www.esrl.noaa.gov/gmd/grad/solcalc/>

- *Hovering* – Aircraft hovering in place or circling is prohibited.
- *Limit on Concurrent Operations* – Only one commercial air tour at a time is permitted over the Park or outside the Park but within ½ mile of its boundary. Operators shall communicate using the frequency and procedures in Section 3.7C of the ATMP, “In-Flight Communication”, to monitor the status of commercial air tours and to prevent more than one commercial air tour occurring at a time.

The following elements of the ATMP are not anticipated to have any environmental effects:

- *Compliance* – The NPS and the FAA are both responsible for the monitoring and oversight of the ATMP. To ensure compliance, operators are required to equip all aircraft used for commercial air tours with flight monitoring technology, use flight monitoring technology during all commercial air tours under the ATMP, and to report flight monitoring data as an attachment to the operator’s semi-annual reports.
- *Required Reporting* – Operators will submit to the FAA and the NPS semi-annual reports regarding the number of commercial air tours over the Park or within ½ mile of its boundary that are conducted by the operators and flight monitoring data.
- *Operator Training and Education* – When made available by Park staff, operators/pilots will be invited to attend an annual springtime interpretive training and education event the Park hosts for concessionaires.
- *Annual Meeting* – At the request of either of the agencies, the Park staff, the local FAA FSDO, and all operators will meet once per year to discuss the implementation of the ATMP and any amendments or other changes to the ATMP.
- *In-Flight Communication* – For situational awareness when conducting commercial air tours of the Park, the operators will utilize frequency 122.9 and report when they enter and depart a route. The pilots will identify their company, aircraft, and route to make any other aircraft in the vicinity aware of their position.
- *Non-transferability of Allocations* – Annual operations are non-transferable though an allocation of annual operations may be assumed by a successor purchaser that acquires an entity holding allocations under the ATMP in its entirety.

#### *CE Citation*

NPS NEPA Handbook 3.3 A1 (516 DM 12): Changes or amendments to an approved action when such changes will cause no or only minimal environmental impact.

#### *CE Justification*

In July 1999 the NPS completed a Final General Management Plan and Environmental Impact Statement (GMP) that, together with a subsequent record of decision, set management direction for the Park. The GMP identified critical issues facing the Park, among them commercial air tours (which it referred to as “scenic air tours”). GMP Vol. 1 at 44. The GMP identified a preferred alternative under which the NPS would request the FAA to prohibit all new commercial air tours over the Park and phase out commercial air tour operators existing as of 1997. GMP Vol. 1 at 64. In a September 1999 ROD, the NPS selected the preferred alternative identified in the GMP for implementation. With respect to commercial air tours, the 1999 ROD specifically stated that the NPS “will request that the Federal Aviation Administration prohibit all commercial sightseeing tours over the park” and that a “management plan will be developed if provided for and directed by law. 1999 ROD at 5. The NPS acknowledged that, in 1999 when the GMP was issued and the ROD was signed, the NPS lacked the authority to accomplish its management objective of phasing out commercial air tours over the Park. However, the GMP stated that should legislation be enacted that authorized the NPS to work with the FAA to develop an ATMP for the Park, the GMP would provide guidance for that ATMP. GMP Vol. 1 at 61.

In 2000, Congress passed the National Parks Air Tour Management Act (NPATMA). NPATMA required operators who wish to conduct commercial air tours over national parks to apply to the FAA for authority to conduct such tours. NPATMA provided for existing commercial air tour operations occurring at the time the law was enacted to continue until an ATMP for the Park was implemented by expressly requiring the FAA to grant

interim operating authority (IOA) to existing operators, authorizing them to conduct, on an annual basis, “the greater of (i) the number of flights used by the operator to provide the commercial air tour operations within the 12-month period prior to the date of the enactment of the act, or (ii) the average number of flights per 12-month period used by the operator to provide such operations within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period.”<sup>2</sup> Under NPATMA, the FAA was required to grant IOA for commercial air tours over the Park.<sup>3</sup> IOA does not provide any operating conditions (e.g., route, altitudes, time of day, etc.) for commercial air tours other than an annual limit. In 2012, NPATMA was amended, requiring commercial air tour operators to report actual commercial air tours to the FAA and the NPS.

For the purpose of the CE, the 1999 ROD selecting the preferred alternative in the GMP (to request that the FAA prohibit commercial air tours over the Park) is an approved action, though not one that the NPS has the authority to implement on its own. IOA issued by the FAA consistent with NPATMA is also an approved action for purposes of applying the CE, as it is a non-discretionary authorization directed by Congress.

Three commercial air tour operators, Homestead Helicopters, Inc., Minuteman Aviation, Inc., and Red Eagle Aviation, Inc. (DBA Montana Air Adventures), hold IOA to conduct a combined total of 891 commercial air tours over the Park each year.<sup>4</sup> Homestead Helicopters, Inc., holds IOA for 15 flights per year, Minuteman Aviation, Inc., holds IOA for 717 flights per year, and Red Eagle Aviation, Inc. holds IOA for 159 flights per year over the Park. Two additional operators, Montana By Air LLC and Kruger, James W. (Kruger Helicopter Service) previously held IOA for the Park and conducted commercial air tours over the Park in 2017-2019, however, these operators surrendered their operating certificates in 2021. Montana by Air LLC held IOA for 12 flights per year and James W. Kruger held IOA for 750 flights per year. Thus, the combined total IOA held by all five operators that conducted air tours over the Park from 2017-2019 was 1,653 air tours. Based on the three-year average of reporting data from 2017-2019, the operators (including those with surrendered operating certificates) conducted an average of 253 commercial air tours over the Park each year. Excluding those operators who surrendered their operating certificates, an average of 144 flights per year were reported over the Park from 2017-2019. *See Table 2, Reported Commercial Air Tours from 2013-2020.* Reporting data from 2013 and 2014 are considered incomplete as reporting protocols were not fully in place at that time and likely do not reflect actual flights. The agencies consider the 2017-2019, three-year average, which is 253 commercial air tours, the existing condition for the purposes of understanding both the existing number of commercial air tour flights over the Park and impacts from that activity. Flight numbers from a single year were not chosen as the existing condition because the three-year average accounts for both variation across years and takes into account the most recent years prior to the COVID-19 pandemic. The COVID-19 pandemic resulted in atypical commercial air tour operations in 2020, which does not represent the conditions in a typical year. In addition, the agencies also decided against using 2021 data due to continued abnormalities associated with the COVID-19 pandemic and the unavailability of reporting data for 2021 during most of the planning effort. Although IOA in effect during the period from 2017-2019 would have allowed up to 1,653 flights per year, the existing condition of Park resources and values reflects the impact of an average of 253 flights per year, which represents existing commercial air tour operations. However, two operators who conducted air tours over the Park during the 2017-2019 years subsequently surrendered their operating certificates and, consequently, their IOA was extinguished. The three-year average for the three remaining operators from 2017-2019 is 144 commercial air tours per year. Consistent with the with the direction set in the Park’s 1999 GMP and associated ROD to work with the FAA to phase out commercial air tours, the ATMP sets a maximum of 144 flights per year.

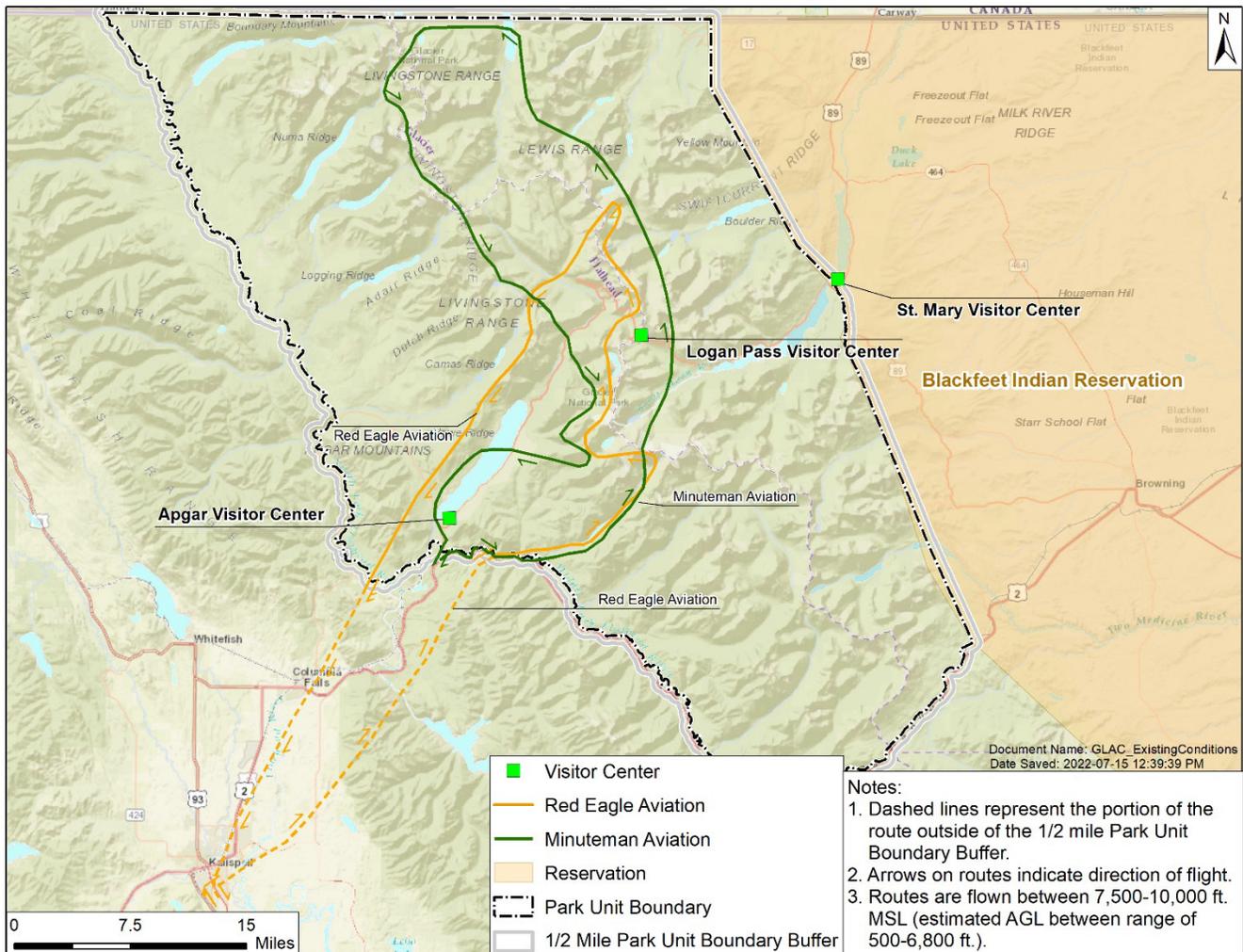
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<sup>2</sup> 49 U.S.C. § 40128(c)(2)(A)(i-ii).

<sup>3</sup> *Id.*

<sup>4</sup> Notice of Interim Operating Authority Granted to Commercial Air Tour Operators Over National Parks and Tribal Lands Within or Abutting National Parks, 70 Fed. Reg. 36,456 (June 23, 2005).

Homestead Helicopters, Inc. did not provide commercial air tour route information in response to a 2017 request from the FAA and the NPS. The operator conducts commercial air tours using a BHT-407-407 rotorcraft. Minuteman Aviation, Inc. conducts commercial air tours on one route over the Park using BHT-206-B, BHT-206-B3, BHT-206-L3, BHT-206-L4, BHT-210-210, BHT-407-407, and CE-182-P aircraft (fixed-wing and rotorcraft). Red Eagle Aviation, Inc. also conducts commercial air tours on one route over the Park using BELL-206-L3, CE-206-U206E, CE-206-U206G aircraft (fixed-wing and rotorcraft). The operators conduct commercial air tours between 7,500 and 10,000 ft. MSL, which corresponds to an estimated range of between 500 and 6,800 ft. AGL. Refer to Figure 2 below for a depiction of commercial air tour routes reported over the Park for Red Eagle Aviation and Minuteman Aviation from 2017-2019. The two operators who surrendered their operating certificates reported conducting air tours over the Park on three routes; however, since those operators no longer have authority to conduct commercial air tours over the Park, their routes are not depicted below.



**Figure 2.** Commercial air tour routes reported over the Park by Red Eagle Aviation and Minuteman Aviation from 2017-2019

The ATMP authorizes the average number of flights flown from 2017-2019 by the three operators who currently conduct air tours over the Park (144 flights per year). As noted above, two operators who conducted air tours over the Park within that timeframe surrendered their operating certificates during the planning process for the ATMP. Consistent with the management direction in the Park’s GMP to phase out commercial air tours, the flights of operators who conducted air tours from 2017-2019 but subsequently surrendered their operating certificates are not reflected in the annual limit set by the ATMP (144 flights per year).

Further, under the ATMP, all commercial air tours over the Park will be phased out. The ATMP accomplishes this goal first through attrition, then through the inclusion of a sunset date of 11:59 PM local time on December 31, 2029 when all operating authority for the Park will be terminated. After commercial air tours are phased out (whether through attrition or on December 31, 2029) no commercial air tours will be authorized over the Park or within ½ mile of its boundary.

During the period in which commercial air tours are authorized, Homestead Helicopters, Inc., is authorized to conduct up to three tours per year, Minuteman, Inc., is authorized to conduct up to five tours per year, and Red Eagle Aviation, Inc., is authorized to conduct up to 136 tours per year, for a combined total of up to 144 tours per year over the Park. The ATMP restricts the number of commercial air tours that an operator may conduct to no more than three commercial air tours per day and no more than one commercial air tour may be conducted over the Park at a time. Until commercial air tours are permanently phased out, the ATMP requires that the number of commercial air tours per year will be automatically adjusted downward if an operator allocated commercial air tours under the ATMP ceases operations by reducing the total number of authorized commercial air tours by the number allocated to the operator. The ATMP prohibits transferability of operating authority or allocations between operators. The route authorized by the ATMP is modified from an existing route for the protection of the Park’s natural and cultural resources and visitor experience, as well as for aviation safety reasons (Figure 1). The ATMP increases the minimum altitude at which the operators may conduct commercial air tours, from minimum 500 ft. AGL under existing operations to MSL altitudes which ensure that commercial air tours conducted using helicopter aircraft will fly no lower than 2,600 ft. AGL, and commercial air tours conducted using fixed-wing aircraft will fly no lower than 3,100 ft. AGL. The ATMP prohibits aircraft from hovering and/or circling while conducting commercial air tours over the Park. The ATMP requires operators to avoid denning sites, feeding areas, or other known areas of congregation for Canada lynx and grizzly bear by lateral movements away from Going-to-the-Sun Road. The ATMP restricts the hours during which commercial air tours may be conducted over the Park, beginning one hour after sunrise until one hour before sunset, except as provided for by quiet technology incentives. The ATMP allows the Park to establish no-fly periods for special events or planned Park management.

**Table 2.** Reported Commercial Air Tours from 2013-2020

Operator	Aircraft	IOA	2013	2014	2015	2016	2017	2018	2019	2020 <sup>5</sup>
Homestead Helicopters, Inc.	BHT-407-407	15	8	7	5	9	3	4	0	0
Kruger, James W. (Kruger Helicopter Service)	No data	750**	119	0	51	75	0	138	187	0
Minuteman Aviation, Inc.	BHT-206-B, BHT-206-B3, BHT-206-L3, BHT-206-L4, BHT-210-210, BHT-407-407, CE-182-P	717	106	715	582	640	0	6	8	5
Montana By Air LLC	No data	2**	2	2	3	3	2	0	4	0
Osprey Aero*	No data	--	0	0	0	--	--	--	--	--
Red Eagle Aviation, Inc. (doing business	BELL-206-L3, CE-206-U206E, CE-206-U206G	159	37	24	19	40	104	150	153	158

<sup>5</sup> Based on unpublished reporting data.

as Montana Air Adventures)										
Selway Aviation*	No data	--	0	0	0	--	--	--	--	--
Wilson Aviation*	No data	--	0	0	0	--	--	--	--	--
<b>Total</b>		<b>1,653</b>	<b>272</b>	<b>748</b>	<b>660</b>	<b>767</b>	<b>109</b>	<b>298</b>	<b>352</b>	<b>163</b>

\*Operators who had IOA revoked or surrendered due to an expired operating certificate or business closure.

\*\* IOA was extinguished when the operators surrendered their operating certificates in 2021.

Consistent with Council on Environmental Quality regulations, the baseline from which to measure environmental impacts of the ATMP is the existing condition of the human environment. In this case, the baseline is the existing condition of Park resources and values, as impacted by existing commercial air tours flown under IOA (between 109 and 352 commercial air tours per year, or an average of 253 commercial air tours per year.) Though IOA does not set a minimum altitude or set designated routes, the baseline also includes the route and altitude information provided by the operators, as well as timing and daily air tour information during the years of 2017-2019 as reported by the operators. Environmental impacts or effects are changes to the human environment (natural and physical) from the ATMP.<sup>6</sup> Because the ATMP is very similar to existing commercial air tour operations and includes new operating parameters designed to improve resource protections and visitor experience, impacts resulting from effects of the ATMP will result in no or only minimal environmental impacts. Consistent with the GMP, commercial air tours authorized under the ATMP will be phased out first through an attrition period during which the 144 authorized commercial air tours will be automatically adjusted downward if an operator ceases operations, and then through a sunset date (11:59 PM local time on December 31, 2029) after which, no commercial air tours will be authorized over the Park or within ½ mile of its boundary. An amendment to the ATMP would be required for a change in the routes beyond that permitted by adaptive management or where the impacts have not been already analyzed by the agencies. In addition, in the period during which commercial air tours are authorized, the ATMP includes mitigating elements such as altitude restrictions, time of day restrictions, and quiet aircraft technology incentives will further reduce the impacts of commercial air tours under the ATMP, which will lead to beneficial impacts to the environment compared to existing conditions. The use of CE 3.3 A1 is appropriate because environmental impacts resulting from the ATMP will result in no or only minimal changes to the existing condition of Park resources and values and impacts will be beneficial compared to existing conditions. The use of CE 3.3 A1 is also appropriate because by phasing out commercial air tours, it implements the management direction identified as the preferred alternative in the Park’s GMP and selected in the 1999 ROD.

Even if impacts of the ATMP were measured against the total number of commercial air tours authorized under IOA for the Park (though such a baseline does not reflect actual commercial air tours conducted over the Park as demonstrated by reported data and is not, therefore, an accurate depiction of the existing condition of the human environment) impacts compared to existing conditions will be beneficial because the ATMP will set the maximum number of commercial air tours at a level much lower than the maximum number of commercial air tours authorized under IOA and includes mitigating elements noted above.<sup>7</sup> Therefore, even if the analysis were approached from a baseline of IOA, the CE would still be an acceptable NEPA pathway since NEPA is primarily concerned with adverse impacts, not beneficial ones like those that will result from the ATMP. In conclusion, the use of this CE is justified because the changes to IOA from the implementation of the ATMP will result in no or only minimal environmental impacts. The use of the CE is consistent with NEPA.

<sup>6</sup> See 40 C.F.R. § 1508.1(g).

<sup>7</sup> If impacts were to be measured from IOA, they would be measured from the IOA held by the three current operators (891 air tours per year), not IOA held by all five operators who conducted air tours over the Park from 2017 to 2019 (1,653 air tours per year) because the IOA for the two operators who surrendered their operating certificates has already been extinguished and the ATMP has no effect on that IOA.

**Table 3.** Extraordinary Circumstances

If implemented, would the proposal...	Yes/No	Notes
<p><b>A.</b> Have significant impacts on public health or safety?</p>	No	<p>Commercial air tours are subject to the FAA regulations for protecting individuals and property on the ground, and preventing collisions between aircraft, land or water vehicles, and airborne objects. The operators must continue to meet the FAA safety regulations. Therefore, health and safety impacts will not be significant. Once commercial air tour operations are phased out, either through attrition or after the sunset date (11:59 PM local time on December 31, 2029), any potential health and safety impacts from these operations would be eliminated.</p>
<p><b>B.</b> Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas?</p>	No	<p>As noted above, the ATMP authorizes the same number of flights per year as the average number flown from 2017-2019 for the three existing operators until commercial air tour operations are phased out, either through attrition or after the sunset date (11:59 PM local time on December 31, 2029) when all operating authority for the Park will be terminated. Furthermore, the route authorized under the ATMP is modified from existing routes for the protection of the Park’s natural and cultural resources and visitor experience, as well as for aviation safety reasons. Therefore, during the period in which commercial air tours are authorized, there would be minimal adverse effects, and potentially beneficial effects, compared to existing conditions. The altitude requirements, time of day restriction, and limit on the number of daily tours further mitigate any potential adverse impacts and will ensure that no significant adverse environmental effects will occur and that impacts will be beneficial compared to existing conditions. After commercial air tour operations are phased out, there will be only beneficial change in the potential for impacts compared to existing conditions. <i>See</i> ESF for a full description of the impacts considered.</p>
<p><b>C.</b> Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (NEPA section 102(2)(E))?</p>	No	<p>There are no highly controversial environmental effects. Impacts from commercial air tours generally are understood from existing modeling and literature and can be projected for Park resources. Information and models used to assess impacts for commercial air tours, as discussed in the ESF, are consistent with peer reviewed literature. Noise has been cited as an adverse impact to wilderness values including opportunities for solitude and on the natural soundscape, visitor experience, and wildlife. As the ATMP authorizes the same number of flights per year as the average number flown from 2017-2019 for the existing operators until commercial air tours are phased out, either through</p>

		<p>attrition or after the sunset date (11:59 PM local time on December 31, 2029), impacts from the remaining flights are not controversial. The reduction in commercial air tours from existing condition and ultimate phase out of such tours is consistent with the 1999 ROD for the Park's GMP.</p> <p>Additionally, there are no unresolved conflicts over available resources. This extraordinary circumstance applies to the use or consumption of resources in a way that prohibits another use of the same resource. Commercial air tours do not consume NPS resources. The impacts from tours affect resources but the resources remain present for others to enjoy or appreciate.</p>
<p><b>D.</b> Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?</p>	<p>No</p>	<p>There are no highly uncertain impacts associated with commercial air tours over the Park. The significance of the environmental effects is to be measured by the change from existing condition. As noted above, the ATMP authorizes the same number of flights per year as the average number flown by the three current operators from 2017-2019 until all such operations are phased out through attrition, or after the sunset date (11:59 PM local time on December 31, 2029). Furthermore, the route authorized under the ATMP is modified from an existing route for the protection of the Park's natural and cultural resources and visitor experience, as well as for aviation safety reasons. Therefore, there will be minimal adverse effects, and potentially beneficial effects compared to existing conditions. The altitude requirements, time of day restriction, and limit on the number of daily tours further mitigate any potential adverse impacts and will ensure that no significant adverse environmental effects will occur in the period during which commercial air tours are authorized and that impacts will be beneficial compared to existing conditions. <i>See</i> ESF for a full description of the impacts considered.</p>
<p><b>E.</b> Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?</p>	<p>No</p>	<p>The ATMP will not make any decisions in principle about future actions or set a precedent for future action. The NPS and the FAA may choose to amend the ATMP at any time consistent with NPATMA.</p>
<p><b>F.</b> Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?</p>	<p>No</p>	<p>The FAA and the NPS qualitatively considered the cumulative impacts of commercial air tours for the period during which they would be authorized under the ATMP along with impacts from existing activities described in the ESF. In some cases, the noise contribution from other sources may be substantial, such as high-altitude jets, roadway traffic, or developed areas within the Park. The addition of commercial air</p>

		<p>tour noise is such a small contribution of noise overall that it is unlikely they would result in noticeable or meaningful cumulative effects to the overall acoustic environment. Commercial air tours over roadways are likely to be masked by existing noise and therefore the contribution to cumulative impacts would be <i>de minimis</i>. Finally, the ATMP does not add new noise to the existing acoustic environment and visual impacts associated with aircraft are most noticeable because of noise and have been found to be not significant. Therefore, when considering other sources of noise in the Park that are likely to continue under the ATMP, the continuation of 144 commercial air tours until they are phased out, either through attrition or after the sunset date (11:59 PM local time on December 31, 2029) will not result in a meaningful change to the existing condition of the visual or auditory landscape at the Park, and no significant cumulative environmental impacts are likely to result from the ATMP. Finally, once commercial air tours are phased out, either through attrition or after the sunset date (11:59 PM local time on December 31, 2029), no air tours will be permitted over or within ½ mile of the Park which will have a minimal beneficial change to the natural and cultural resources at the Park. <i>See</i> ESF for more information.</p>
<p><b>G.</b> Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places, as determined by either the bureau or office?</p>	<p>No</p>	<p>As noted above, the ATMP authorizes the same number of flights per year as the average number flown by the three current operators from 2017-2019 until all such operations are phased out through attrition, or after the sunset date (11:59 PM local time on December 31, 2029). Furthermore, the route authorized under the ATMP is modified from an existing route for the protection of the Park’s natural and cultural resources and visitor experience, as well as for aviation safety reasons. The altitude requirements, time of day restriction, and limit on the number of daily tours further mitigate any potential adverse impacts and will ensure that no significant adverse environmental effects will occur and that impacts will be beneficial compared to existing conditions. Finally, once commercial air tours are phased out, either through attrition or after the sunset date, no air tours will be permitted over or within ½ mile of the Park which will have a minimal beneficial change to cultural resources at the Park.</p> <p>The authorized level of commercial air tours for the period during which they are authorized is not anticipated to adversely affect properties eligible for listing on the National Register of Historic Places. The</p>

		<p>agencies have consulted with the State Historic Preservation Officer, federally recognized tribes and other consulting parties to reach this determination pursuant to 36 CFR Part 800. The FAA, in coordination with NPS, has subsequently concluded that there will be no adverse effects to historic properties that will result from this undertaking. The FAA proposed this finding to all consulting parties via letter dated July 7, 2022. On August 4, 2022, the FAA provided additional information to all consulting parties regarding historic properties per SHPO's request. The SHPO concurred with the finding of no adverse effect on August 23, 2022. The Blackfeet Tribe of the Blackfeet Indian Reservation of Montana also concurred with the finding. Red Eagle Aviation originally responded in a July 27, 2022 letter, stating they objected to the FAA's finding, but explained in the same letter that they "disagree that [their] Fixed Wing flights and routes would have an adverse effect on historical sites or Structures." The FAA sent an email dated August 4, 2022, clarifying the agency's finding and explaining that the agency understands Red Eagle Aviation's position to actually be in agreement with the FAA. Therefore, as noted in the August 4, 2022 email, the FAA is treating Red Eagle Aviation's response as a concurrence with the Section 106 finding. <i>See</i> ESF for more information.</p>
<p><b>H.</b> Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?</p>	<p>No</p>	<p>As noted above, the ATMP authorizes the same number of flights per year as the average number flown by the three current operators from 2017-2019 until all such operations are phased out through attrition, or after the sunset date (by 11:59 PM local time on December 31, 2029). Furthermore, the route authorized under the ATMP is modified from existing routes for the protection of the Park's natural resources including listed species. The altitude requirements, time of day restriction, and limit on the number of daily tours further mitigate any potential adverse impacts and will ensure that no significant adverse environmental effects will occur and that impacts will be beneficial compared to existing conditions. After informal discussions with the U.S. Fish and Wildlife Service, the NPS has determined the ATMP will have <i>No Effect</i> on listed species. Therefore, there is no potential for significant impacts to any listed species associated with the commercial air tour activity proposed in the ATMP. After commercial air tour operations are phased out, there will be only beneficial change in the potential for impacts compared to existing conditions. <i>See</i> ESF for more information.</p>

<b>I.</b> Violate a federal, state, local or tribal law or requirement imposed for the protection of the environment?	No	The ATMP will comply with all applicable federal, state, local and tribal laws. <i>See</i> ESF for more information.
<b>J.</b> Have a disproportionately high and adverse effect on low income or minority populations (EO 12898)?	No	The ATMP will not have a disproportionate effect on low income or minority populations. <i>See</i> ESF for more information.
<b>K.</b> Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or adversely affect the physical integrity of such sacred sites (EO 13007)?	No	The ATMP will not limit access to, or change ceremonial use of Indian sacred sites on federal lands in any way. Sacred ceremonies or other tribal activities which occur without notice to the NPS may be interrupted by noise, however, commercial air tours have no effect on tribal access. Additionally, the ATMP does not involve any ground disturbing or other activities that would adversely affect the physical integrity of sacred sites. <i>See</i> ESF for more information.
<b>L.</b> Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?	No	The ATMP does not involve any ground disturbance or other activities with the potential to contribute to the introduction, continued existence, spread, growth, or expansion of invasive or exotic species in the Park.

*Decision*

I find that the action fits within the categorical exclusion above. Therefore, I am categorically excluding the described project from further NEPA analysis. No extraordinary circumstances apply.

*Signature*

**PETER WEBSTER** Digitally signed by PETER WEBSTER  
Date: 2022.09.13 08:22:29 -06'00'

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Pete Webster  
Deputy Superintendent  
*Signing for:*  
David M. Roemer  
Superintendent  
Glacier National Park  
National Park Service

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Date

## **APPENDIX D**

### FAA Categorical Exclusion Adoption



# Federal Aviation Administration

## **Adoption of the Categorical Exclusion Determination by the National Park Service for the Glacier National Park Air Tour Management Plan.**

The National Parks Air Tour Management Act (NPATMA) requires that all commercial air tour operators conducting or intending to conduct a commercial air tour operation over a unit of the National Park System apply to the Federal Aviation Administration (FAA) for authority to undertake such activity. 49 U.S.C. § 40128(a)(2)(A). NPATMA, as amended, further requires the FAA, in cooperation with the National Park Service (NPS), to establish an Air Tour Management Plan (ATMP) or voluntary agreement for each park that did not have such a plan or agreement in place at the time the applications were made, unless a park has been exempted otherwise from this requirement. 49 U.S.C. § 40128(b)(1)(A).

The FAA and the NPS are proposing to implement the ATMP for Glacier National Park (Park), in accordance with NPATMA, as amended, its implementing regulations (14 Code of Federal Regulations (CFR) Part 136), and all other applicable laws and policies. This document memorializes the FAA's adoption of the NPS determination that its categorical exclusion (CATEX) covers the scope of its proposed action.

### 1. Regulatory Framework

The Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA), 40 CFR Parts 1500-1508, require an agency wishing to apply a CATEX identified in its agency NEPA procedures to first make a determination that the CATEX covers the proposed action and to "evaluate the action for extraordinary circumstances in which a normally excluded action may have a significant effect." 40 CFR § 1501.4(b). If the agency determines that no extraordinary circumstances exist or that "there are circumstances that lessen the impacts or other conditions sufficient to avoid significant effects," the agency may categorically exclude the proposed action. 40 CFR §1501.4(b)(1).

Section 1506.3(a) of the CEQ regulations authorizes agencies to adopt other agencies' NEPA documents under certain conditions, while section 1506.3(d) of the regulations applies specifically to the adoption of other agencies' CATEX determinations and reads as follows:

An agency may adopt another agency's determination that a categorical exclusion applies to a proposed action if the action covered by the original categorical exclusion determination and the adopting agency's proposed action are substantially the same. The agency shall document the adoption.

40 CFR § 1506.3(d). This document has been prepared to comply with that Regulation.

## 2. The NPS's Proposed Action

The NPS's proposed action is to implement an ATMP for the Park. The ATMP includes operating parameters to mitigate impacts from commercial air tours on Park resources, which are described in the NPS Categorical Exclusion Documentation Form attached to the Record of Decision (ROD) as Appendix C.

## 3. FAA's Proposed Action

Like the NPS, the FAA's Proposed Action is to implement the ATMP for the Park subject to the operating parameters described in the NPS Categorical Exclusion Documentation Form (see Appendix C of the ROD). In addition, the FAA will update the operations specifications (OpSpecs) for the air tour operators to incorporate the terms and conditions of the ATMP accordingly.

## 4. Scope of Applicable CATEX and the NPS Extraordinary Circumstances Analysis

For its proposed action, the NPS has applied the Categorical Exclusion from the NPS NEPA Handbook 3.3 A1 (516 DM 12): "Changes or amendments to an approved action when such changes will cause no or only minimal environmental impact."

Per 40 CFR § 1501.4(b), an agency must first determine that the categorical exclusion identified in its agency NEPA procedures covers the proposed action. In this case, the NPS states as follows:

In 2000, Congress passed the National Parks Air Tour Management Act (NPATMA). NPATMA required operators who wish to conduct commercial air tours over national parks to apply to the FAA for authority to conduct such tours. NPATMA provided for existing commercial air tour operations occurring at the time the law was enacted to continue until an ATMP for the Park was implemented by expressly requiring the FAA to grant interim operating authority (IOA) to existing operators, authorizing them to conduct, on an annual basis, "the greater of (i) the number of flights used by the operator to provide the commercial air tour operations within the 12-month period prior to the date of the enactment of the act, or (ii) the average number of flights per 12-month period used by the operator to provide such operations within the 36-month period prior to such date of enactment, and, for seasonal operations, the number of flights so used during the season or seasons covered by that 12-month period." Under NPATMA, the FAA issued IOA for commercial air tours over the Park. IOA does not provide any operating conditions (e.g., route, altitudes, time of day, etc.) for commercial air tours other than an annual limit. In 2012, NPATMA was amended, requiring commercial air tour operators to report actual commercial air tours to the FAA and the NPS. IOA issued by the FAA consistent with NPATMA is the approved action for purposes of the CE, as it is a non-discretionary authorization directed by Congress.

...The use of CE 3.3 A1 is appropriate because environmental impacts resulting from the ATMP will result in no or only minimal changes to the current condition of Park resources and values and impacts will be beneficial compared to current conditions.

For a complete discussion of the NPS's justification for using the above-noted CE, *see* the NPS's Categorical Exclusion Documentation Form, attached to the ROD as Appendix C.

Section 1501.4(b) of the CEQ regulations requires an agency seeking to categorically exclude a proposed action to "evaluate the action for extraordinary circumstances in which a normally excluded action may have a significant effect." The NPS confirms it has performed an appropriate extraordinary

circumstances analysis. *See* the NPS’s Categorical Exclusion Documentation Form, attached to the ROD as Appendix C, and the NPS’s Environmental Screening Form, attached to the ROD as Appendix B.

#### 5. FAA’s “Substantially the Same Action” Determination

As noted above, the CEQ Regulations provide that an agency “may adopt another agency’s determination that a categorical exclusion applies to a proposed action **if the action covered by the original categorical exclusion determination and the adopting agency’s proposed action are substantially the same.**” 40 CFR § 1506.3(d) (emphasis added). Thus, in order to adopt the NPS’s CATEX determination, the FAA must conclude that its proposed action and the NPS’s Proposed Action are “substantially the same.”

In the preamble to the final amended regulations, CEQ stated:

The final rule provides agencies the flexibility to adopt another agency’s determination that a [CATEX] applies to an action when the actions are substantially the same to address situations where a proposed action would result in a [CATEX] determination by one agency and an EA and FONSI by another agency.

85 Fed. Reg. 43304, 43336 (July 16, 2020).

In this case, the FAA has been directed by Congress to implement an ATMP for the Park in cooperation with the NPS. The proposed action is an action to be taken jointly by both agencies, as NPATMA requires. Therefore, the proposed actions of the agencies are necessarily substantially the same and any reasonably foreseeable changes to the human environment arising from the NPS’s implementation of the proposed action are identical to those that would arise from the FAA’s proposed action. While the FAA’s action also includes updating the operators’ OpSpecs, the update would simply further require the operators to comply with the terms and conditions contained in the ATMP and would not result in any impacts beyond those that could result from implementation of the ATMP itself. Accordingly, the FAA determines that the NPS’s Proposed Action and FAA’s Proposed Action are substantially the same.<sup>1</sup>

#### 6. FAA’s Extraordinary Circumstances Analysis

Extraordinary circumstances are factors or circumstances in which a normally categorically excluded action may have a significant environmental impact that then requires further analysis in an EA or an EIS. For FAA proposed actions, extraordinary circumstances exist when the proposed action: (1) involves any of the circumstances described in paragraph 5-2 of FAA Order 1050.1F; and (2) may have a significant impact. *See* FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, section 5-2.

The most potentially relevant circumstances listed in paragraph 5-2 of FAA Order 1050.1F are as follows:<sup>2</sup>

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<sup>1</sup> Updating the operators’ OpSpecs is also independently subject to an FAA CATEX covering “Operating specifications and amendments that do not significantly change the operating environment of the airport.” FAA Order 1050.1F, § 5-6.2(d).

<sup>2</sup> Section 5-2(b)(10) of FAA Order 1050.1F includes a circumstance reading “[i]mpacts on the quality of the human environment that are likely to be highly controversial on environmental grounds” and explains that “[t]he term ‘highly controversial on environmental grounds’ means there is a substantial dispute involving reasonable disagreement over the degree, extent, or nature of a proposed action’s environmental impacts or over the action’s risks of causing environmental harm. Mere opposition is not sufficient for a proposed action or its impacts to be considered highly controversial on environmental grounds.” The 2020 updates to the CEQ regulations eliminated

- An adverse effect on cultural resources protected under the National Historic Preservation Act (*see* ROD Appendix F);
- An impact on properties protected under Section 4(f) of the Department of Transportation Act;
- An impact on natural, ecological, or scenic resources of Federal, state, tribal, or local significance (e.g., federally listed or proposed endangered, threatened, or candidate species, or designated or proposed critical habitat under the Endangered Species Act) (*see* ROD Appendix E);
- An impact on national marine sanctuaries or wilderness areas;
- An impact to noise levels at noise sensitive areas;
- An impact on air quality or violation of Federal, state, tribal, or local air quality standards under the Clean Air Act; and
- An impact on the visual nature of surrounding land uses.

In support of this adoption, the FAA performed its own extraordinary circumstances analysis to ensure that a CATEX was the appropriate level of environmental review and adoption of the NPS’s CATEX determination was permissible. The FAA evaluated each of its extraordinary circumstances to determine if any would have the potential for significant impacts and determined that no extraordinary circumstances exist. *See* Documentation of FAA’s Extraordinary Circumstances Analysis for the Park, attached as Exhibit 1.

7. Section 4(f) of the Department of Transportation Act

Section 4(f) of the Department of Transportation Act (codified at 49 U.S.C. § 303(c)), states that, subject to exceptions for *de minimis* impacts:

... the Secretary may approve a transportation program or project...requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if –

1. There is no prudent and feasible alternative to using that land; and
2. The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

The term “use” refers to both direct (physical) and indirect (constructive) impacts to Section 4(f) resources. A physical use involves the physical occupation or alteration of a Section 4(f) resource, while constructive use occurs when a proposed action results in substantial impairment of a resource to the degree that the activities, features, or attributes of the resource that contribute to its significance or enjoyment are substantially diminished. Under the ATMP, potential impacts to Section 4(f) resources from commercial air tours may include noise from aircraft within the acoustic environment, as well as visual impacts.

To comply with Section 4(f) and as part of its extraordinary circumstances analysis, the FAA prepared a 4(f) analysis, which is attached as Exhibit 2, and determined that there would be no use of any 4(f) resource associated with the implementation of the proposed action. As part of this analysis, the FAA consulted with Officials with Jurisdiction of 4(f) resources in the study area. Further information about those consultations is included in Exhibit 2.

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the “intensity” factor on which this circumstance is based. The FAA nevertheless considered this factor in its extraordinary circumstances analysis for disclosure purposes and to the extent relevant.

8. Attachments:

The FAA prepared this document on review and contemplation of the documents appended to the ROD in addition to the following documents, which are attached hereto:

- Exhibit 1: Documentation of FAA Extraordinary Circumstances Analysis
- Exhibit 2: FAA Section 4(f) Analysis for Glacier National Park

9. Adoption Statement

In accordance with 40 CFR § 1506.3(d), the FAA hereby finds that the NPS's and FAA's proposed actions are substantially the same, that no extraordinary circumstances exist, and that adoption of the NPS's CATEX determination is otherwise appropriate. Accordingly, the FAA hereby adopts the NPS's CATEX determination.

Approved: **GRADY B STONE**  Digitally signed by  
GRADY B STONE  
Date: 2022.09.14  
23:42:34 -07'00'

Date: \_\_\_\_\_

Grady Stone, Regional Administrator  
Northwest Mountain Region  
Federal Aviation Administration

# **EXHIBIT 1**

Documentation of FAA Extraordinary Circumstances Analysis

**The Federal Aviation Administration’s Extraordinary Circumstance Analysis  
For Glacier National Park  
Air Tour Management Plan**

Extraordinary Circumstance	Yes	No	Notes
1. Is the action likely to have an adverse effect on cultural resources protected under the National Historic Preservation Act of 1966, as amended?		✓	The Federal Aviation Administration (FAA) consulted with the Montana State Historic Preservation Office, Native American tribes, and other consulting parties on the potential impacts of the ATMP on Historic Properties, including cultural landscapes as part of Section 106 consultation. That consultation process led to a finding that the air tour management plan (ATMP) will have no adverse effect on historic properties. The FAA provided this finding to all consulting parties via letter dated July 7, 2022. On August 4, 2022, the FAA provided additional information to all consulting parties regarding historic properties per SHPO’s request. The SHPO concurred with the finding of no adverse effect on August 23, 2022. The Blackfeet Tribe of the Blackfeet Indian Reservation of Montana also concurred with the finding. Red Eagle Aviation originally responded in a July 27, 2022 letter, stating they objected to the FAA’s finding, but explained in the same letter that they “disagree that [their] Fixed Wing flights and routes would have an adverse effect on historical sites or Structures.” The FAA sent an email dated August 4, 2022, clarifying the agency’s finding and explaining that the agency understands Red Eagle Aviation’s position to actually be in agreement with the FAA. Therefore, as noted in the August 4, 2022 email, the FAA is treating Red Eagle Aviation’s response as a concurrence with the Section 106 finding. <i>See</i> Section 106 documentation for more information.
2. Is the action likely to have an impact on properties protected under Section 4(f) of the Department of Transportation Act?		✓	Under the ATMP, 144 commercial air tours are authorized per year until such tours are phased out through attrition or until 11:59 PM local time on December 31, 2029 when all operating authority for the Park will be terminated, whichever occurs first. Additionally, the route authorized by the ATMP is modified from existing routes for the protection of the Park’s natural and cultural resources and visitor experience, as well as for aviation safety reasons. Overall, noise impacts associated with commercial air tours over the Park are expected to be minimal or result in an improvement to current conditions, since the ATMP authorizes 144 flights per year which is less than the baseline of 253 commercial air tours per year. Furthermore, the route authorized by the ATMP is modified from existing routes for the protection of Park resources, and the ATMP requires commercial air tours to fly at increased altitudes as compared to existing

Extraordinary Circumstance	Yes	No	Notes
			<p>conditions. Refer to the <i>Noise Technical Analysis</i> in the environmental screening form (ESF). For purposes of assessing noise impacts from commercial air tours on the acoustic environment of the Park under the National Environmental Policy Act (NEPA), the FAA noise evaluation is based on Yearly<sup>1</sup> Day Night Average Sound Level (Ldn or DNL); the cumulative noise energy exposure from aircraft over 24 hours. The DNL analysis indicates that the ATMP will not result in any noise impacts that would be “significant” or “reportable” under FAA’s policy for NEPA. In addition, visual impacts to Section 4(f) resources will be an improvement over impacts currently occurring because the number of authorized flights under the ATMP will be 144 commercial air tours compared to the baseline of 253 flights per year, and the route authorized by the ATMP is modified from an existing route for the protection of Park resources, which substantially reduces the overall area of the Park in which a visitor may notice a commercial air tour. Further, there will be an improvement in noise and visual impacts to Section 4(f) resources because under the ATMP, beginning in 2030, no air tours will be permitted over or within ½ mile of the Park. After consulting with officials with jurisdiction over appropriate 4(f) resources, the FAA has determined that the ATMP will not result in substantial impairment of Section 4(f) resources; therefore, no constructive use of a Section 4(f) resource associated with the ATMP will occur. See Section 4(f) analysis.</p>
<p>3. Is the action likely to have an impact on natural, ecological, or scenic resources of Federal, state, tribal or local significance?</p>		<p>✓</p>	<p>The ATMP limits the number of commercial air tours to 144 tours per year, which corresponds to fewer tours than the three-year average of existing operations (253 tours) and authorizes a route which has been modified from existing operator reported routes for the protection of the Park’s natural and cultural resources and visitor experience. The authorized route substantially reduces the overall area of the Park in which a visitor may notice a commercial air tour compared to existing conditions. Therefore, impacts to viewsheds will decrease compared to impacts currently occurring. Furthermore, since altitudes will increase as compared to existing conditions and therefore visitors are less likely to notice overflights, the ATMP is expected to result in beneficial impacts to</p>

<sup>1</sup> As required by FAA policy, the FAA typically represents yearly conditions as the Average Annual Day (AAD). However, because ATMP operations in the park occur at low annual operational levels and are highly seasonal in nature it was determined that a peak day representation of the operations would more adequately allow for disclosure of any potential impacts. A peak day has therefore been used as a conservative representation of assessment of AAD conditions.

Extraordinary Circumstance	Yes	No	Notes
			<p>viewsheds compared to current conditions. Therefore, the ATMP will not impact scenic resources. Further, beginning in 2030, no air tours will be permitted over or within ½ mile of the Park, which will result in beneficial impacts.</p> <p>The FAA and NPS determined the ATMP will have <i>No Effect</i> on listed species or their critical habitat. See No Effect determination memo. The ATMP limits the number of commercial air tours to 144 tours per year and authorizes a route which has been modified from existing operator reported routes for the protection of the Park’s natural and cultural resources and visitor experience, and requires operators to fly at higher altitudes as compared to existing operations. Therefore, the ATMP is expected to have beneficial impacts on natural and ecological resources.</p>
4. Is this action likely to have an impact on the following resources:			
Resources protected by the Fish and Wildlife Coordination Act		✓	The ATMP will not result in the control or modification of a natural stream or body of water. Therefore, no resources protected by the Fish and Wildlife Coordination Act will be impacted.
Wetlands		✓	While wetlands are present within the project area, the ATMP will not result in ground disturbance or fill nor physical effects to waterways or water bodies. Therefore, no impacts to wetlands will occur.
Floodplains		✓	While floodplains are present within the project area, the ATMP will not result in ground disturbance or fill. Therefore, no impacts to floodplains will occur.
Coastal zones		✓	No coastal zones are located within the Park or its ½-mile boundary.
National marine sanctuaries		✓	No national marine sanctuaries are located within the Park or its ½-mile boundary.
Wilderness areas		✓	<p>Approximately 91% of the Park is recommended wilderness, which per policy, the NPS manages as designated wilderness. Because commercial air tours do not land in wilderness or parks, the undeveloped quality of recommended wilderness will be maintained. The ATMP authorizes the same number of commercial air tours as the average number of flights from 2017-2019, excluding the two operators who surrendered their interim operating authority in 2021, which corresponds to fewer tours than the three-year average of existing operations (253 tours). Furthermore, the route authorized by the ATMP is modified from an existing route which requires commercial</p>

Extraordinary Circumstance	Yes	No	Notes
			air tours to remain within the area surrounding the Going-to-the-Sun Road corridor, rather than over large expanses of the Park's recommended wilderness. Therefore, impacts to solitude and the natural character quality of wilderness will be improved compared to impacts currently occurring. Additionally, beginning in 2030, no commercial air tours will be permitted over or within ½ mile of the Park which will result in beneficial impacts.
National Resource Conservation Service-designated prime and unique farmlands		✓	The ATMP will not result in ground disturbance. Therefore, the project will not impact designated prime and unique farmlands.
Energy supply and natural resources		✓	The ATMP will not affect energy supplies or natural resources.
Resources protected under the Wild and Scenic Rivers Act and rivers, or river segments listed on the Nationwide Rivers Inventory (NRI)		✓	The North Fork of the Flathead Wild and Scenic River and Middle Fork of the Flathead Wild and Scenic River are present within the project area. Although the commercial air tour route authorized by the ATMP crosses over this segment of the North Fork of Flathead River, the route has been modified from an existing operator reported route to locate this crossing near a road, and also includes a requirement for commercial air tour operators to fly at increased altitudes as compared to existing operations. Furthermore, the ATMP limits the number of commercial air tours per year to 144 tours, which corresponds to fewer tours than the three-year average of existing operations (253 tours) due to the two operators who surrendered their operating authority in 2021. The noise associated with the commercial air tours authorized by the ATMP will be infrequent and limited on both a daily and annual basis. Furthermore, the ATMP will not result in ground disturbance or physical impacts to waterways. Therefore, the ATMP will not impact designated Wild and Scenic River waterways. Additionally, beginning in 2030, no air tours will be permitted over or within ½ mile of the Park, which will result in a beneficial impact.
Solid waste management		✓	The ATMP will not result in the generation of solid waste, construction, or demolition debris.
5. Is the action likely to cause a division or disruption of an established community, or a disruption of orderly, planned development, or an inconsistency with community plans or goals?		✓	The ATMP will not disrupt communities or developments plans or goals.

Extraordinary Circumstance	Yes	No	Notes
6. Is the action likely to cause an increase in surface transportation congestion?		✓	The ATMP will not cause an increase in surface transportation congestion.
7. Is the action likely to have an impact on noise levels in noise-sensitive areas?		✓	Overall, noise impacts associated with commercial air tours over the Park are expected to decrease compared to current conditions, since the ATMP authorizes the same number of flights per year as the average number of flights from 2017-2019 excluding the two operators who surrendered their interim operating authority in 2021, which corresponds to fewer tours than the three-year average of existing operations (253 tours). Furthermore, the route authorized by the ATMP is modified from an existing route and requires commercial air tours to fly at increased altitudes as compared to those flown under existing conditions. Refer to the <i>Noise Technical Analysis</i> in the ESF. For purposes of assessing noise impacts from commercial air tours on the acoustic environment of the Park under NEPA, the FAA noise evaluation is based on Yearly Day Night Average Sound Level (Ldn or DNL); the cumulative noise energy exposure from aircraft over 24 hours. The DNL analysis indicates that the undertaking will not result in any noise impacts that would be “significant” or “reportable” as defined in FAA Order 1050.1F.
8. Is the action likely to have an impact on air quality or violate Federal, state, tribal, or local air quality standards under the Clean Air Act?		✓	The findings from the air quality screening analysis demonstrate that implementing the ATMP will not meaningfully impact local air quality and will not have regionally significant impacts from implementation of the ATMP in the Park. See <i>Air Quality Technical Analysis</i> in the ESF.
9. Is the action likely to have an impact on water quality, aquifers, public water supply systems, or state or tribal water quality standards under the Clean Water Act or the Safe Drinking Water Act?		✓	The ATMP will not result in ground disturbance or other activities that will impact water quality, aquifers, public water supply systems, or water quality standards under the Clean Water Act or Safe Drinking Water Act.
10. Is the action likely to be highly controversial on environmental grounds?		✓	There are no highly controversial environmental effects. The term “highly controversial on environmental grounds” means there is a substantial dispute involving reasonable disagreement over the degree, extent, or nature of a proposed action’s environmental impacts or over the action’s risks of causing environmental harm. Mere opposition is not sufficient for a proposed action or its impacts to be considered highly controversial on

Extraordinary Circumstance	Yes	No	Notes
			environmental grounds. See FAA Order 1050.1F 5-2(b)(10) <sup>2</sup> . Impacts from commercial air tours generally are understood from existing modeling and literature and can be accurately projected for Park resources. Information and models used to assess impacts for commercial air tours, as discussed in the NPS categorical exclusion (CE)/ESF, is consistent with peer reviewed literature. Therefore, the ATMP will not result in substantial dispute involving reasonable disagreement over the degree, extent, or nature of the environmental impacts or the risk of causing environmental harm.
11. Is the action likely to be inconsistent with any Federal, State, Tribal, or local law relating to the environmental aspects of the project?		✓	The ATMP will be consistent with all applicable Federal, State, tribal, and local law.
12. Is the action likely to directly, indirectly, or cumulatively create a significant impact on the human environment?		✓	The FAA and NPS qualitatively considered the cumulative impacts of commercial air tours along with impacts from existing activities described in the NPS CE/ESF. In some cases, the noise contribution from other sources may be substantial, such as commercial high-altitude jets, roadway traffic noise, or developed areas within the Park. The addition of air tour noise is such a small contribution of noise overall that it is unlikely they will result in noticeable or meaningful change in the acoustic environment. Commercial air tours over roadways are likely to be masked by existing noise and therefore the impacts will be de minimis. Finally, the ATMP does not add new noise to the existing acoustic environment. Therefore, when considering other sources of noise in the Park that are likely to continue under the ATMP, the continuation of 144 commercial air tours per year will not result in a meaningful change to the current condition of the visual or auditory landscape at the Park. Finally, beginning in 2030, no air tours will be permitted over or within ½ mile of the Park which will result in a beneficial impact.

*\*Extraordinary circumstances exist when the proposed action (1) involves any of the listed circumstances, and (2) may have significant impacts (FAA Order 1050.1F para. 5-2 and 40 CFR § 1508.4). See also FAA Order 1050.1F Desk Reference for a more detailed description of the analysis for each extraordinary circumstance.*

<sup>2</sup> The 2020 updates to the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA eliminated the “intensity” factor on which this circumstance is based. It is nevertheless included for disclosure purposes and to the extent relevant.

## **EXHIBIT 2**

FAA Section 4(f) Analysis for Glacier National Park

# Section 4(f) Analysis in FAA Adoption Document

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## Introduction

The Federal Aviation Administration (FAA) prepared this document to analyze and evaluate the Proposed Action’s potential impacts to resources protected under Section 4(f) of the U.S. Department of Transportation Act (Section 4(f)). The Proposed Action is to implement an Air Tour Management Plan (ATMP) at Glacier National Park (the Park). As land acquisition, construction, or other ground disturbance activities would not occur under the ATMP, the Proposed Action would not have the potential to cause a direct impact to a Section 4(f) resource. Therefore, analysis of potential impacts to Section 4(f) resources is limited to identifying impacts that could result in a constructive use. Section 4(f) is applicable to historic sites and publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, state, or local significance that may be impacted by transportation programs or projects carried out by the U.S. Department of Transportation (USDOT) and its operating administrations, including the FAA.

This document describes Section 4(f) regulations and requirements, the study area for Section 4(f), the process used to identify Section 4(f) resources in the study area, and consideration of potential impacts that could result in substantial impairment to Section 4(f) resources in the study area.

## Regulatory Context

Section 4(f) of the Department of Transportation Act (codified at 49 U.S.C. § 303(c)), states that, subject to exceptions for *de minimis* impacts:

“... the Secretary may approve a transportation program or project...requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if –

1. There is no prudent and feasible alternative to using that land; and
2. The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.”

The term “use” refers to both direct (physical) and indirect (constructive) impacts to Section 4(f) resources. A physical use involves the physical occupation or alteration of a Section 4(f) resource, while constructive use occurs when a proposed action results in substantial impairment of a resource to the degree that the activities, features, or attributes of the resource that contribute to its significance or enjoyment are substantially diminished. Under the ATMP, potential impacts to Section 4(f) resources from commercial air tours may include noise from aircraft within the acoustic environment, as well as visual impacts.

The FAA uses procedures in FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*<sup>1</sup> for meeting Section 4(f) requirements. Federal Highway Administration/Federal Transit Administration regulations and policy are not binding on the FAA; however, the FAA may use them as guidance to the extent relevant to aviation projects.<sup>2</sup> The FAA requires consideration of noise impacts for proposed changes in air traffic procedures or airspace redesign across a study area which may extend vertically from the surface to 10,000 feet above ground level (AGL).<sup>3</sup> The land use compatibility guidelines in 14 CFR Part 150 assist with determining whether a proposed action would constructively use a Section 4(f) resource. These guidelines rely on the Day Night Average Sound level (DNL), which is considered the best measure of impacts to the quality of the human environment from exposure to noise.

The FAA acknowledges that the land use categories in 14 CFR Part 150 may not be sufficient to determine the noise compatibility of Section 4(f) properties (including, but not limited to, noise sensitive areas within national parks and wildlife refuges), where a quiet setting is a generally recognized purpose and attribute. The FAA has consulted with the National Park Service (NPS) and included supplemental noise metrics in the Section 4(f) analysis for the ATMP (see Modeling Noise Impacts below).

Section 4(f) is applicable to all historic sites of national, State, or local significance, whether or not they are publicly owned or open to the public. Except in unusual circumstances, Section 4(f) protects only those historic sites that are listed or eligible for inclusion on the National Register of Historic Places (NRHP).<sup>4</sup> Historic sites are normally identified during the process required under Section 106 of the National Historic Preservation Act. Section 4(f) is not applicable to privately owned parks, recreation areas, and wildlife and waterfowl refuges.

## Section 4(f) Resources

The study area for considering Section 4(f) resources for the ATMP consists of the commercial air tour route plus an additional buffer of 7 miles from either side of the route centerline (the total buffer is 14 miles wide) within the park and ½-mile outside the boundary of the Park. The study area for Section 4(f)

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<sup>1</sup> Federal Aviation Administration. 2015. 1050.1F - *Environmental Impacts: Policies and Procedures*. Also see 1050.F Desk Reference (Version 2, February 2020).

<sup>2</sup> See 1050.1F Desk Reference, Section 5-3.

<sup>3</sup> Department of Transportation, Federal Aviation Administration, Order 1050.1F, *Environmental Impacts: Policies and Procedures*, Appendix B. Federal Aviation Administration Requirements for Assessing Impacts Related to Noise and Noise-Compatible Land Use and Section 4(f) of the Department of Transportation Act (49 U.S.C. § 303), Para. B-1.3, Affected Environment. July 16, 2015.

<sup>4</sup> If a historic site is not NRHP-listed or eligible, a State or local official may formally provide information to FAA to indicate that a historic site is locally significant. The responsible FAA official may then determine it is appropriate to apply Section 4(f). See FAA Order 1050.1F and the 1050.1F Desk Reference, for further detail.

resources also corresponds with the Area of Potential Effects (APE) used for compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (Section 106) for the Park. See Figure 1 for a depiction of the Section 4(f) study area. Historic properties were identified as part of the Section 106 consultation process. Parks, recreational areas, and wildlife and waterfowl refuges were identified using public datasets from Federal, State, and local sources, which included the U.S. Forest Service. Each resource that intersected the study area (i.e., some portion of the property occurs within ½ mile buffer around the Park or 7-mile buffer from either side of the route centerline) was included in the Section 4(f) analysis.

Table 1 lists Section 4(f) historic sites and

Table 2 shows Section 4(f) parks and recreational areas identified in the study area.<sup>5</sup> Figures 1 - 3 shows maps of all Section 4(f) resources within the study area.<sup>6</sup>

*Table 1. Section 4(f) historic sites within the study area*

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
Apgar Fire Lookout	NPS, SHPO	Historic Building	Listed	The Apgar Fire Lookout is listed in the NRHP under Criterion A due to its association with the management needs of Glacier National Park and Criterion C as an excellent remaining example of an early-twentieth century lookout at the park.
Apgar Glacier Park Cottage Sites	NPS, SHPO	Historic District	Eligible	The Apgar Glacier Park Cottage Sites are eligible for the NRHP under Criterion A as a representative example of recreational camp development on Lake McDonald in Glacier National Park. They are also eligible under Criterion C due to their illustration of the shift in the 1950s away from traditionally designed rustic style cabins to

<sup>5</sup> All data sources were accessed the week of March 21, 2022.

<sup>6</sup> In order to protect resources and confidentiality, Traditional Cultural Properties, archeological sites, and other sensitive sites are not displayed on Figures 1 - 3.

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
				<p>the Mid-Century Modern Style. There are three additional properties within the APE that also contribute to the significance of the Apgar Glacier Park Cottage Sites Historic District: Moberly House, Bulls Head Lodge Guest Cabin, and Henderson Cabin.</p>
<p>Apgar's Cabin Resort and Village Inn HD</p>	<p>NPS, SHPO</p>	<p>Historic District</p>	<p>Eligible</p>	<p>The Apgar's Cabin Resort and Village Inn Historic District is eligible for the NRHP under Criteria A and C as an example of a privately owned tourist resort from 1891 to the 1950s. The buildings include a row of 1890s log cabins, a row of small frame tourist cabins built in the 1910s or 1920s, 1930s frame housekeeping cabins, vernacular Rustic-style frame cabins built in the 1940s or 1950s, two single-story vernacular Modern motels, and a two-story architect-designed Mid-century Modern motel.</p>

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
Avalanche Campground Historic District	NPS, SHPO	Historic District	Eligible	<p>The Avalanche Campground Historic District is eligible for the NRHP under Criteria A for its close association with the two major infrastructure development periods of Glacier National Park, including the 1920s through the New Deal and the Mission 66 era between 1953 and 1966. The district is also eligible under Criterion C for its landscape design elements that date to the 1920s and 1950s and the buildings and structures that are significant representatives of their respective eras.</p>
Bull Head Lodge and Studio	NPS, SHPO	Historic Building	Listed	<p>The Bull Head Lodge and Studio is listed in the NRHP under Criterion B for its association with the noted Western artist Charles M. Russell. It served as Russell's summer residence and workplace between 1907 to c.1924.</p>
Bullshead Mine	NPS, SHPO	Historic Mine	Eligible	<p>The Bullshead Mine is eligible for the NRHP under Criterion A as one of the earliest and only patented mining claims and mine developments of the Swift Current Mining District.</p>

Property Name	Official(s) with Jurisdiction	Property Type	Eligibility Status	Significant Characteristics
Burton and Lulu Wheeler Cabin	NPS, SHPO	Historic Residence	Listed	<p>The Burton and Lulu Wheeler Cabin is eligible for the NRHP under Criterion A, B, and C as part of the Wheeler Camp. It is part of a representative example of a recreational camp on Lake McDonald in Glacier National Park and is associated with Burton Kendall Wheeler, a U.S. Senator, who used the cabin as his summer home. Furthermore, the cabin is individually listed under Criterion C as a "Summer Home" that retains its rustic architectural design and scenic vistas and access routes.</p>
Camas Creek Cutoff Road	NPS, SHPO	Historic Linear Feature	Listed	<p>Camas Creek Cutoff Road is eligible for the NRHP under Criterion A for its association with the National Park Service Mission 66 planning and design program. It is significant under Criterion C as a quality, well-preserved example of the Bureau of Public Roads engineering design.</p>
Cattle Queen Snowshoe Cabin	NPS, SHPO	Historic Log Structure	Listed	<p>The Cattle Queen Snowshoe Cabin is listed in the NRHP under Criteria A and C as one of the oldest surviving backcountry patrol cabins in Glacier National Park. The Park reports that the</p>

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
				cabin burned down in the 2003 Trapper Fire and is no longer extant.
DeSmet	NPS, SHPO	Historic Vessel	Listed	The DeSmet is listed in the NRHP under Criterion A as an early representative of the first park-wide boating concession that was important to the success of concession and tourism within the park. It is also listed under Criterion C as an excellent example of a carvel planked boat constructed with traditional boat-working techniques and materials by J. W. Swanson.
Fish Creek Bay Boathouse	NPS, SHPO	Archaeological Site	Listed	The Fish Creek Bay Boathouse is listed in the NRHP under Criterion A for its association with the recreational development of Glacier National Park. The boathouse was constructed c.1928 to house the DeSmet in the winter months.
Fish Creek Campground Historic District	NPS, SHPO	Historic District	Determined eligible by NPS	The Fish Creek Campground Historic District is eligible for the NRHP under Criterion A for its connection to Glacier National Park's visitation and recreational cultural patterns in the twentieth century. It is also eligible under Criterion C for its 1950s landscape design

Property Name	Official(s) with Jurisdiction	Property Type	Eligibility Status	Significant Characteristics
				elements and Mission 66 style architecture. There is one additional property within the APE that contributes to the significance of the Fish Creek Campground Historic District: Fish Creek Bridge.
Glacier National Park Tourist Trails	NPS, SHPO	Historic Road/Trail	Listed	The Glacier National Park Tourist Trails are listed in the NRHP under Criteria A and C for their association with the recreational and transportation development of Glacier National Park. There is one additional property within the APE that also contributes to the significance of Glacier National Park Tourist Trails: Packer's Roost.
Glacier Park Villa Sites Historic District	NPS, SHPO	Historic District	Eligible	The Glacier Park Villa Sites Historic District is eligible for the NRHP under Criteria A and C as a representative example of recreational camp development on Lake McDonald in Glacier National Park. The district contains four cabins that exemplify one type of property division and camp development that occurred around Lake McDonald in the first half of the twentieth century. There is one additional property within the APE that also contributes to the significance of the

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
				Glacier Park Villa Sites Historic District: Buttrey Cabin.
Going-to-the-Sun Road	NPS, SHPO	Historic Linear Feature	Listed, National Historic Landmark (NHL)	Going-to-the-Sun Road is a National Historic Landmark and is listed in the NRHP under Criteria A and C for its role in the development of Glacier National Park and as an engineering feat. The road characterizes the changing nature of tourism in the park.
Granite Park Chalet	NPS, SHPO	Historic Building	NHL	The Granite Park Chalet is a National Historic Landmark and is listed in the NRHP under Criterion A due to its role in the development of Glacier National Park providing lodging and food in an isolated area of the park. It is listed under Criterion C due to the successful implementation of the Swiss or Alpine style and rustic feeling of the design.
Great Northern RR	NPS, SHPO	Historic Linear Feature	Eligible	The Great Northern Railroad is eligible for the NRHP under Criterion A due to its significant role in the settlement and development of the transportation of goods and services to and from northern and central Montana in the early 1900s. It also played a significant role in the development of Kalispell and the

Property Name	Official(s) with Jurisdiction	Property Type	Eligibility Status	Significant Characteristics
				surrounding areas. The railroad is also eligible under Criterion B for its association with James Jerome Hill, the "Empire Builder." Furthermore, the site is potentially eligible under Criterion C as an example of a significant engineering achievement.
Greve's Tourist Cabins	NPS, SHPO	Historic District	Eligible	Greve's Tourist Cabins are eligible for the NRHP under Criteria A as a historic district due to their association with the 1930s economy tourism in Glacier National Park. They are also eligible under Criterion C due to their embodiment of the distinctive characteristics of a 1930s cabin camp within the park. Within the APE for the undertaking there are six resources that contribute to the significance of Greve's Tourist Cabins: Dora Crump Cabin, Cabin 8, Cabin 7, Cabin 4, Bath House, and Woodshed.
Grinnell Number 1 Gaging Station	NPS, SHPO	Historic Political/ Government	Eligible	The Grinnell Number 1 Gaging Station is eligible for the NRHP under Criterion A due to its association with the first long-term, scientific studies of glaciers in Glacier National Park. The station was built in 1949 and was

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
				functional through 1978.
Headquarters Historic District	NPS, SHPO	Historic District	Listed	The Headquarters Historic District is listed in the NRHP under Criterion A as a property representing National Park Service Mission 66 planning and design programs. The district is also eligible under Criterion C as an excellent example of Park Service Modernist architecture.
Heaven's Peak Fire Lookout	NPS, SHPO	Historic Building	Listed	Heaven's Peak Fire Lookout is listed in the NRHP under Criteria A and C due to its association with the park's fire management plan. The lookout served as one of the final links in a system of lookouts that minimized the destruction of the park by fire.
Howe's Lake McDonald Cottage Sites Historic District	NPS, SHPO	Historic District	Listed	The Howes' Lake McDonald Cottage Sites Historic District is listed in the NRHP under Criteria A and C as a representative example of recreational camp development on Lake McDonald in Glacier National Park. The family camps at Howes' Lake McDonald Cottage Sites were built in the 1920s and 1930s and had modest, rustic cabins.

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
Josephine Mine	NPS, SHPO	Historic Mine	Eligible	The Josephine Mine is an early copper mine in the Swiftcurrent / Glacier mining area. It is eligible for the NRHP under Criterion A as one of the earliest and only patented mining claims and mine developments of the Swift Current Mining District.
Kelly Camp Road (AKA North Lake McDonald Road, Lake McDonald Ranger Station Road, Lake McDonald Ranger Station Spur, West Lake Trail)	NPS, SHPO	Historic Linear Feature	Eligible	Kelly Camp Road is eligible for the NRHP under Criteria A for its association with homesteading and recreational tourism in Glacier National Park. There is one additional property within the APE that also contributes to the significance of the Kelly Camp Road: Lake McDonald Bridge.
Kelly's Camp Historic District	NPS, SHPO	Historic District	Listed	The Kelly's Camp Historic District is listed in the NRHP under Criteria A and C as a representative example of a cabin resort on Lake McDonald in Glacier National Park.
Lake McDonald Lodge Coffee Shop	NPS, SHPO	Historic Building	Listed	The Lake McDonald Lodge Coffee Shop is listed in the NRHP under Criteria A and C as an example of the National Park Service (NPS) Mission 66 planning and design programs. It is an exceptional representation of the

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
				Mission 66 program that saw a significant change in NPS planning, management, and architecture.
Lake McDonald Lodge Historic District	NPS, SHPO	Historic Building	NHL	The Lake McDonald Lodge Historic District is a National Historic Landmark and is listed in the NRHP under Criteria A and C as the oldest visitor accommodation facility within Glacier National Park that played a major role in the development of the park's western side visitor services at the turn of the century.
Logan Creek Patrol Cabin	NPS, SHPO	Historic Building	Listed	The Logan Creek Patrol Cabin is listed in the NRHP under Criteria A and C as it illustrates the development and administration of Glacier National Park. The Logan Creek Patrol Cabin is one of many similar structures built in the park during the 1920s and 1930s to facilitate the supervision of the park. It is a rectangular log structure that was built in 1925.
Logan Pass Visitor Center	NPS, SHPO	Historic Architecture	Listed	The Logan Pass Visitor Center is listed in the NRHP under Criteria A and C as an associated property type of the Mission 66 and Parkscape planning and design programs. The visitor center was

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
				constructed in 1966 and represents a unique example of visitor center construction employing modern design in concert with its dramatic mountain setting in Glacier National Park.
Lower Josephine Mine	NPS, SHPO	Historic Mine	Eligible	The Lower Josephine Mine is an early copper mine in the Swift Current/ Glacier mining area. It is eligible for the NRHP under Criterion A as one of the earliest and only patented mining claims and mine developments of the Swift Current Mining District.
Many Glacier Barn & Bunkhouse	NPS, SHPO	Historic Architecture	Listed	The Many Glacier Barn & Bunkhouse is listed in the NRHP under Criteria A and C for its association with the development of the administrative infrastructure in Glacier National Park and for its simplified-rustic design.
Many Glacier Campground Campenders Cabin	NPS, SHPO	Historic Building	Listed	The Many Glacier Campground Campenders Cabin is listed in the NRHP under Criteria A and C due to its association with the increase of middle-class automobile tourists and the National Park Service development of infrastructure appropriate for this new clientele in the

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
				1930s and 1940s. Within the APE there are two historic properties that contribute to the significance of Many Glacier Camp Groundtenders Cabin: B465 Comfort Station and B1049 Comfort Station.
Many Glacier Hotel Historic District	NPS, SHPO	Historic District	NHL	The Many Glacier Hotel Historic District is a National Historic Landmark and is listed in the NRHP under Criteria A and C due to its role in the development of tourism in Glacier National Park and its rustic design. The district consists of the hotel building and four outbuildings that serve as employee quarters.
Morning Eagle	NPS, SHPO	Historic Vessel	Listed	The Morning Eagle is listed in the NRHP under Criterion A due to the role it played in the development of recreation within Glacier National Park. It is also listed under Criterion C as an excellent example of a carvel planked boat constructed using traditional boat-working techniques and materials by J.W. Sweanson, an early influential boat builder.
Mount Brown Fire Lookout	NPS, SHPO	Historic Building	Listed	The Mount Brown Fire Lookout is listed in the NRHP under Criterion A due to its illustration

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
				of an important aspect in the management of conservation of timber resources in Glacier National Park. It is also eligible under Criterion C as an example of one of several similar buildings constructed in the park from a basic plan designed by the United States Forest Service.
North Fork Road	NPS, SHPO	Historic Linear Feature	Listed	The North Fork Road is listed under Criterion A for its association with park administration and the development of the North Fork Region in Glacier National Park.
Site Number 24FH0314	NPS, SHPO	Archaeological Site	Eligible	This site is eligible for its potential to yield information regarding the Lake McDonald Lodge (Glacier Hotel). The site was used as a dump site for the early operation of the lodge between 1897 and 1930.
Site Number 24FH1539	NPS, SHPO	Archaeology Site	Eligible	This site consists of a historic camp most likely built post-1929 after the Halfmoon fire. It is eligible for the NRHP under Criterion A due to its association with the logging operations that occurred with this event. It is also eligible under Criterion D as it is a good example of an early-twentieth century logging camp and has

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
				potential to yield further information.
Site Number GL0814	NPS, SHPO	Historic Mine	Eligible	This site is eligible for the NRHP under Criterion D due to its potential to yield information regarding mining in the area in the early-twentieth century. The site consists of a main mine shaft, a lower mine addition, and a concentration of abandoned processing equipment.
Sperry Chalet	NPS, SHPO	Historic Building	Listed, NHL	The Sperry Chalet is a National Historic Landmark and is listed in the NRHP under Criteria A and C as a representation of one of the unique surviving visitor facilities at Glacier National Park and for its association with tourism in the park. The Sperry Chalet was constructed in 1913 using local stone and timber.
Swiftcurrent Auto Camp Historic District	NPS, SHPO	Historic District	Listed	The Swiftcurrent Auto Camp Historic District is listed in the NRHP under Criterion A due to its association with the shift in National Park Service (NPS) policy and concession development made in response to external changes in the leisure patterns of the American public. It is also listed under

Property Name	Official(s) with Jurisdiction	Property Type	Eligibility Status	Significant Characteristics
				<p>Criterion C as an exemplification of a shift in NPS policy regarding new building design and placement within the park through its small-scale rustic design and isolated placement of the buildings.</p>
Swiftcurrent Fire Lookout	NPS, SHPO	Historic Fire Lookout	Listed	<p>The Swiftcurrent Fire Lookout is listed in the NRHP under Criterion A due to its illustration of an important aspect in the management and conservation of timber resources in Glacier National Park. It is also listed under Criterion C as a rare historic structure type in the management needs of the park.</p>
Swiftcurrent Ranger Station Historic District	NPS, SHPO	Historic District	Listed	<p>The Swiftcurrent Ranger Station Historic District is listed in the NRHP under Criteria A and C as a unique example of a ranger station in Glacier National Park that was constructed after the original station at the site was destroyed by fire in 1936. All the structures that make up the Swiftcurrent Ranger Station were constructed within a year of each other, which resulted in a distinctive ranger station that respected its surrounding landscape and complemented the</p>

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
				nearby Many Glacier Lodge.
Thomas J Walsh Lodge	NPS, SHPO	Historic Building	Listed	The Thomas J. Walsh Lodge is listed in the NRHP under Criteria A, B, and C. It is significant under Criterion A as a "Summer Home" for its association with pre-park settlement and development. It is also significant under Criterion B for its association with Thomas J. Walsh, a U.S. Senator from Montana who rose to national prominence for exposing the "Teapot Dome Scandal." The lodge is also significant under Criterion C as a representative of vernacular, rustic-designed architecture development outside of the purview of the National Park Service's Landscape Division.
Traditional Cultural Properties	NPS, SHPO	TCP	Eligible	The FAA has been informed that TCPs are present within the APE.
Upper Lake McDonald Ranger Station Historic District	NPS, SHPO	Historic District	Listed	The Upper Lake McDonald Ranger Station Historic District is listed in the NRHP under Criteria A and C as an example of a ranger station complex at Glacier National Park. Many of its buildings and structures originated from standard plans executed

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
				at regional offices and appear at other locations within the park.
US Highway 2	NPS, SHPO	Historic Linear Feature	Eligible	US Highway 2 is eligible for the NRHP under Criterion A and C as a historic route through Flathead County and due to its association with the development of transportation in the area.
West Entrance Station	NPS, SHPO	Historic Building	Listed	The West Entrance Station is listed in the NRHP under Criteria A and C for its association with rustic architecture, National Park Service infrastructure development in response to increased visitation, and the construction efforts of the Civilian Conservation Corps.
Wheeler Camp	NPS, SHPO	Historic District	Listed	The Wheeler Camp is listed in the NRHP under Criterion A, B, and C and includes the Burton and Lulu Wheeler Cabin, boathouse, generator house, and three other cabins. It is a representative example of a recreational camp on Lake McDonald in Glacier National Park and is associated with Burton Kendall Wheeler, a U.S. Senator, who used the cabin as his summer home. Furthermore, it

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
				<p>is eligible under Criterion C as a "Summer Home" that retains its rustic architectural design and scenic vistas and access routes. There is one additional property within the APE that also contributes to the significance of the Wheeler Camp Historic District: Burton and Lulu Wheeler Cabin. The Burton and Lulu Wheeler Cabin is also individually eligible for the NRHP.</p>
<p>Lincoln Creek Snowshoe Cabin</p>	<p>NPS, SHPO</p>	<p>Historic Log Structure</p>	<p>Listed</p>	<p>The Lincoln Creek Snowshoe Cabin has served as stopping place for Glacier backcountry and boundary patrols for nearly sixty years. It stands today as reminder of ranger activities of the 1930's: year-round poaching patrols, efforts at predator control and game survey and feeding programs. It is also reflective of time when Glacier's Boundary Trail was major administrative travel route, connecting the park's Belton headquarters with series of permanent ranger stations and providing access to the trails that penetrate Glacier's backcountry. The cabin's simple, straightforward design well represents the</p>

Property Name	Official(s) with Jurisdiction	Property Type	Eligibility Status	Significant Characteristics
				philosophy of "rustic architecture" employed by the National Park Service prior to World War II. The use of appropriate materials, rustic detailing, and sensitive siting and massing, combine to give this largely utilitarian structure a real architectural quality.
Gunsight Pass Shelter	NPS, SHPO	Structure	Listed	The Gunsight Pass shelter maintains good integrity and is a significant example of an early backcountry rustic building in Glacier. It is significant under criteria a and c.
Alice Beck Cabin	NPS, SHPO	Log Structure	Listed	The Alice Beck Cabin is eligible for listing in the National Register of Historic Places under Criteria A and C. The cabin is a representative example of a recreational seasonal camp on Lake McDonald in Glacier National Park, Flathead County, Montana. The Glacier National Park Multiple Property Document (MPD) for "Recreational Camps on Lake McDonald, 1895-1955" provides the historic context for the development of such wilderness recreational properties. The cabin's small lot was originally part of the Denis Comeau Homestead, one of six

Property Name	Official(s) with Jurisdiction	Property Type	Eligibility Status	Significant Characteristics
				patented homesteads on Lake McDonald.
Sherwood Lodge	NPS, SHPO	Structure	Listed	<p>Sherwood Lodge is eligible for listing in the National Register of Historic Places under Criteria A and C as a representative example of a recreational camp on Lake McDonald in Glacier National Park, Flathead County, Montana. The Glacier National Park Multiple Property Document (MPD) for "Recreational Camps on Lake McDonald, 1895-1955" provides the historic context for the development of such wilderness recreational properties. Built in the late 1910s, Sherwood Lodge is characteristic of the family camps constructed during the first quarter of the twentieth century by several wealthy people who bought land from homesteaders and built summer retreats around Lake McDonald.</p> <p>These camps exemplified a national trend in vacationing in this period when some people sought rustic respites from working life, mostly in urban areas.</p>

Property Name	Official(s) with Jurisdiction	Property Type	Eligibility Status	Significant Characteristics
Middle Fork Bridge/Belton Bridge	NPS, SHPO	Bridge	Eligible	<p>The Belton Bridge was the western entrance to Glacier National Park from 1920 to 1938 and was one of the park's first major construction projects. Between 1933 and 1938, the bridge was also a vital link on Going-to-the-Sun Road, a 51-mile stretch of scenic road across the park. The road is significant as a unique engineering accomplishment of the early twentieth century, and as the first product of a 1925 cooperative agreement between the National Park Service and the Bureau of Public Roads. The Belton Bridge is one of approximately seventeen prominent masonry and concrete structures along Going-to-the-Sun Road.</p>
Ptarmigan Tunnel	NPS, SHPO	Historic Road/Trail	Listed	<p>Ptarmigan Tunnel represents a significant engineering achievement that illustrates the National Park Service's commitment to developing transportation facilities to remote areas of Glacier National Park. Therefore, Ptarmigan Tunnel meets the eligibility requirements for listing on the National Register of Historic Places under criteria A</p>

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
				and C.
24FH0754 – N/A	NPS, SHPO	Historic Depressions	Undetermined	N/A*
24FH1624 - N/A	NPS, SHPO	Historic Depressions	Undetermined	N/A*
24FH1626 – N/A	NPS, SHPO	Historic Depressions	Undetermined	N/A*
24FH1627 – N/A	NPS, SHPO	Historic Depressions	Undetermined	N/A*
24FH1628 – N/A	NPS, SHPO	Historic Depressions	Undetermined	N/A*
24FH1629 – N/A	NPS, SHPO	Historic Depressions	Undetermined	N/A*
24FH0124 – N/A	NPS, SHPO	Historic Trash Dump	Undetermined	N/A*
24FH0125 – N/A	NPS, SHPO	Historic Trash Dump	Undetermined	N/A*
24FH1305 – N/A	NPS, SHPO	Historic Trash Dump	Undetermined	N/A*

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
24FH1534 – N/A	NPS, SHPO	Historic Trash Dump	Undetermined	N/A*
24GL1673 – N/A	NPS, SHPO	Historic Trash Dump	Undetermined	N/A*
24FH0751- Historic Trash Dump	NPS, SHPO	Historic Trash Dump	Not Evaluated	N/A*
24FH1546 - North McDonald Road Trash Dump	NPS, SHPO	Historic Trash Dump	Undetermined	N/A*
24FH0078 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24FH0127 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24FH0451 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24FH0746 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24FH0747 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24FH0748 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
24FH0750 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24FH0753 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24FH0755 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24FH0756 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24FH0767 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24FH0850 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24FH1263 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24FH1557 - Highline Trail Site 1	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24FH1625 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24GL0653 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
24GL0658 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24GL0659 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24GL0667 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24GL0669 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24GL0679 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24GL0696 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24GL0697 – N/A	NPS, SHPO	Lithic Material Concentration	Unresolved	N/A*
24GL0731 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24GL0732 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24GL0733 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
24GL0734 - Swift Current Pass Site	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24GL0735 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24GL0736 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24GL0737 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24GL0744 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24GL0745 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24GL0745 - Swift Current Pass Site	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24GL0749 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24GL0809 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24GL0810 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
24GL0815 - Swift Current Pass Site	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24GL0833 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24GL1656 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24GL1657 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24FH0854 – N/A	NPS, SHPO	Lithic Material Concentration	Undetermined	N/A*
24FH0531 – N/A	NPS, SHPO	Precontact Lithic Material Concentration	Undetermined	N/A*
24FH0532 – N/A	NPS, SHPO	Precontact Lithic Material Concentration	Undetermined	N/A*
24FH0745 – N/A	NPS, SHPO	Precontact Lithic Material Concentration	Undetermined	N/A*
24FH0749 – N/A	NPS, SHPO	Precontact Lithic Material Concentration	Undetermined	N/A*
24GL0746 – N/A	NPS, SHPO	Precontact Lithic Material Concentration	Undetermined	N/A*

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
24GL0747 – N/A	NPS, SHPO	Precontact Lithic Material Concentration	Undetermined	N/A*
24FH0849 - Lithic Material Concentration	NPS, SHPO	Precontact Lithic Material Concentration	Undetermined	N/A*
24GL0688 – N/A	NPS, SHPO	Precontact Paleopoint Isolate	Undetermined	N/A*
24GL0863 - Sprague Creek Campground Flake	NPS, SHPO	Precontact Paleopoint Isolate	Undetermined	N/A*
24GL0702 - Archaeological Site	NPS, SHPO	Fire hearths or Roasting Pits	Unresolved	N/A*
24GL0703 - Archaeological Site	NPS, SHPO	fire hearths or Roasting Pits	Unresolved	N/A*
24FH1567 – N/A	NPS, SHPO	fire hearths or Roasting Pits, FCR	Undetermined	N/A*
24GL1669 – N/A	NPS, SHPO	Precontact Rock Alignment	Undetermined	N/A*
24FH0091 - Rock Cairn	NPS, SHPO	Precontact Rock Cairns	Undetermined	N/A*
24GL0159 - Many Glacier Hotel Historic District	NPS, SHPO	Precontact rock cairns	Undetermined	N/A*

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
24GL0825 – N/A	NPS, SHPO	Precontact Rock Cairns	Undetermined	N/A*
24GL0786 – N/A	NPS, SHPO	Rock Alignments	Undetermined	N/A*
24GL0654 – N/A	NPS, SHPO	Rock Cairns	Undetermined	N/A*
24GL0655 – N/A	NPS, SHPO	Rock Cairns	Undetermined	N/A*
24GL0785 – N/A	NPS, SHPO	Rock Cairns	Undetermined	N/A*
24FH0534 – N/A	NPS, SHPO	Surface Stone Quarry - Prehistoric	Undetermined	N/A*
24FH1124 - Fire hearths or Roasting Pits;	NPS, SHPO	Fire hearths or Roasting Pits	Undetermined	N/A*
24FH0321 - Louis Fournier Homestead	NPS, SHPO	Historic Homestead/Farmstead	Undetermined	N/A*
24FH0322 - Chester Gephardt Homestead	NPS, SHPO	Historic Homestead/Farmstead	Undetermined	N/A*
24FH0326 - George Johnson Homestead	NPS, SHPO	Historic Homestead/Farmstead	Undetermined	N/A*

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
24FH0327 - Howard Jones Homestead	NPS, SHPO	Historic Homestead/Farmstead	Undetermined	N/A*
24FH0820 – N/A	NPS, SHPO	Historic Homestead/Farmstead	Undetermined	N/A*
24FH0821 – N/A	NPS, SHPO	Historic Homestead/Farmstead	Undetermined	N/A*
24FH0765 - Stanton Lake Trail #146	NPS, SHPO	Historic Trail	Undetermined	N/A*
24FH0485 - Historic Timber Harvesting	NPS, SHPO	Site	Unresolved	N/A*
24FH1392 – N/A	NPS, SHPO	Fishing Site	Undetermined	N/A*
24GL0664 – N/A	NPS, SHPO	Historic Building Foundation	Undetermined	N/A*
24FH0126 – N/A	NPS, SHPO	Historic Building Foundation	Undetermined	N/A*
24GL0670 – N/A	NPS, SHPO	Historic Cairn/Land Marker	Undetermined	N/A*
24GL0811 – N/A	NPS, SHPO	Historic Cairn/Land Marker	Undetermined	N/A*

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
24GL0678 – N/A	NPS, SHPO	Historic Campsite	Undetermined	N/A*
24GL0812 – N/A	NPS, SHPO	Historic Campsite	Undetermined	N/A*
24FH1391 – N/A	NPS, SHPO	Historic Campsite	Undetermined	N/A*
24GL0662 – N/A	NPS, SHPO	Historic CCC Camp, mining	Undetermined	N/A*
24FH1081 - Blairs Cottage Sites HD	NPS, SHPO	Historic District	Undetermined	N/A*
24FH1083 - N/A	NPS, SHPO	Historic District	Undetermined	N/A*
24FH1086 - Historic District	NPS, SHPO	Historic District	Undetermined	N/A*
24FH1543 - N/A	NPS, SHPO	Historic Hard Rock Mine	Undetermined-Form describes that this site is ineligible	N/A*
24FH0317 - Ernest Christensen Homestead	NPS, SHPO	Historic Homestead/Farmstead	Undetermined	N/A*
24FH0332 - Rudolph Matejka Homestead	NPS, SHPO	Historic Homestead/Farmstead	Undetermined	N/A*

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
24FH0339 - Josiah Rogers Homestead	NPS, SHPO	Historic Homestead/Farmstead	Undetermined	N/A*
24FH0345 - Dennis Sullivan Homestead	NPS, SHPO	Historic Homestead/Farmstead	Undetermined	N/A*
24FH0346 - Arthur Tillison Homestead	NPS, SHPO	Historic Homestead/Farmstead	Undetermined	N/A*
24FH1341 - Historic Homestead	NPS, SHPO	Historic Homestead/Farmstead	Undetermined	N/A*
24FH1535 – N/A	NPS, SHPO	Historic Homestead/Farmstead	Undetermined	N/A*
24GL0661 – N/A	NPS, SHPO	Historic Homestead/Farmstead	Undetermined	N/A*
24FH0335 - Charles Palmer Homestead	NPS, SHPO	Historic Homestead/Farmstead	Undetermined	N/A*
24GL0651 - 93GL-1	NPS, SHPO	Historic Homestead/Farmstead	Undetermined	N/A*
24GL0150 - Many Glacier Hotel Historic District	NPS, SHPO	Historic Hotel/Motel	Undetermined	N/A*
24FH1342 – N/A	NPS, SHPO	Historic Log Structure	Undetermined	N/A*

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
24GL0666 – N/A	NPS, SHPO	Historic Mining	Undetermined	N/A*
24GL0813 – N/A	NPS, SHPO	Historic Mining	Undetermined	N/A*
24FH0533 – N/A	NPS, SHPO	Historic Mining	Undetermined	N/A*
24GL0660 – N/A	NPS, SHPO	Historic Mining	Undetermined	N/A*
24FH1646 - Equipment Shed, 6-stall	NPS, SHPO	Historic Outbuildings	Undetermined	N/A*
24GL1710 - Piegan Pass Trail	NPS, SHPO	Historic Railroad	Undetermined	N/A*
24FH1245 - N/A	NPS, SHPO	Historic Recreation/Tourism	Undetermined	N/A*
24FH1574 - Fish Creek Campground	NPS, SHPO	Historic Recreation/Tourism	Undetermined	N/A*
24GL1508 - N/A	NPS, SHPO	Historic Recreation/Tourism	Undetermined	N/A*
24FH1575 - McFarland Dude Ranch Cabin; YCC Camp Cabin	NPS, SHPO	Historic Recreation/Tourism	Undetermined	N/A*

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
24FH1578 - McFarland Dude Ranch Cabin; YCC Camp Cabin	NPS, SHPO	Historic Recreation/Tourism	Undetermined	N/A*
24FH1516 - Bunday Bunkhouse	NPS, SHPO	Historic Residence	Undetermined	N/A*
24FH1547 - Avalanche Campground Trail T-56	NPS, SHPO	Historic Road/Trail	Undetermined	N/A*
24FH1548 - Highline Trail	NPS, SHPO	Historic Road/Trail	Undetermined	N/A*
24FH1549 - Johns Lake Trail T-259	NPS, SHPO	Historic Road/Trail	Undetermined	N/A*
24FH1550 - McDonald Creek Cutoff Trail T-057	NPS, SHPO	Historic Road/Trail	Undetermined	N/A*
24FH1551 - McDonald Horse Trail	NPS, SHPO	Historic Road/Trail	Undetermined	N/A*
24FH1552 - Ranger Station Horse Trail T-274	NPS, SHPO	Historic Road/Trail	Undetermined	N/A*
24FH1555 - Upper McDonald Creek Trail T-059	NPS, SHPO	Historic Road/Trail	Undetermined	N/A*

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
24FH1556 - Avalanche Cutoff Trail T-058	NPS, SHPO	Historic Road/Trail	Undetermined	N/A*
24FH1558 - Avalanche Campground Trail T-60	NPS, SHPO	Historic Road/Trail	Undetermined	N/A*
24GL1715 - Siyeh Bend Trail T-115	NPS, SHPO	Historic Road/Trail	Undetermined	N/A*
24GL1580 - N/A	NPS, SHPO	Historic Sawmills	Undetermined	N/A*
24FH0752 - NPS Boathouse Foundation	NPS, SHPO	Historic Site	Undetermined	N/A*
24FH0872 - N/A	NPS, SHPO	Historic Site	Undetermined	N/A*
24FH1544 - GTSR Spillway	NPS, SHPO	Historic Site	Undetermined	N/A*
24FH1545 - N/A	NPS, SHPO	Historic Site	Undetermined	N/A*
24GL1647 - N/A	NPS, SHPO	Historic Structure	Undetermined	N/A*
24FH1615 - Garage and Shop	NPS, SHPO	Historic Structure	Undetermined	N/A*

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
24GL0656 – N/A	NPS, SHPO	Other	Undetermined	N/A*
24GL0657 – N/A	NPS, SHPO	Other	Undetermined	N/A*
24FH1576 - McFarland Dude Ranch Cabin; YCC Camp Cabin	NPS, SHPO	Property 1289 in the multiple resource property nomination. Moved.	Undetermined	N/A*
24FH1577 - McFarland Dude Ranch Cabin 1290	NPS, SHPO	Property 1290 in the multiple resource property nomination. Moved.	Undetermined	N/A*
24GL0743 – N/A	NPS, SHPO	Rock Structures	Undetermined	N/A*
24FH1343 – N/A	NPS, SHPO	Scarred Trees	Undetermined	N/A*
24FH0337 – N/A	NPS, SHPO	Historic Homestead/Farmstead	Undetermined	N/A*
24FH0827 – N/A	NPS, SHPO	Precontact Lithic Material Concentration	Undetermined	N/A*
24FH1203 – N/A	NPS, SHPO	Historic Trash Dump	Undetermined	N/A*
24FH1393 - N/A	NPS, SHPO	Historic Energy Development	Undetermined	N/A*

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Property Type</b>	<b>Eligibility Status</b>	<b>Significant Characteristics</b>
24FH1621 - N/A	NPS, SHPO	Historic Energy Development	Undetermined	N/A*
24FH1630 – N/A	NPS, SHPO	Historic Depression(s)	Undetermined	N/A*
24FH1631 – N/A	NPS, SHPO	Historic Road/Trail	Undetermined	N/A*
24FH1110 - Highway 2	NPS, SHPO	See 24FH0490- Historic road/trail	Undetermined	N/A*

*\*For the purposes of this project, unevaluated sites are being considered eligible for listing in the National Register of Historic Places. However, integrity and significance have not been identified at this time.*

*Table 2. Section 4(f) parks and recreational resources in the study area*

<b>Property Name</b>	<b>Official(s) with Jurisdiction</b>	<b>Description</b>	<b>Approximate Size</b>
Glacier National Park	NPS	National Park located in Montana’s Rocky Mountains. Includes glacier-carved peaks and valleys along the Canadian border and over 700 miles of hiking trails.	1.01 million acres
Flathead National Forest	US Forest Service	National forest in western Montana, south of Glacier National Park. Includes about 1 million acres of designated wilderness.	2.4 million acres (5,371 acres in study area)

## Section 4(f) Study Area and Properties for ATMP at Glacier National Park

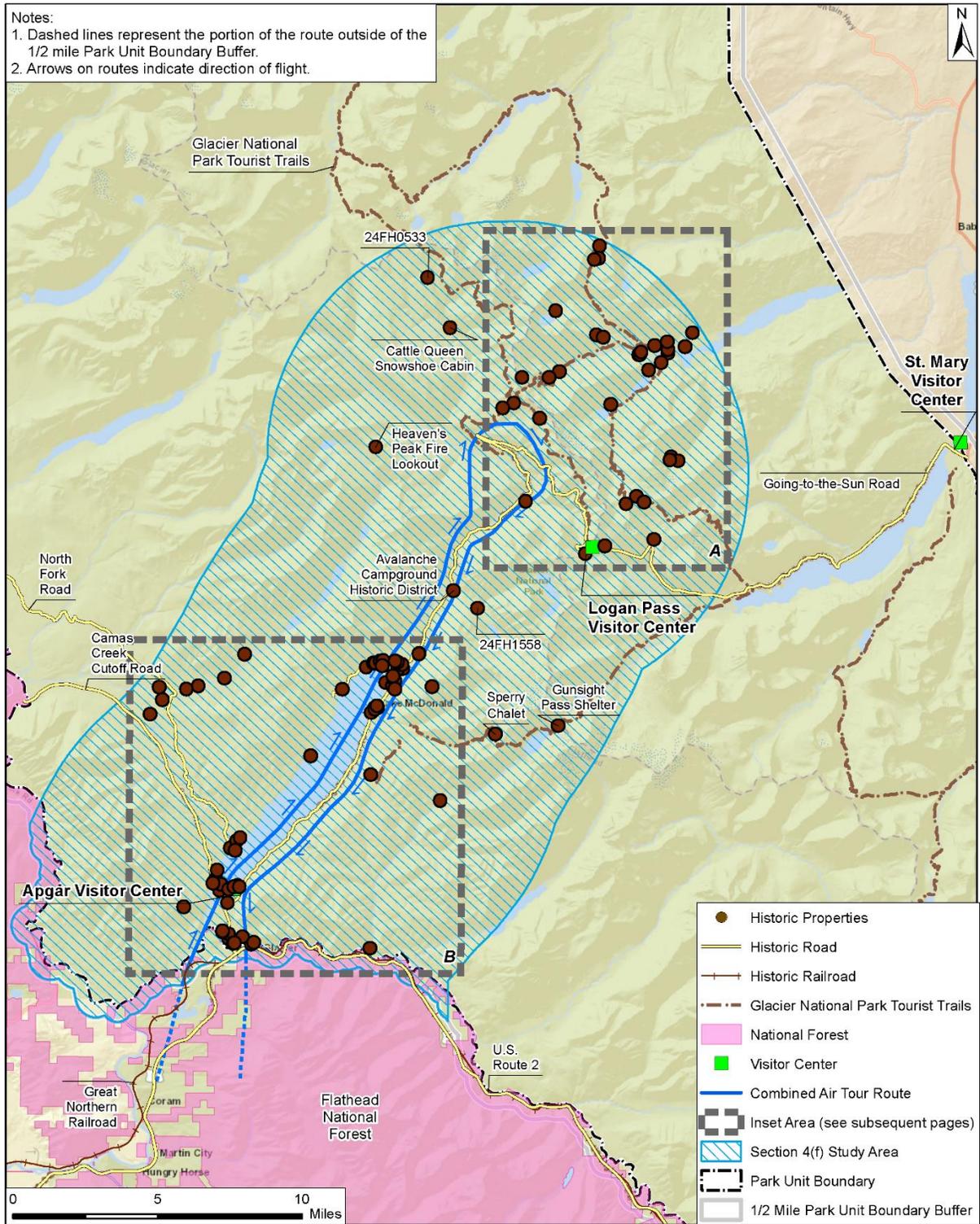


Figure 1. Map of Section 4(f) resources at the Park; includes resources entirely and partially within the Park study area.

**Section 4(f) Study Area and Properties for ATMP at Glacier National Park: Inset Map A**

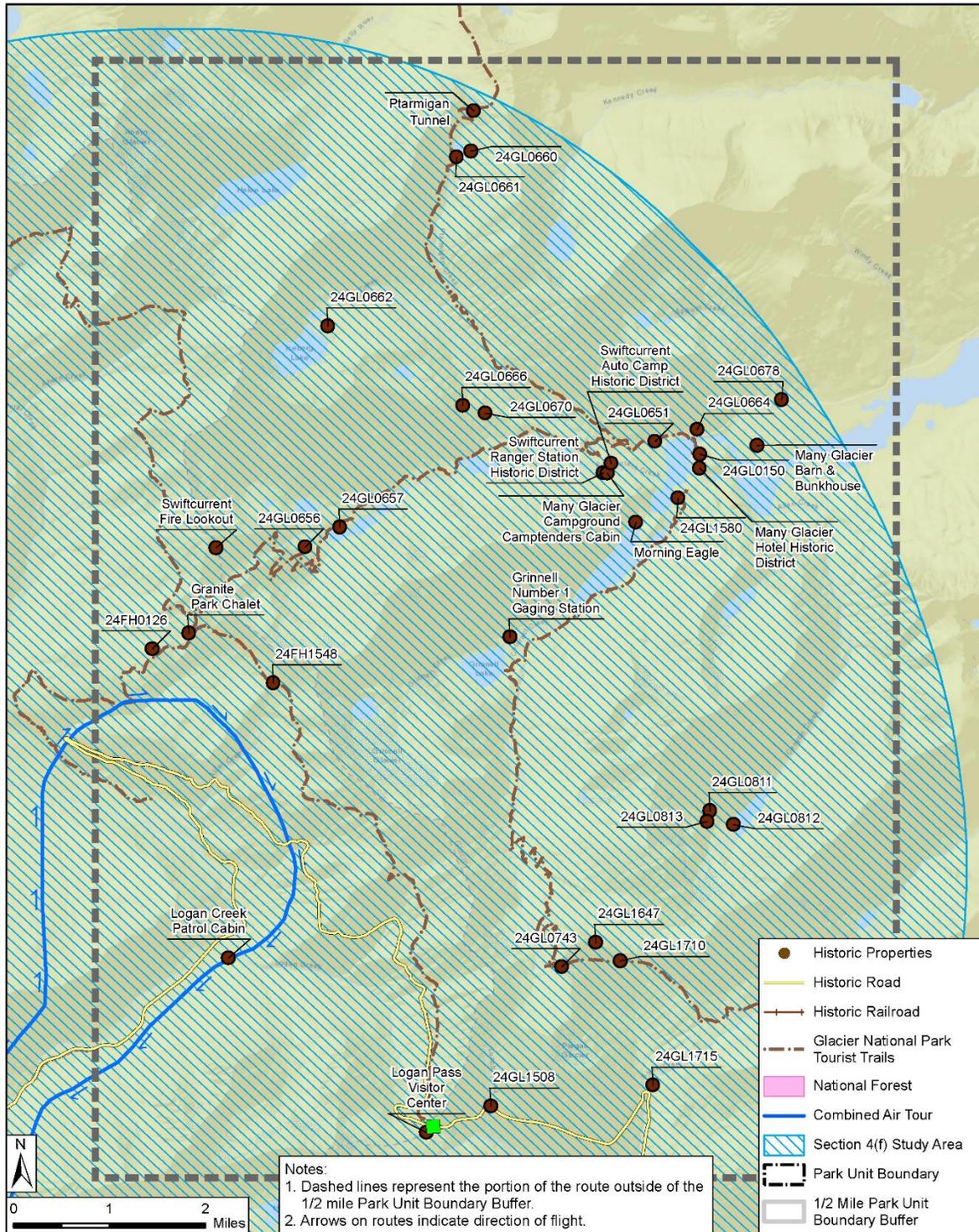


Figure 2. Inset Map A of Section 4(f) resources at the Park; includes resources entirely and partially within the Park study area.

### Section 4(f) Study Area and Properties for ATMP at Glacier National Park: Inset Map B

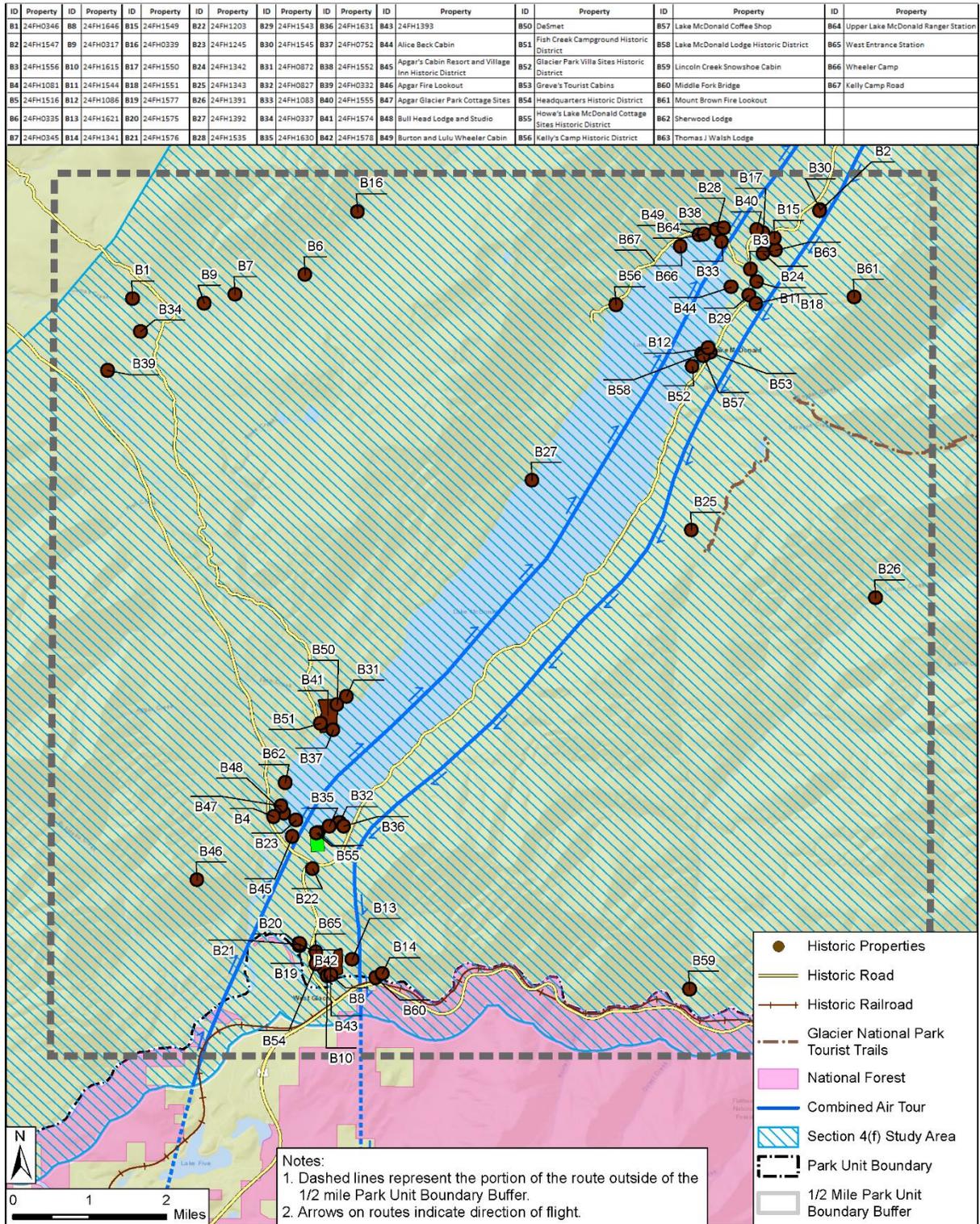


Figure 3. Inset Map B of Section 4(f) resources at the Park; includes resources entirely and partially within the Park study area.

## Potential Use of Section 4(f) Resources

Evaluating potential impacts to Section 4(f) resources focuses on changes in aircraft noise exposure and visual effects resulting from implementing the ATMP. A constructive use of a Section 4(f) resource would occur if there was a substantial impairment of the resource to the degree that the activities, features, or attributes of the site that contribute to its significance or enjoyment are substantially diminished. This could occur as a result of both visual and noise impacts. The FAA evaluated the Section 4(f) resources for potential noise (including vibration) and visual impacts to determine if there was substantial impairment to Section 4(f) resources due to the ATMP that would result in a constructive use.

## Noise Impacts Analysis

### *Indicators of Acoustic Conditions*

There are numerous ways to describe the potential impacts of noise from commercial air tours on the acoustic environment of a park, including intensity, duration, and spatial footprint of the noise. The FAA’s noise evaluation is based on Day Night Average Sound Level Average Annual Day ( $L_{dn}$  or DNL), the cumulative noise energy exposure from aircraft. As part of the ATMP noise analysis, the NPS provided supplemental metrics to assess the impact of commercial air tours on visitor experience in quiet settings, including noise sensitive areas of Section 4(f) resources. The metrics and acoustical terminology considered for the Section 4(f) noise analysis are shown in Table 3.

Table 3. Metrics used for the noise analysis.

Metric	Relevance and citation
Day-night average sound level, DNL	<p>The logarithmic average of sound levels, in dBA, over a 24-hour day DNL takes into account the increased sensitivity to noise at night by including a ten dB penalty between 10 p.m. and 7 a.m. local time.</p> <p>The FAA’s indicators of significant impacts are for an action that would increase noise by DNL 1.5 dB or more for a noise sensitive area that is exposed to noise at or above the DNL 65 dB noise exposure level, or that will be exposed at or above the DNL 65 dB level due to a DNL 1.5 dB or greater increase, when compared to the no action alternative for the same timeframe.<sup>7</sup></p>
Equivalent sound level, $L_{Aeq, 12\text{ hr}}$	<p>The logarithmic average of commercial air tour sound levels, in dBA, over a 12-hour day. The selected 12-hour period is 7 a.m. to 7 p.m. to represent typical daytime commercial air tour operating hours.</p> <p>Note: Both <math>L_{Aeq, 12\text{ hr}}</math> and DNL characterize:</p> <ul style="list-style-type: none"> <li>Increases in both the loudness and duration of noise events</li> <li>The number of noise events during specific time period (12 hours for <math>L_{Aeq, 12\text{ hr}}</math> and 24-hours for DNL)</li> </ul> <p>However, DNL takes into account the increased sensitivity to noise at night by including a ten dB penalty between 10 p.m. and 7 a.m. local time. If there are no nighttime events, <math>L_{Aeq, 12\text{ hr}}</math> will be three dB higher than DNL.</p>

<sup>7</sup> FAA Order 1050.1F, Exhibit 4-1

Maximum sound level, $L_{max}$	The loudest sound level, in dBA, generated by the loudest event; it is event-based and is independent of the number of operations. $L_{max}$ does not provide any context of frequency, duration, or timing of exposure.
Time Above 35 dBA <sup>8</sup>	The amount of time (in minutes) that aircraft sound levels are above a given threshold (i.e., 35 dBA)  In quiet settings, outdoor sound levels exceeding 35 dB degrade experience in outdoor performance venues (ANSI 12.9-2007, Quantities And Procedures For Description And Measurement Of Environmental Sound – Part 5: Sound Level Descriptors For Determination Of Compatible Land Use); Blood pressure increases in sleeping humans (Haralabidis et al., 2008); maximum background noise level inside classrooms (ANSI/ASA S12.60/Part 1-2010, Acoustical Performance Criteria, Design Requirements, And Guidelines For Schools, Part 1: Permanent Schools).
Time Above 52 dBA	The amount of time (in minutes) that aircraft sound levels are above a given threshold (i.e., 52 dBA)  This metric represents the level at which one may reasonably expect interference with Park interpretive programs. At this background sound level (52 dB), normal voice communication at five meters (two people five meters apart), or a raised voice to an audience at ten meters would result in 95% sentence intelligibility. <sup>9</sup>

### *Modeling Noise Impacts*

For aviation noise analyses under the National Environmental Policy Act (NEPA), the FAA determines the cumulative noise energy exposure of individuals resulting from aviation activities in terms of the Average Annual Day (AAD). However, because ATMP operations in the Park occur at low annual operational levels and are highly seasonal in nature, FAA determined that a peak day representation of the operations would more adequately allow for disclosure of any potential impacts.<sup>10</sup> A peak day has therefore been used as a conservative representation of assessment of AAD conditions required by FAA policy.

This approach provides a conservative evaluation of potential noise impacts to park resources, as well as Section 4(f) resources, under the ATMP, as the AAD will always reflect fewer commercial air tour operations than a peak day. The 90<sup>th</sup> percentile day was identified for representation of a peak day and derived from the busiest year of commercial air tour activity from 2017-2019, based on the total number of commercial air tour operations and total flight miles over the Park. The type of aircraft and routes

<sup>8</sup> dBA (A-weighted decibels): Sound is measured on a logarithmic scale relative to the reference sound pressure for atmospheric sources, 20  $\mu$ Pa. The logarithmic scale is a useful way to express the wide range of sound pressures perceived by the human ear. Sound levels are reported in units of decibels (dB) (ANSI S1.1-1994, American National Standard Acoustical Terminology). A-weighting is applied to sound levels in order to account for the sensitivity of the human ear (ANSI S1.42-2001, Design Response of Weighting Networks for Acoustical Measurements). To approximate human hearing sensitivity, A-weighting discounts sounds below 1 kHz and above 6 kHz.

<sup>9</sup> Environmental Protection Agency. Information on Levels of Noise Requisite to Protect the Public Health and Welfare with an Adequate Margin of Safety, March 1974.

<sup>10</sup> See *U.S. Air Tour Ass'n v. F.A.A.*, 298 F.3d 997, 1017-18 (D.C. Cir. 2002).

currently flown by operators were further assessed to determine a reasonable representation of the commercial air tour activity at the Park.

Two operators who conducted air tours over the Park within the 2017-2019 timeframe surrendered their operating authority during the ATMP planning process. Consistent with the management direction in the Park's General Management Plan to phase out commercial air tours through attrition, the flights of those operators are not included in the ATMP, nor are flights of those operators included in the representation of a 90<sup>th</sup> percentile day.

The route authorized under the ATMP is modified from existing routes for the protection of the Park's natural and cultural resources and visitor experience, as well as for aviation safety reasons. The authorized route and designated mean sea level (MSL) altitudes ensure commercial air tours conducted by helicopters will fly no lower than 2,600 feet (ft.) above ground level (AGL) and commercial air tours conducted by fixed-wing aircraft will not fly lower than 3,100 ft. AGL. For the Park, the 90th percentile day was identified as the following:

- 1 flight, BHT-206-L aircraft
- 2 flights, CE-206-U206E or CE-206-U206G aircraft
- 1 flight, BELL-206-L3 aircraft

The noise was modeled for the acoustic indicators in Table 3 and 90<sup>th</sup> percentile day using the FAA's Aviation Environmental Design Tool (AEDT) version 3d. The noise was modeled at points spaced every 0.25 nautical mile throughout the potentially affected area. Please refer to the Environmental Screening Form for further detail.

### *Summary of Potential Noise Impacts*

The noise analysis indicates that the ATMP would not result in any noise impacts that would be "significant" or "reportable" under FAA's policy for the NEPA guidance.<sup>11</sup> Under the ATMP, existing commercial air tours are consolidated into a single route with altitudes assigned at points throughout the route, and the number of flights authorized in the ATMP is a reduction from the three-year average for 2017-2019.<sup>12</sup>

The resultant DNL due to the ATMP is expected to be below DNL 45 dBA and does not cause any reportable noise as there is no expected increase or change in noise from the ATMP.

Because the number of authorized flights under the ATMP would decrease compared to the average number of flights from 2017 to 2019, evaluation of the NPS supplemental metrics show that impacts to Section 4(f) resources would be an improvement to current conditions:

- On days when commercial air tours will occur, noise levels above 35 dBA (an indicator used by NPS to assess the potential for degradation of the natural sound environment) are not anticipated to exceed 35 minutes in two areas directly beneath and adjacent to the route, may occur up to 20-

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<sup>11</sup> Per FAA Order 1050.1F, the FAA refers to noise changes meeting the following criteria as "reportable": for DNL 65 dB and higher,  $\pm$  DNL 1.5 dB; for DNL 60 dB to <65 dB,  $\pm$  DNL 3 dB; for DNL 45 dB to <60 dB,  $\pm$  DNL 5 dB. See also 1050.1F Desk Reference, Section 11.3.

<sup>12</sup> As mentioned, two operators who conducted air tours over the Park within the 2017-2019 timeframe surrendered their operating authority during the planning process. The 2017-2019 three-year average including all operators active during that timeframe is 253 commercial air tours per year. The 2017-2019 three-year average for the remaining operators is 144 tours per year.

30 minutes in several other regions beneath and adjacent to the route, and may occur for less than 20 minutes in other regions of the study area (see NPS Environmental Screening Form).

- On days when commercial air tours will occur, noise levels above 52 dBA (which is associated with speech interference) are anticipated to occur for less than 5 minutes in areas directly beneath and adjacent to the route. Seventy-two Section 4(f) resources identified in the study area fall under the 52 dBA noise contour including those around and south of the Apgar Visitor Center, along the shoreline of Lake McDonald, as well as Granite Park Chalet, Swiftcurrent Fire Lookout, Logan Creek Patrol Cabin, Avalanche Campground Historic District, Apgar Fire Lookout, and sites 24FH1558, 24FH0126, 24FH1548, 24FH1545, and 24GL0656 (see Environmental Screening Form, Figure 4).

In addition, the ATMP limits the operation of commercial air tours to between one hour after sunrise until one hour before sunset. Operators that have converted to quiet technology aircraft, or are considering converting to quiet technology aircraft, may request to be allowed to conduct air tours beginning at sunrise or ending at sunset on all days that flights are authorized. These time restrictions provide times when visitors seeking solitude may experience the Section 4(f) resources without disruptions from commercial air tours. The ATMP also requires commercial air tours to fly at increased altitudes as compared to those flown under existing conditions. The designated routes and altitudes ensure that commercial air tours conducted by helicopters will fly no lower than 2,600 ft. AGL and commercial air tours conducted by fixed-wing aircraft will not fly lower than 3,100 ft. AGL, which will reduce the maximum noise levels at sites directly below the air tour routes. The ATMP also prohibits aircraft from hovering and/or circling while conducting commercial air tours over the Park and requires operators to transition altitudes slowly between points to minimize noise. The ATMP authorizes 144 commercial air tours per year, which is less commercial air tours than the existing condition of 253 air tours. Further, under the ATMP, all commercial air tours over the Park will be phased out. The ATMP accomplishes this goal first through attrition, then through the inclusion of a sunset date of 11:59 PM local time on December 31, 2029 when all operating authority for the Park will be terminated. After commercial air tours are phased out (whether through attrition or on December 31, 2029) no commercial air tours will be authorized over the Park or within ½ mile of its boundary. Additionally, only one commercial air tour at a time is permitted over the Park or outside the Park but within ½ mile of its boundary. Collectively, these changes from existing operations and their effect on the Section 4(f) resources will likely result in beneficial impacts to the Section 4(f) resources.

As a result, FAA concludes there would be no substantial impairment of Section 4(f) resources in the study area from noise-related effects by the implementation of the ATMP. The ATMP would not result in significant or reportable increase in noise at the Park and the ATMP will likely provide beneficial impacts to Section 4(f) resources. This all supports the FAA's determination that implementation of the Proposed Action would not constitute a constructive use of Section 4(f) resources in the study area. This Section 4(f) determination is also consistent with the Section 106 no adverse effect determination at the Park (see Section 106 Consultation and Finding of No Adverse Effect letter).

### *Vibrational Impacts*

A review of the potential for vibrational impacts on historic buildings, parklands, and forests suggests that the potential for damage resulting from helicopters and fixed-wing propeller aircraft overflights is minimal, as the vibration amplitude of these overflights at the altitudes prescribed in the ATMP will be

well below recommended limits for the Section 4(f) resources identified.<sup>13, 14</sup> Vibrational impacts are not anticipated to surrounding parkland and National Forest areas given that aircraft overflights do not contain vibrational energy at levels which would affect outdoor areas or natural features and there is no substantial change from existing conditions.

## Visual Impacts Analysis

The ATMP would not substantially impair Section 4(f) resources within the study area because the level of commercial air tour activity under the ATMP will be less than the average number of flights from 2017-2019 and there will only be one route. Recognizing that some types of Section 4(f) resources may be affected by visual effects of commercial air tours, the FAA and NPS considered the potential for the introduction of visual elements that could substantially diminish the significance or enjoyment of Section 4(f) resources in the study area. Aircraft are transitory elements in a scene and visual impacts tend to be relatively short. The short duration and low number of flights make it unlikely a historic property, forest, or parkland would experience a visual effect from the ATMP. One's perspective of or viewshed from a historic property and natural areas is often drawn to the horizon and aircraft at higher altitudes are less likely to be noticed. Aircraft at lower altitudes may attract visual attention but are also more likely to be screened by vegetation or topography. The ATMP allows the Park to establish no-fly periods for special events or planned Park management.

The ATMP limits the number of commercial air tours to 144 flights per year and up to three flights per day for each of three operators. The ATMP also restricts all air tour operators to a single route at increased altitudes as compared to existing conditions. Based on the three-year average of reporting data (2017-2019), under current conditions, people in the park are not likely to see more than 4 commercial air tours per day.

Visual impacts to Section 4(f) resources will be similar or less to impacts currently occurring because the number of authorized flights under the ATMP will be less than the average number of flights from 2017-2019 and there will only be one route. The ATMP would not introduce visual elements or result in visual impacts that would substantially diminish the activities, features or attributes of a Section 4(f) resource. Therefore, there would be no constructive use from visual impacts of Section 4(f) resources.

## Conclusion

The FAA has determined that there would be no constructive use to Section 4(f) properties from implementation of the Proposed Action because noise and visual impacts from commercial air tours under the ATMP would not constitute a substantial impairment of Section 4(f) resources in the study area. The noise analysis indicated that there would be no significant impact or reportable increase from implementation of the ATMP. NPS's supplemental noise metrics show that the noise impacts would be similar to current conditions and provisions within the ATMP would provide benefits to Section 4(f) resources. Likewise, the visual impacts to Section 4(f) resources would be similar or less than impacts currently occurring because the number of authorized flights under the ATMP (144 flights per year) would be the same as or less than the average number of flights from 2017 to 2019, and all commercial air tours are required to be flown on a single route. Together, this supports the FAA's determination that

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<sup>13</sup> Hanson, C.E., King, K.W., et al., "Aircraft Noise Effects on Cultural Resources: Review of Technical Literature," NPOA Report No. 91-3 (HMMH Report No.290940.04-1), September 1991.

<sup>14</sup> Volpe National Transportation Systems Center, Department of Transportation, 2014. Literature Review: Vibration of Natural Structures and Ancient/Historical Dwellings, Internal Report for National Park Service, Natural Sounds and Night Skies Division, August 21, 2014.

the Proposed Action would not substantially diminish the protected activities, features, or attributes of the Section 4(f) resources in the study area.

The FAA consulted with the NPS and other officials with jurisdiction (OWJ) over Section 4(f) resources in the study area regarding FAA's finding of no substantial impairment, and hence, its no constructive use determination. As a cooperating agency on the Air Tour Management Plan and associated environmental review, NPS was actively engaged with FAA on the proposed action. FAA consulted with the State Historic Preservation Office (SHPO) on historic properties and received a concurrence on a finding of "no adverse effect."

In addition to consultation with the NPS and the SHPO, FAA corresponded with the officials with jurisdiction related to the remaining Section 4(f) resources. On July 5, 2022, FAA sent a letter to the U.S. Forest Service describing the proposed action, analysis on potential use of Section 4(f) resources under their respective jurisdiction, and FAA's preliminary determination (see attached). A follow-up email was sent on July 12, 2022. No response, and hence, no objection, was received.

# **CORRESPONDENCE**



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**

June 27, 2022

Re: Consultation under Section 4(f) of the U.S. Department of Transportation Act (49 U.S.C. § 303) for the development of an Air Tour Management Plan for Glacier National Park

Kurtis Steele  
US Forest Service  
650 Wolfpack Way  
Kalispell, MT 59901

Dear Kurtis Steele:

The Federal Aviation Administration (FAA), in cooperation with the National Park Service (NPS), is developing an Air Tour Management Plan (ATMP) for the Glacier National Park (Park). The FAA is preparing documentation for the ATMP in accordance with the National Parks Air Tour Management Act (NPATMA) and other applicable laws, including Section 4(f) of the U.S. Department of Transportation Act (Section 4(f)). The purpose of this letter is to coordinate with you on FAA's preliminary findings related to the ATMP's potential impacts to Flathead National Forest, which is a protected property under Section 4(f).

### **Project Background and Purpose of the Action**

NPATMA (Public Law 106-181, codified at 49 U.S.C. § 40128) of 2000, directs the agencies to develop ATMPs for commercial air tour operations over units of the national park system. A commercial air tour operation is defined as "a flight conducted for compensation or hire in a powered aircraft where the purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of a national park or over tribal lands, during which the aircraft flies below an altitude of 5,000 feet (ft.) above ground level (AGL) or less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary)." When NPATMA was passed in 2000, existing air tour operators were permitted to continue air tour operations in parks until an ATMP was completed. To facilitate this continued use, FAA issued Interim Operating Authority (IOA) to existing air tour operators. IOA set an annual limit of the number of flights per operator for each park. In 2012, NPATMA was amended by Congress to, among other things, require operators to report the number of flights conducted on a quarterly interval each year. On February 14, 2019, Public Employees for Environmental Responsibility and the Hawai'i Coalition Malama Pono filed a petition for writ of mandamus seeking to have the agencies complete air tour management plans or voluntary agreements at seven specified parks, In re Public Employees for Environmental Responsibility, et al., Case No. 19-1044 (D.C. Cir.). On May 1, 2020, the United States Court of Appeals for the District of Columbia Circuit granted the petition and

ordered the agencies to file a proposed schedule for bringing twenty-three eligible parks, including Glacier National Park, into compliance with NPATMA within two years. The agencies submitted a plan to complete all ATMPs to the court on August 31, 2020.

Section 4(f) is applicable to historic sites and publicly owned parks, recreation areas, and wildlife and waterfowl refuges of national, State, or local significance that may be impacted by transportation programs or projects carried out by the U.S. Department of Transportation (USDOT) and its operating administrations, including the FAA. Section 4(f) of the Department of Transportation Act (codified at 49 U.S.C. § 303(c)), states that, subject to exceptions for *de minimis* impacts:

“... the Secretary may approve a transportation program or project...requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) only if –

1. There is no prudent and feasible alternative to using that land; and
2. The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.”

The term “use” refers to both direct (physical) and indirect (constructive) impacts to Section 4(f) resources. A physical use involves the physical occupation or alteration of a Section 4(f) resource, while constructive use occurs when a proposed action results in substantial impairment of a resource to the degree that the activities, features, or attributes of the resource that contribute to its significance or enjoyment are substantially diminished. Under the ATMP, potential impacts to Section 4(f) resources from commercial air tours may include noise from aircraft within the acoustic environment, as well as visual impacts.

### **Description of the Proposed Action**

The FAA and the NPS (collectively, the agencies) are developing ATMPs for 24 parks,<sup>1</sup> including the Glacier National Park. The ATMPs are being developed in accordance with NPATMA. Each ATMP is unique and therefore, each ATMP is being assessed individually under Section 4(f).

Commercial air tours have been operating intermittently over the Park for over 20 years. Since 2005, these air tours have been conducted pursuant to IOA issued by FAA in accordance with NPATMA. IOA does not provide any operating conditions (e.g., routes, altitudes, time of day, etc.) for air tours other than a limit of 891 air tours per year. The ATMP will replace IOA.

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 144 flights<sup>2</sup>. The agencies decided to use a three-year

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<sup>1</sup> On March 4, 2021, the NPS notified the FAA that an air tour management plan was necessary to protect Muir Woods National Monument’s resources and values and withdrew the exemption for the that park. The agencies are now proceeding with ATMPs for 24 parks instead of 23.

<sup>2</sup> Two operators who conducted air tours over the Park within the 2017-2019 timeframe surrendered their operating authority during the ATMP planning process. The 2017-2019 three-year average, including all operators

average because it reflects the most accurate and reliable air tour conditions based on available operator reporting, and accounts for variations across multiple years, excluding more recent years affected by the COVID 19 pandemic.<sup>3</sup>

The proposed action is implementing the ATMP at the Park. The following elements of the ATMP are included for the Park:

- A maximum of 144 commercial air tours are authorized per year on the route depicted in **Attachment A**;
- The designated MSL altitudes in **Attachment A** ensure commercial air tours conducted by helicopters will fly no lower than 2,600 ft. AGL and commercial air tours conducted by fixed-wing aircraft will not fly lower than 3,100 ft. AGL when over the Park or within ½ mile of its boundary;
- The aircraft types authorized for the commercial air tours includes: BHT-407-407, BHT-206-B, BHT-206-B3, BHT-206-L3, BHT-206-L4, BHT-210-210, CE-182-P, CE-206-U206E, and CE-206-U206G. Any new or replacement aircraft must not exceed the noise level produced by the aircraft being replaced;
- The air tours may operate between one hour after sunrise until one hour before sunset any day of the year, except as provided by the quiet technology incentive. The NPS can establish temporary no-fly periods that apply to commercial air tours for special events or planned Park management.
- Operators are required to equip all aircraft used for air tours with flight monitoring technology, use flight monitoring technology during all air tours under this ATMP, and to report flight monitoring data as an attachment to the operator's semi-annual reports, along with the number of commercial air tours conducted;
- When made available by Park staff, operators/pilots will be invited to attend an annual springtime interpretive training and education event the Park hosts for concessionaires. The training will include Park information that operators can use to further their own understanding of Park priorities and management objectives as well as enhance the interpretive narrative for air tour clients and increase understanding of parks by air tour clients;
- At the request of either of the agencies, the Park staff, the 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; and
- 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 pilots will identify their company, aircraft, and route to make any other aircraft in the vicinity aware of their position.

The FAA and the NPS are both responsible for monitoring and oversight of the ATMP.

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active during the 2017-2019 timeframe, is 253 commercial air tours per year. The 2017-2019 three-year average for the remaining operators is 144 tours per year.

<sup>3</sup> The ATMP authorizes the same number of flights as the average number flown from 2017-2019 for the existing operators. Two operators who conducted air tours over the Park within that timeframe surrendered their operating authority during the planning process. Consistent with the management direction in the Park's General Management Plan to phase out commercial air tours through attrition, the flights of those operators are not included in the ATMP.

## Section 4(f)

The study area for considering Section 4(f) resources for the ATMP consists of the commercial air tour route plus an additional buffer of 7 miles from either side of the route centerline (the total buffer is 14 miles wide) within the Park and ½-mile outside the boundary of the Park. The study area for Section 4(f) resources also corresponds with the Area of Potential Effects (APE) used for compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966 (Section 106) for the Park. See **Attachment A** for a depiction of the Section 4(f) study area. Historic properties were identified as part of the Section 106 consultation process. Parks, recreational areas, and wildlife and waterfowl refuges were identified using public datasets from Federal, State, and local sources, which included the U.S. Forest Service. Each resource that intersected the study area (i.e., some portion of the property fell within the ½ mile buffer around the Park or 7-mile buffer from either side of the route centerline) was included in the Section 4(f) analysis.

### Potential Use of Section 4(f) Resources

Evaluating potential impacts to Section 4(f) resources focuses on changes in aircraft noise exposure and visual effects resulting from implementing the ATMP. A constructive use of a Section 4(f) resource would occur if there was a substantial impairment of the resource to the degree that the activities, features, or attributes of the site that contribute to its significance or enjoyment are substantially diminished. This could occur as a result of both visual and noise impacts. The FAA evaluated the Section 4(f) resources for potential noise (including vibration) and visual impacts to determine if there was substantial impairment to Section 4(f) resources due to the ATMP that might result in a constructive use.

### Noise Impacts Analysis

The FAA's noise evaluation is based on Day Night Average Sound Level Average Annual Day (Ldn or DNL), the cumulative noise energy exposure from aircraft. As part of the ATMP noise analysis, the NPS provided supplemental metrics to assess the impact of commercial air tours on visitor experience in quiet settings, including noise sensitive areas of Section 4(f) resources. The metrics and acoustical terminology considered for the Section 4(f) noise analysis are shown in the table below.

Metric	Relevance and citation
Day-night average sound level, DNL	The logarithmic average of sound levels, in dBA, over a 24-hour day DNL takes into account the increased sensitivity to noise at night by including a ten dB penalty between 10 p.m. and 7 a.m. local time.  The FAA's indicators of significant impacts are for an action that would increase noise by DNL 1.5 dB or more for a noise sensitive area that is exposed to noise at or above the DNL 65 dB noise exposure level, or that will be exposed at or above the DNL 65 dB level due to a DNL 1.5 dB or greater increase, when compared to the no action alternative for the same timeframe. <sup>4</sup>

<sup>4</sup> FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, Exhibit 4-1

Equivalent sound level, $L_{Aeq, 12\text{ hr}}$	<p>The logarithmic average of commercial air tour sound levels, in dBA, over a 12-hour day. The selected 12-hour period is 7 a.m. to 7 p.m. to represent typical daytime commercial air tour operating hours.</p> <p>Note: Both <math>L_{Aeq, 12\text{ hr}}</math> and DNL characterize:</p> <ul style="list-style-type: none"> <li>• Increases in both the loudness and duration of noise events</li> <li>• The number of noise events during specific time period (12 hours for <math>L_{Aeq, 12\text{ hr}}</math> and 24-hours for DNL)</li> </ul> <p>However, DNL takes into account the increased sensitivity to noise at night by including a ten dB penalty between 10 p.m. and 7 a.m. local time. If there are no nighttime events, <math>L_{Aeq, 12\text{ hr}}</math> will be three dB higher than DNL.</p>
Maximum sound level, $L_{\text{max}}$	<p>The loudest sound level, in dBA, generated by the loudest event; it is event-based and is independent of the number of operations. <math>L_{\text{max}}</math> does not provide any context of frequency, duration, or timing of exposure.</p>
Time Above 35 dBA <sup>5</sup>	<p>The amount of time (in minutes) that aircraft sound levels are above a given threshold (i.e., 35 dBA)</p> <p>In quiet settings, outdoor sound levels exceeding 35 dB degrade experience in outdoor performance venues (ANSI 12.9-2007, Quantities And Procedures For Description And Measurement Of Environmental Sound – Part 5: Sound Level Descriptors For Determination Of Compatible Land Use); Blood pressure increases in sleeping humans (Haralabidis et al., 2008); maximum background noise level inside classrooms (ANSI/ASA S12.60/Part 1-2010, Acoustical Performance Criteria, Design Requirements, And Guidelines For Schools, Part 1: Permanent Schools).</p>
Time Above 52 dBA	<p>The amount of time (in minutes) that aircraft sound levels are above a given threshold (i.e., 52 dBA)</p> <p>This metric represents the level at which one may reasonably expect interference with Park interpretive programs. At this background sound level (52 dB), normal voice communication at five meters (two people five meters apart), or a raised voice to an audience at ten meters would result in 95% sentence intelligibility.<sup>6</sup></p>

For aviation noise analyses under the National Environmental Policy Act (NEPA), the FAA determines the cumulative noise energy exposure of individuals resulting from aviation activities in terms of the

<sup>5</sup> dBA (A-weighted decibels): Sound is measured on a logarithmic scale relative to the reference sound pressure for atmospheric sources, 20  $\mu\text{Pa}$ . The logarithmic scale is a useful way to express the wide range of sound pressures perceived by the human ear. Sound levels are reported in units of decibels (dB) (ANSI S1.1-1994, American National Standard Acoustical Terminology). A-weighting is applied to sound levels in order to account for the sensitivity of the human ear (ANSI S1.42-2001, Design Response of Weighting Networks for Acoustical Measurements). To approximate human hearing sensitivity, A-weighting discounts sounds below 1 kHz and above 6 kHz.

<sup>6</sup> Environmental Protection Agency. Information on Levels of Noise Requisite to Protect the Public Health and Welfare with an Adequate Margin of Safety, March 1974.

Average Annual Day (AAD). However, because ATMP operations in the Park occur at low annual operational levels and are highly seasonal in nature FAA determined that a peak day representation of the operations would more adequately allow for disclosure of any potential impacts. A peak day has therefore been used as a conservative representation of assessment of AAD conditions required by FAA policy.

This approach provides a conservative evaluation of potential noise impacts to park resources, as well as Section 4(f) resources, under the ATMP, as the AAD will always reflect fewer commercial air tour operations than a peak day. The 90<sup>th</sup> percentile day was identified for representation of a peak day and derived from the busiest year of commercial air tour activity from 2017-2019, based on the total number of commercial air tour operations and total flight miles over the Park. The type of aircraft and routes currently flown by operators were further assessed to determine a reasonable representation of the commercial air tour activity at the Park.

Two operators who conducted air tours over the Park within the 2017-2019 timeframe surrendered their operating authority during the ATMP planning process. Consistent with the management direction in the Park's General Management Plan to phase out commercial air tours through attrition, the flights of those operators are not included in the ATMP, nor are flights of those operators included in the representation of a 90<sup>th</sup> percentile day.

The route authorized under the ATMP is modified from an existing route for the protection of the Park's natural and cultural resources and visitor experience, as well as for aviation safety reasons. The authorized route and designated mean sea level (MSL) altitudes ensure commercial air tours conducted by helicopters will fly no lower than 2,600 feet (ft.) above ground level (AGL) and commercial air tours conducted by fixed-wing aircraft will not fly lower than 3,100 ft. AGL. For the Park, the 90th percentile day was identified as the following:

- 1 flight, BHT-206-L aircraft
- 2 flights, CE-206-U206E or CE-206-U206G aircraft
- 1 flight, BELL-206-L3 aircraft

The noise was modeled for the acoustic indicators in the table above and 90th percentile day using the FAA's Aviation Environmental Design Tool (AEDT) version 3d. The noise was modeled at points spaced every 0.25 nautical mile throughout the potentially affected area.

The noise analysis indicates that the ATMP would not result in any noise impacts that would be "significant," as described in the table above, or "reportable" under FAA's policy for the NEPA.<sup>7</sup> Under the ATMP, existing commercial air tour routes are consolidated into a single route with altitudes assigned at points throughout the route, and the number of flights authorized in the ATMP is a reduction from the three-year average for 2017-2019.<sup>8</sup> The resultant DNL due to the ATMP is expected

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<sup>7</sup> Per FAA Order 1050.1F, the FAA refers to noise changes meeting the following criteria as "reportable": for DNL 65 dB and higher,  $\pm$  DNL 1.5 dB; for DNL 60 dB to <65 dB,  $\pm$  DNL 3 dB; for DNL 45 dB to <60 dB,  $\pm$  DNL 5 dB. See 1050.1F Desk Reference, Section 11.3.

<sup>8</sup> Two operators who conducted air tours over the Park within the 2017-2019 timeframe surrendered their operating authority during the planning process. The 2017-2019 three-year average including all operators active during that timeframe is 253 commercial air tours per year. The 2017-2019 three-year average for the remaining operators is 144 tours per year.

to be below DNL 45 dBA and does not cause any reportable noise as there is no expected increase or change in noise from the ATMP.

Because the number of authorized flights under the ATMP would decrease compared to the average number of flights from 2017 to 2019, evaluation of the NPS supplemental metrics show that impacts to Section 4(f) resources would be an improvement to current conditions:

- On days when commercial air tours will occur, noise levels above 35 dBA (an indicator used by NPS to assess the potential for degradation of the natural sound environment) are not anticipated to exceed 35 minutes in two areas directly beneath and adjacent to the route, may occur up to 20-30 minutes in several other regions beneath and adjacent to the route, and may occur for less than 20 minutes in other regions of the study area.
- On days when commercial air tours will occur, noise levels above 52 dBA (which is associated with speech interference) are anticipated to occur for less than 5 minutes in areas directly beneath and adjacent to the route. Flathead National Forest does not fall under the 52 dBA noise contour.

In addition, the ATMP limits the operation of commercial air tours to between one hour after sunrise until one hour before sunset. Operators that have converted to quiet technology aircraft, or are considering converting to quiet technology aircraft, may request to be allowed to conduct air tours beginning at sunrise or ending at sunset on all days that flights are authorized. These restrictions provide times when visitors seeking solitude may experience the Section 4(f) resources without disruptions from commercial air tours. The ATMP also requires commercial air tours to fly at increased altitudes as compared to those flown under existing conditions. The designated routes and altitudes ensure that commercial air tours conducted by helicopters will fly no lower than 2,600 ft. AGL and commercial air tours conducted by fixed-wing aircraft will not fly lower than 3,100 ft. AGL, which will reduce the maximum noise levels at sites directly below the air tour routes. The ATMP also prohibits aircraft from hovering and/or circling while conducting commercial air tours over the Park and requires operators to transition altitudes slowly between points to minimize noise. Collectively, these changes from existing operations and their effect on the current use of Section 4(f) resources will likely result in beneficial impacts to the Section 4(f) resources.

A review of the potential for vibrational impacts on historic buildings, parklands, and forests suggests that the potential for damage resulting from helicopters and fixed-wing propeller aircraft overflights is minimal, as the vibration amplitude of these overflights at the altitudes prescribed in the ATMP will be well below recommended limits for the Section 4(f) resources identified.

As a result, FAA concludes there would be no substantial impairment of Section 4(f) resources in the study area from noise-related and vibrational effects by the implementation of the ATMP. The ATMP would not result in significant or reportable increase in noise at the Park and the ATMP will likely provide beneficial impacts to Section 4(f) resource. Likewise, vibrational impacts from air tour overflights would be minimal. This all supports the FAA's determination that implementation of the Proposed Action would not constitute a constructive use of Section 4(f) resources in the study area.

## Visual Impacts Analysis

The ATMP would not substantially impair Section 4(f) resources within the study area because the level of commercial air tour activity under the ATMP will be less than the average number of flights from 2017-2019 and there will only be one route. Recognizing that some types of Section 4(f) resources may be affected by visual effects of commercial air tours, the FAA and NPS considered the potential for the introduction of visual elements that could substantially diminish the significance or enjoyment of Section 4(f) resources in the study area. Aircraft are transitory elements in a scene and visual impacts tend to be relatively short. The short duration and low number of flights make it unlikely a historic property, forest, or parkland would experience a visual effect from the ATMP. One's perspective of or viewshed from a historic property and natural areas is often drawn to the horizon and aircraft at higher altitudes are less likely to be noticed. Aircraft at lower altitudes may attract visual attention but are also more likely to be screened by vegetation or topography. The ATMP allows the Park to establish no-fly periods for special events or planned Park management.

The ATMP limits the number of commercial air tours to 144 flights per year and up to three flights per day for each of three operators. The ATMP also restricts all air tour operators to a single route at increased altitudes as compared to existing conditions. Based on the three-year average of reporting data (2017-2019), under current conditions, people in the park are not likely to see more than 4 commercial air tours per day.

Visual impacts to Section 4(f) resources will be similar or less to impacts currently occurring because the number of authorized flights under the ATMP will be less than the average number of flights from 2017-2019 and there will only be one route. The ATMP would not introduce visual elements or result in visual impacts that would substantially diminish the activities, features or attributes of a Section 4(f) resource. Therefore, there would be no constructive use from visual impacts to Section 4(f) resources.

## Preliminary Finding

The FAA has preliminarily determined the ATMP would not substantially diminish the protected activities, features, or attributes of the Section 4(f) resources in the study area. There is no anticipated change in visual and noise impacts over existing conditions as a result of the ATMP. Moreover, the noise analysis indicated that there would be no significant impact or reportable increase from implementation of the ATMP. The ATMP would not result in substantial impairment of Section 4(f) resources; therefore, based on the analysis above, FAA intends to make a determination of no constructive use of Flathead National Forest. We request that you review this information and respond with any concerns or need for further consultation on the FAA's proposed no substantial impairment finding within fourteen days of receiving this letter.

Should you have any questions regarding any of the above, please contact Eric Elmore at 202-267-8335 or [eric.elmore@faa.gov](mailto:eric.elmore@faa.gov) and copy the ATMP team at [ATMPTeam@dot.gov](mailto:ATMPTeam@dot.gov).

Sincerely,

**ERIC M  
ELMORE**

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Date: 2022.07.05  
13:06:02 -04'00'

Eric Elmore  
Senior Policy Advisor  
Office of Environment and Energy  
Federal Aviation Administration

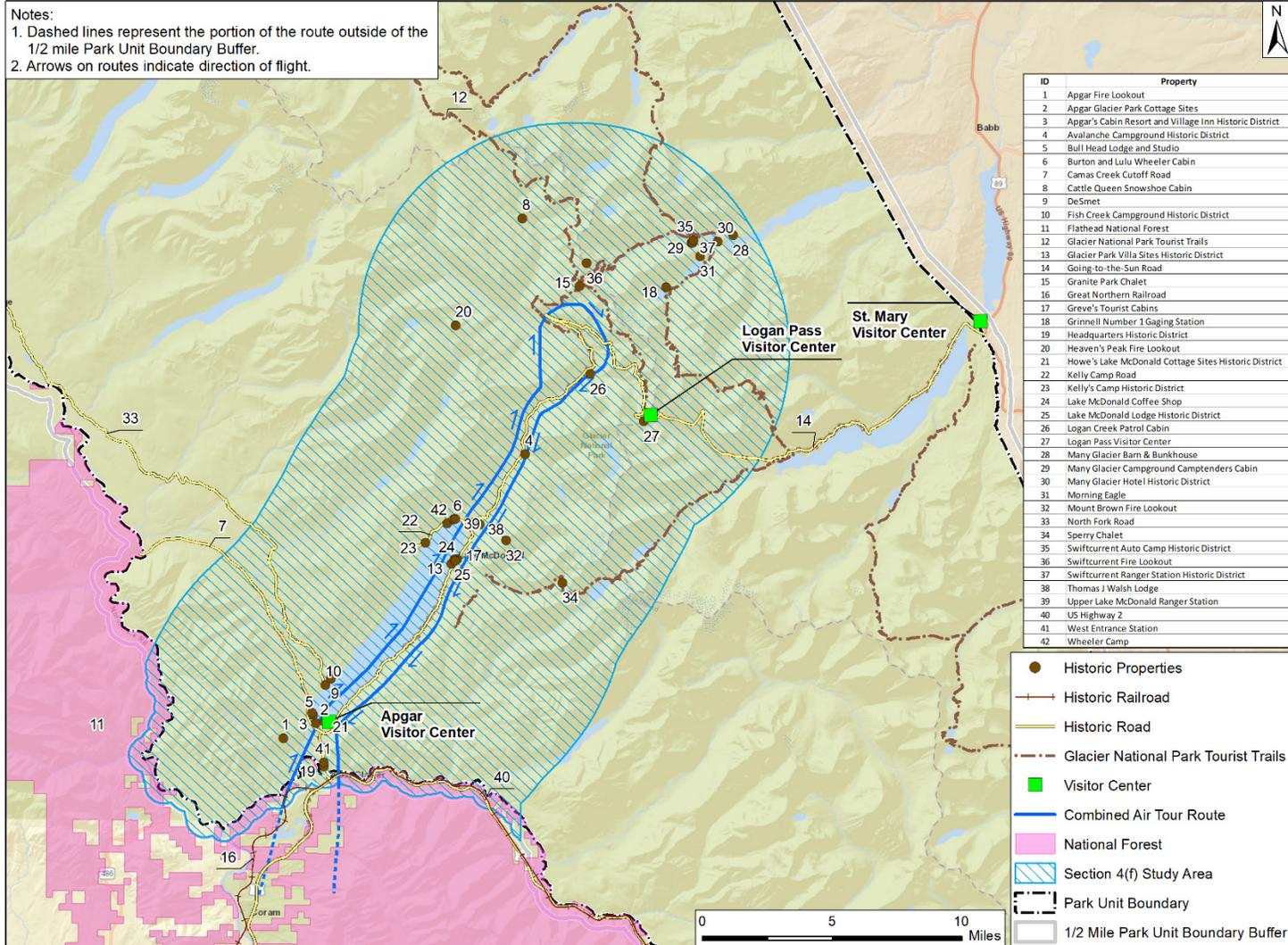
Attachments

- A. Map including proposed Commercial Air Tour Routes, Section 4(f) Study Area, and Section 4(f) Resources

## ATTACHMENT A

### Map of Proposed Commercial Air Tour Routes, Section 4(f) Study Area, and Section 4(f) Resources

#### Section 4(f) Study Area and Properties for ATMP at Glacier National Park



## **APPENDIX E**

### **Endangered Species Act: Section 7 Compliance Documentation**



**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**

August 3, 2022

**Re: Glacier National Park Air Tour Management Plan**  
**Section 7 Endangered Species Act No Effect Determination**

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 Glacier National Park (the Park). The agencies are preparing documentation for the ATMP in accordance with the National Parks Air Tour Management Act and other applicable laws. This memorandum documents the agencies' *No Effect* determination associated with the proposed action for the purpose of compliance with Section 7 of the Endangered Species Act (the Act).

### **Action Area and Description of Proposed Action**

The action area includes the Park and the land within a ½-mile boundary from the Park depicted in Figure 1. This area encompasses all of the effects of the proposed action. The ATMP applies to all commercial air tours over the Park and commercial air tours within ½ mile outside the boundary of the Park. A commercial air tour subject to the ATMP is any flight, conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over the Park, during which the aircraft flies:

- (1) Below 5,000 feet above ground level (except solely for the purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the FAA requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or
- (2) Less than one mile laterally from any geographic feature within the Park (unless more than ½-mile outside the Park boundary).

Consistent with the Park's General Management Plan which provides for the phasing out of commercial air tours over the Park, the proposed action is implementation of an ATMP for the Park that provides for the phasing out of air tours and establishes the following conditions for the management of commercial air tour operations in the period during which commercial air tours are authorized.

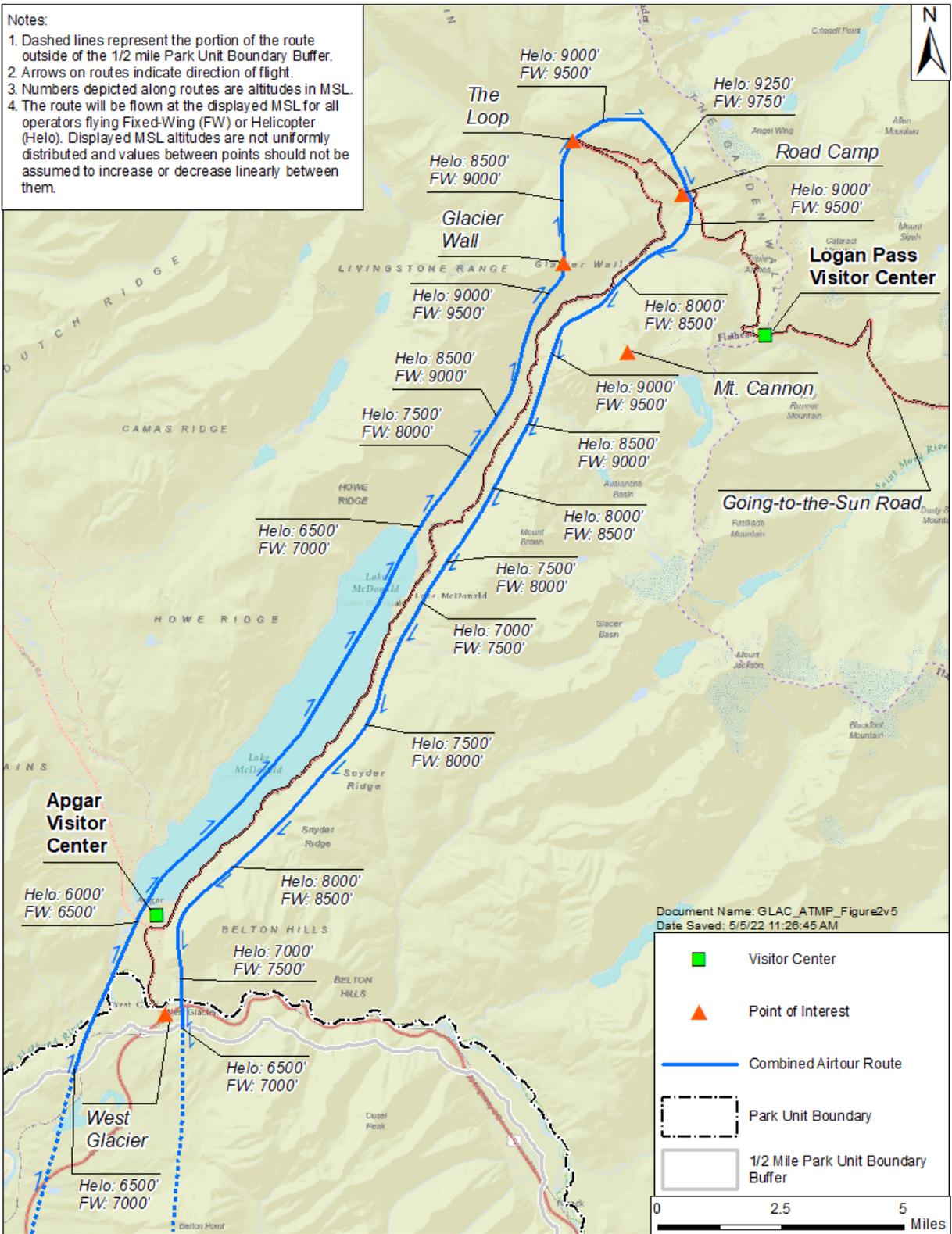


Figure 1 Commercial Air Tour Route over Glacier National Park

### *Annual Commercial Air Tours Authorized and Sunset Date*

Under the ATMP, 144 commercial air tours are authorized per year until such tours are phased out through attrition or until 11:59 PM local time on December 31, 2029 when all operating authority for the Park will be terminated, whichever occurs first. The number of commercial air tours authorized under the ATMP will be automatically adjusted downward if a current operator closes. After December 31, 2029, or sooner if all current operators close their businesses prior to that date, no commercial air tours will be authorized over the Park or within ½ mile of its boundary.

### *Commercial Air Tour Route and Altitudes*

Commercial air tours authorized under this ATMP shall be conducted on a single designated air tour route for both fixed-wing aircraft and helicopters as depicted in Figure 1. The route will be flown clockwise with operators adhering to the altitudes assigned at each point throughout the route. 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 mean sea level (MSL) refers to the altitude of an aircraft above sea level, regardless of the terrain below it. Fixed-wing aircraft will fly 500 ft. higher (MSL) than helicopters. These MSL altitudes ensure commercial air tours conducted on helicopters will fly no lower than 2,600 ft. AGL and commercial air tours conducted on fixed-wing aircraft will not fly lower than 3,100 ft. AGL. Neither aircraft type will need to fly above 10,000 ft. MSL for the entirety of the authorized route.

Operators should transition altitudes slowly between points to minimize noise and should not fly below the MSL value of the lower of any two adjacent points. This route allows for variance of 0.5 miles on either side of the route. However, for safety reasons, inbound air tours to the Park should not cross over the Going to the Sun Road until they reach The Loop. Additionally, once air tours are outbound from the Park, air tours should not cross over Going to the Sun Road after the aircraft passes south of Mt Cannon.

Except when necessary for takeoff or landing, in an emergency or to avoid unsafe conditions, or unless otherwise authorized for a specified purpose, operators may not deviate from these routes and altitudes.

### *Day/Time*

Except as provided in the section below entitled “Quiet Technology Incentives,” commercial air tours may operate one hour after sunrise until one hour before sunset, as defined by National Oceanic and Atmospheric Administration (NOAA) until such tours are permanently phased out.<sup>1</sup> This proposed window of operation would provide additional protection to wildlife during critical dusk/dawn periods that are prime times of day for foraging, mating, and communication.

### *Required Reporting*

As part of the ATMP, commercial air tour operators are required to equip all aircraft used for commercial air tours with flight monitoring technology and to submit the tracking data to the agencies. Operators are also required to submit semi-annual reports confirming the number of commercial air tours conducted over the Park and implementation of the ATMP flight parameters.

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

### *Quiet Technology Incentives*

The ATMP incentivizes the adoption of quiet technology aircraft by commercial air tour operators conducting commercial air tours over the Park by allowing air tours equipped with quiet technology to conduct air tour beginning at sunrise and ending at sunset. Operators that have converted to quiet technology aircraft, or are considering converting to quiet technology aircraft, may request to be allowed to conduct air tours beginning at sunrise or ending at sunset on all days that flights are authorized. Operators may only begin flights during the one hour after sunrise or ending at sunset once the NPS and FAA have approved the request.

### *Conservation Measures in effect until air tours are permanently phased out*

- *Wildlife Avoidance* - Once operators become aware (through visual identification, communication from the NPS or other federal agencies, state or tribal agencies, or through other means) of Canada lynx (*Lynx canadensis*), wolverines (*Gulo gulo*) or grizzly bears (*Ursus arctos horribilis*) along the flight route, operators are required to avoid these areas by lateral movements and are required to inform the NPS and the FAA Flight Standards District Office (FSDO) of this information. Once the NPS and the FSDO are made aware of these locations, the agencies will advise the operator(s) as to the lateral or altitude adjustments required, and inform the operator(s) on the length of time (e.g., seasonal or other time-bound basis) these adjustments are required to continue. The areas to be avoided may include open alpine meadows and talus slopes where animals will not have access to cover.
- *Daily Commercial Air Tour Limitation* – No operator may conduct more than three commercial air tours per day.
- *Hovering* - Hovering aircraft in place or circling aircraft is prohibited.

### **Listed Species Evaluated for Effects**

The U.S. Fish and Wildlife Service’s Information Planning and Consultation (IPaC) tool was used to determine the potential for any federal threatened and endangered species or designated critical habitat that may occur within this area.

The proposed action does not involve ground-disturbing activities or other activities with the potential to impact aquatic or terrestrial habitat. Therefore, conifers, insects, and fish species will not be impacted by commercial air tours.

Commercial air tours do have the potential to generate noise that could be audible to avian species, including the federally listed yellow-billed cuckoo (*Coccyzus americanus*). Yellow-billed cuckoo generally do not fly at altitudes where bird strikes could occur, therefore direct strikes are not expected to occur. The required altitude of 2,600 ft. AGL also reduces impacts by reducing the maximum sound levels (Shannon et al, 2016). When the altitude of an aircraft is increased, the total area of noise exposure from the aircraft may also increase depending on the surrounding terrain. However, because increases in altitude also result in a reduction in maximum sound level of the aircraft in areas nearby the flight track, the beneficial effects of increasing the altitude of commercial air tours are anticipated to outweigh the *de minimis* impacts from any increase in the area exposed to the noise. Commercial air tours will not inhibit foraging, feeding, breeding or nesting because they are infrequent and of short duration (likely limited to no more than a few minutes of exposure). Therefore, no impacts to yellow-billed cuckoo are expected.

The threatened and endangered species considered in this plan include grizzly bears and Canada lynx. Also considered are wolverines which are proposed for ESA listing. A prior biological assessment of administrative flights<sup>2</sup> occurring between May 1-October 1 concluded that implementation of the proposed federal action would have no effect on the bull trout, Spalding's catchfly, water howellia, meltwater lednian stonefly, western glacier stonefly, or whitebark pine, is not likely to jeopardize wolverines, and may affect but is not likely to adversely affect the Canada lynx or grizzly bear (NPS 2018). This biological assessment is based upon an upper limit of 50 administrative flights per year. There is little guidance specific to air tour type aircraft operation pattern's impacts on grizzly bears. Current interagency federal guidance focuses on administrative type flights with missions of a temporary nature, rather than operations that result in more seasonally chronic noise such as air tours.<sup>3</sup> This guidance does outline special considerations are needed for "core" habitat, defined as areas away from roads and trails. This core habitat is present in much of GLAC's backcountry areas. Special considerations were also given to areas of habitat that provide denning sites and food congregation sites, especially those sites that do not provide cover (e.g. high elevation moth foraging sites)

Therefore, by requiring flights to stay in nearer proximity to the Going to the Sun Road than existing air tour operations, the impacts to grizzly bear "core habitat" are reduced. After commercial air tours are permanently phased out (either through attrition or after December 31, 2029) such impacts will be eliminated. Therefore, the agencies determined the ATMP would have no effect on grizzly bear.

The NPS noted in a 2018 Programmatic Biological Assessment that studies have shown Canada lynx are "generally tolerant of humans" and probably not displaced by human presence, including moderate levels of snowmobile traffic (Ruediger et al. 2000). A general decibel (dB) rating for a passing snowmobile is approximately 85 dBA. While not a direct comparison to noise from aircraft, the agencies determined the average sound levels over a 12-hour period that would result from the ATMP is less than 35 dB, significantly less than the 85 dB referenced in Ruediger et al. (2000). Maximum sound levels at the Park would not exceed 70 dBA. While the commercial air tour route may travel over Canada lynx habitat, the noise levels would not impact resting lynx and disruption to foraging is unlikely given the nocturnal activity patterns of Canada lynx. Therefore, no impacts to Canada lynx are expected. The proposed ATMP will not effect the wolverine or its habitat because air tours will occur primarily over forested habitats that, while not preferred wolverine habitat, offer some visual and auditory protection. Overflights will not increase wolverine mortality or have impacts that would measurably impact wolverines because of the altitude and frequency limitations, and avoidance measures specified in the required conservation measures.

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<sup>2</sup> Administrative Flights July 2018-October 2022: Programmatic Biological Assessment Glacier National Park, June 2018. Renewed every five years since.

<sup>3</sup> Guide to effects analysis of helicopter use in grizzly bear habitat (2009). Montana/Northern Idaho Level I Terrestrial Biologist Team – Forest Service and U. S. Fish and Wildlife

Table 1. Listed Species in the Action Area with No Effect Determination

<b>Mammal Common Name</b>	<b>Mammal Scientific Name</b>	<b>Mammal Status (Federal)</b>	<b>Mammal Critical Habitat (Y/N)</b>	<b>Mammal Occurrence in the Park<sup>4</sup></b>
Canada Lynx	<i>Lynx canadensis</i>	Threatened	N	Present
Grizzly Bear	<i>Ursus arctos horribilis</i>	Threatened	N	Present
North American Wolverine	<i>Gulo gulo luscus</i>	Proposed threatened	N	Present
<b>Birds Common Name</b>	<b>Birds Scientific Name</b>	<b>Birds Status (Federal)</b>	<b>Birds Critical Habitat (Y/N)</b>	<b>Birds Occurrence in the Park<sup>4</sup></b>
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	Threatened	N	Unknown
<b>Fishes Common Name</b>	<b>Fishes Scientific Name</b>	<b>Fishes Status (Federal)</b>	<b>Fishes Critical Habitat (Y/N)</b>	<b>Fishes Occurrence in the Park<sup>4</sup></b>
Bull Trout	<i>Salvelinus confluentus</i>	Threatened	N	Present
<b>Insects Common Name</b>	<b>Insects Scientific Name</b>	<b>Insects Status (Federal)</b>	<b>Insects Critical Habitat (Y/N)</b>	<b>Insects Occurrence in the Park<sup>4</sup></b>
Meltwater Lednian Stonefly	<i>Lednia tumana</i>	Threatened	N	Present
Western Glacier Stonefly	<i>Zapada glacier</i>	Threatened	N	Present
<b>Conifers and Cycads Common Name</b>	<b>Conifers and Cycads Scientific Name</b>	<b>Conifers and Cycads Status (Federal)</b>	<b>Conifers and Cycads Critical Habitat (Y/N)</b>	<b>Conifers and Cycads Occurrence in the Park<sup>4</sup></b>
Whitebark Pine	<i>Pinus albicaulis</i>	Proposed threatened	N	Present
<b>Plants Common Name</b>	<b>Plants Scientific Name</b>	<b>Plants Status (Federal)</b>	<b>Plants Critical Habitat (Y/N)</b>	<b>Plants Occurrence in the Park<sup>4</sup></b>
Spalding's catchfly	<i>Silene spaldingii</i>	Threatened	N	Unknown

<sup>4</sup> Based on NPS species list, <https://irma.nps.gov/NPSpecies/Search/SpeciesList>

## **Conclusion**

While an individual aircraft flying on a designated route has the potential to generate noise of short duration and low intensity, the duration of disturbance to wildlife associated with the noise from a commercial air tour would be temporary and likely limited to no more than a few minutes when commercial air tours occur. Only 144 commercial air tours would occur annually, with no flights occurring on most days during the year. The ATMP provides for commercial air tours to be permanently phased out, first through attrition, then by setting December 31, 2029 as a sunset date after which time no commercial air tours would be authorized over the park or within ½ mile of its boundary. During the period in which commercial air tours are authorized under the ATMP, it implements a fixed route, sets a minimum altitude, and requires additional conservation measures to protect listed species including grizzly bears, wolverines, and Canada lynx. Therefore, the ATMP results in no meaningful, measurable or noticeable impacts on the species listed in Table 1. In accordance with Section 7 of the ESA, the agencies have determined that the proposed project would have No Effect on proposed, threatened, and endangered species or their critical habitats.

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## **APPENDIX F**

### **National Historic Preservation Act: Section 106 Compliance Documentation**



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**

June 28, 2022

Re: Section 106 Consultation and Finding of No Adverse Effect under Section 106 of the National Historic Preservation Act for the development of an Air Tour Management Plan for Glacier National Park

Pete Brown  
State Historic Preservation Officer  
Montana State Historic Preservation Office  
225 North Roberts St.  
Helena, MT 59620

Dear Pete Brown:

### **Introduction**

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) for Glacier National Park (Park). At this time, the FAA requests your concurrence with its proposed finding that the undertaking would have no adverse effect on historic properties, in accordance with 36 CFR 800.5(c). On this date, we are also notifying all consulting parties of this proposed finding and providing the documentation below for their review.

In accordance with the requirements of 36 CFR 800.11(e), this letter describes the undertaking, including: changes that have occurred since the draft ATMP was released for public review and comment; the Area of Potential Effects (APE); a description of steps taken to identify historic properties; a description of affected historic properties in the APE and the characteristics that qualify them for the National Register of Historic Places (NRHP); and an explanation of why the criteria of adverse effect are inapplicable. This letter also describes the Section 106 consultation process and public involvement for this undertaking.

The FAA initiated Section 106 consultation with your office by letter dated March 29, 2021. In a follow-up letter dated August 31, 2021, we described the proposed undertaking in more detail, proposed a preliminary APE and provided our initial list of historic properties identified within the APE. FAA conducted additional identification efforts and provided a revised list of historic properties in our most recent correspondence dated March 7, 2022. Similar letters were sent to all consulting parties; Section 106 consultation with tribes is described below. Public involvement for this undertaking was integrated with the National Parks Air Tour Management Act (NPATMA) process. We published a notice of

availability of the draft ATMP in the Federal Register on September 3, 2021,. The public comment period on the draft ATMP was September 3, 2021, through October 3, 2021. A public meeting was held September 21, 2021.

The FAA and the NPS received nine public comments generally encouraging the agencies to comply with Section 106 of the NHPA. One commenter noted the draft ATMP provided no information regarding compliance with Section 106 of the NHPA which should include consultation with potentially affected Native American tribes, the State Historic Preservation Officer and Tribal Historic Preservation Officers. One commenter stated that information about the consultation and the agencies' response to the issues raised should be provided to the public as part of the draft ATMP. Another commenter noted that the NPS makes every effort to maintain the Park's historic character, noting the design aesthetic along Going-to-the-Sun Road and that the presence of planes and helicopters detract from that character.

The FAA and the NPS received 592 public comments about potential audible effects from commercial air tours. One commenter stated that silence is a cultural value and resource that needs protection, citing the NPS's dual mandate to protect cultural and natural resources.

The FAA and the NPS received 13 comments from the public related to tribal concerns. Commenters noted the importance of the Park to Native American tribes and that the Park contains cultural resources such as archaeological sites, historic buildings, and sites sensitive to Native Americans. Commenters stated that commercial air tours could have severe impacts on cultural resources and tribal lands, especially places and uses of importance to the Park's indigenous peoples.

Commenters expressed concern with what they perceived as a lack of tribal consultation, stating that there is no indication of how and which tribes contributed and how their voices were factored into the decision-making process. One commenter stated that it is vital that the draft ATMP acknowledge the cultural and historical significance of many areas in the Park and that the NPS work with neighboring tribal communities to protect these areas. Citing what was described as insufficient language regarding how the draft ATMP will respect American Indian sacred sites and ceremonial activities, the commenter urged the NPS to increase the amount of comprehensive analysis of these cultural sites and include more tribal consultation. One commenter noted the Blackfeet Indian Reservation is adjacent to the Park's eastern boundary, and that tribes attach religious or cultural significance to areas within and adjacent to the Park. Another commenter stated that this action was another injustice by the Federal government against indigenous peoples and expressed opposition to aircraft continuously flying over the Park.

As a result of these and other comments, the FAA and NPS conducted additional tribal outreach in an effort to engage with tribes interested in participating in Section 106 consultation for the undertaking. These efforts are described within this letter.

### **Description of Existing Conditions**

Commercial air tours have been operating over Glacier National Park for over 20 years. Since 2005, these air tours have been conducted pursuant to interim operating authority (IOA) issued by FAA in accordance with NPATMA. IOA does not provide any operating conditions (e.g., routes, altitudes, time of day, etc.) for air tours other than an annual limit of air tours per year. Together all operators that conducted air tours from 2017-2019 held IOA for a combined total of 1,653 air tours per year. The operators that remain in business (i.e., still have operating certificates) hold IOA for a combined total of 891 air tours per year. The ATMP will replace IOA.

The FAA and the NPS decided to use the three-year average of commercial air tours from 2017-2019 as the baseline (the current/existing conditions) for considering impacts because it reflects the most accurate and reliable air tour conditions based on available operator reporting, and accounts for variations across multiple years, excluding more recent years affected by the COVID 19 pandemic. Based on the three-year average of reporting data from 2017-2019, five operators conducted an average of 253 commercial air tours over the Park each year. As such, the agencies have considered 253 commercial air tours to reflect the current/existing conditions of the Park and serves as the baseline for evaluating effects.

Commercial air tours currently are conducted using BHT-206-B, BHT-206-B3, BHT-206-L3, BHT-206-L4, BHT-210-210, BHT-407-407, and Bell-206-L3 helicopters and CE-182-P, CE-206-U206E, and CE-206-U206G fixed-wing aircraft. IOA does not require operators to fly on designated routes, but commercial air tours by two of the current operators are conducted on the routes shown in **Attachment A**. A third operator declined to provide its current route(s) and the remaining operators' routes are not depicted because they no longer conduct tours as they have surrendered their operating certificates (see footnote 2). The routes provided generally enter the Park from the southwest, near the southern end of Lake McDonald. One operator enters the Park south of Lake McDonald, flying in an easterly direction before heading westward toward Sperry Chalet. The route then flies northward to near Apikuni Mountain prior to travelling in a southwesterly direction toward Heaven's Peak then passing parallel to Lake McDonald before exiting the Park. The second operator's route enters the Park south of Lake McDonald, flying in a northeasterly direction toward Mt. Stimson before turning northerly toward Logan Pass Visitor Center. The route continues to the northern boundary of the Park where it heads westward just south of the Canadian border. The route then heads southeast toward Heaven's Peak and Sperry Chalet, before returning westward to cross Lake McDonald and parallel to the western shore before exiting the Park south of the Apgar Visitor Center. The operators conduct commercial air tours between 7,500 and 10,000 feet (ft.) mean sea level (MSL) which corresponds to an estimated range between 500 and 6,800 ft above ground level (AGL).<sup>1</sup>

### **Description of the Undertaking**

The undertaking for purposes of Section 106 is implementing the ATMP that applies to all commercial air tours over the Park and within ½ mile outside the boundary of the Park, including any tribal lands within that area. A commercial air tour subject to the ATMP is any flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over the Park, or within ½ mile of its boundary, during which the aircraft flies:

- (1) Below 5,000 feet AGL (except solely for the purposes of takeoff or landing, or necessary for safe operation of an aircraft as determined under the rules and regulations of the FAA requiring the pilot-in-command to take action to ensure the safe operation of the aircraft); or
- (2) Less than one mile laterally from any geographic feature within the Park (unless more than ½ mile outside the Park boundary).

Overflights that do not meet the definition of a commercial air tour above are not subject to NPATMA and are thus outside the scope of the ATMP.

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<sup>1</sup> 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 undertaking was previously described in detail in our Section 106 consultation letter dated August 31, 2021. The following elements of the ATMP have remained unchanged since the issuance of the draft ATMP to the public, a copy of which is available at

<https://parkplanning.nps.gov/document.cfm?parkID=61&projectID=103520&documentID=114733>.

- A maximum of 144 commercial air tours are authorized per year (though the ATMP provides for a sunset date after which no commercial air tours would be authorized, as discussed below);<sup>2</sup>
- The aircraft type authorized for commercial air tours include BHT-206-B, BHT-206-B3, BHT-206-L3, BHT-206-L4, BHT-210-210, BHT-407-407, and Bell-206-L3 helicopters and CE-182-P, CE-206-U206E, and CE-206-U206G fixed-wing aircraft. Any new or replacement aircraft must not exceed the noise level produced by the aircraft being replaced;
- No operator may conduct more than three commercial air tours per day. This means there may be a potential maximum of nine air tours on any given day when flights occur;
- Air tours may operate one hour after sunrise until one hour before sunset, as defined by the National Oceanic and Atmospheric Administration (NOAA).<sup>3</sup> 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.
- Air tours may operate any day of the year except under circumstances provided in the bullet below;
- Until air tours are permanently phased out, 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 two weeks' notice to the operators in writing in advance of the no-fly period. Events may include, but are not limited to, tribal traditional activities or other similar events;
- Operators are required to equip all aircraft used for air tours with flight monitoring technology, and to report flight monitoring data as an attachment to the operator's semi-annual reports;
- When made available by Park staff, operators/pilots will be invited to attend an annual springtime interpretive training and education event the Park hosts for concessionaires. The training will include the Park information that operators can use to further their own understanding of Park priorities and management objectives as well as enhance the interpretive narrative for air tour clients and increase understanding of parks by air tour clients;
- 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 operator 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;
- The FAA and the NPS are both responsible for monitoring and oversight of the ATMP.

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<sup>2</sup> In 2021, two operators who conducted air tours over the Park within the 2017-2019 timeframe surrendered their operating certificates. Therefore, the ATMP authorizes the average number of commercial air tours flown from 2017-2019 by the three remaining operators who conduct tours over the Park which equates to 144 flights per year over the Park. This is consistent with the management direction in the Park's General Management Plan to phase out commercial air tours.

<sup>3</sup> Sunrise and sunset data is available from the NOAA Solar Calculator, <https://www.esrl.noaa.gov/gmd/grad/solcalc/>

As a result of comments received from participating tribes and other consulting parties through the Section 106 process and from members of the public submitted through the draft ATMP public review, the following changes to the undertaking have been made:

- The agencies added language to section “Commercial Air Tours Authorized,” consistent with the Park’s General Management Plan, which provides a date certain (sunset date) when all commercial air tours over the Park will be phased out. The revised language is as follows:  
Under this ATMP, 144 commercial air tours are authorized per year until such tours are phased out through attrition or until 11:59 pm local time on December 31, 2029 when all operating authority for the Park will be terminated, whichever occurs first.
- The number of air tours authorized under the ATMP will be automatically adjusted downward if an operator ceases operations prior to the sunset date.
- The two commercial air tour routes included in the draft ATMP were consolidated onto a single designated air tour route for both fixed wing aircraft and helicopters. The route and MSL altitudes ensure that commercial air tours conducted by helicopters will fly no lower than 2,600 ft AGL and commercial air tours conducted by fixed-wing aircraft will not fly lower than 3,100 ft AGL. The route will be flown clockwise with operators adhering to the altitudes assigned at each point throughout the route. The single route enters the Park southwest of the Apgar Visitor center and parallels Going-to-the-Sun Road, passing over Lake McDonald, west of Heaven’s Peak and over The Loop before turning east and then south toward Road Camp. The route then travels southeast, paralleling Going-to-the-Sun Road until exiting the park near the West Glacier entrance at US Route 2. The route allows for variance of 0.5 miles on either side of the route.
- The agencies added the following sentence to the section “Required Reporting” to make clear that the reporting requirement terminates when all commercial air tours are phased out through attrition, or by December 31, 2029, whichever occurs first. The revised section includes the following statement: “The reporting requirement for each operator identified in Appendix A, Table 1 will end when that operator’s allocations are phased out through attrition or on December 31, 2029, when all operating authority under this ATMP terminates, if they are still operating at that time.”
- In section “Wildlife Avoidance”, the provision related to flying over wintering ungulates was removed as unnecessary because the revised route consolidates commercial air tours on a single designated route over the road corridor where ungulates are unlikely to congregate during winter.
- A new subsection was added in response to questions and comments regarding the transferability of air tour allocations between operators. The added language makes clear that annual allocations of air tours are not transferrable, though they may be assumed by a successor purchaser. Conditions are included to ensure that the agencies have sufficient time to review the transaction to avoid an interruption of service and the successor operator must acknowledge and agree to the comply with the ATMP. The new language is below:  
Annual operations under the ATMP are non-transferable. An allocation of annual operations may be assumed by a successor purchaser that acquires an entity holding allocations under the ATMP in its entirety. In such case the prospective purchaser shall notify the FAA and the NPS of its intention to purchase the operator at the earliest possible opportunity to avoid any potential interruption in the authority to conduct commercial air tours under the ATMP. This notification must include a certification that the prospective purchase has read and will comply with the terms and conditions in the ATMP. The FAA will consult with the NPS before issuing new or modified operations specifications or taking other formal steps to memorialize the change in ownership.

- The section “Annual Allocation Adjustment” was revised due to the inclusion of a sunset date after which time no air tour operations would be allowed. As noted above, the provision that the total number of air tours authorized by the ATMP will be automatically adjusted downward if an operator ceases operations has been retained. This section now provides as follows:
 

If an existing operator closes its business or otherwise ceases operations, the total number of commercial air tours authorized under this ATMP per year will be reduced automatically by the number of allocations held by that operator, and reference to the operator will be removed from Table 1 and Table 2 in Appendix A. Consistent with the NPS’s 1999 General Management Plan for the Park, any remaining operating authority for the Park under this ATMP will terminate at 11:59 pm local time on December 31, 2029, and no commercial air tours will be permitted over the Park or within ½ mile of its boundary thereafter.
- The agencies revised some of the language related to the quiet technology incentive, but not the incentive itself, in order to clarify that applications for the incentive will be analyzed on a case-by-case basis. The revised language is below:
 

The ATMP incentivizes the use of quiet technology aircraft by commercial air tour operators conducting commercial air tours over the Park. Operators that have converted to quiet technology aircraft, or are considering converting to quiet technology aircraft, may request to be allowed to conduct air tours beginning at sunrise or ending at sunset on all days that flights are authorized. Because aviation technology continues to evolve and advance and FAA updates its noise certification standards periodically, the aircraft eligible for this incentive will be analyzed on a case-by-case basis at the time of the operator’s request to be considered for this incentive. The NPS will periodically monitor Park conditions and coordinate with FAA to assess the effectiveness of this incentive. If implementation of this incentive results in unanticipated effects on Park resources or visitor experience, further agency action may be required to ensure the protection of Park resources and visitor experience;
- Minor edits were made to clearly state in various subsections that the ATMP applies not only to the area within the Park boundary, but also to areas ½ mile outside the Park boundary.
- A change was made to refine the manner in which operators are required avoid wildlife. In the section below, the phrase “avoid these areas by lateral movements or altitude increases” has been replaced with “lateral movements away from Going-to-the-Sun Road.” The revised language is below:
 

Once operators become aware (through visual identification, communication from the NPS or other federal agencies, state or tribal agencies, or through other means) of Canada lynx or grizzly bear, operators are required to avoid these areas by lateral movements or altitude increases away from the Going-to-the-Sun Road and are required to inform the NPS and the FAA Flight Standards District Office (FSDO) of this information. Once the NPS and the FSDO are made aware of these locations, the agencies will advise the operator(s) as to the lateral or altitude adjustments required, and inform the operator(s) on the length of time (e.g., seasonal or other time-bound basis) these adjustments are required to continue. The areas to be avoided could include open alpine meadows and talus slopes where animals will not have access to cover.

- Air tours may operate one hour after sunrise until one hour before sunset, as defined by NOAA.<sup>4</sup> 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 agencies added the following sentence to the “Amendment” section:
  - Amendments will be consistent with the Park’s management objective of phasing out commercial air tours through attrition and will not be used to increase the number or air tours.
- The agencies modified the “Justification” section to address the inclusion of attrition and reasons for including a sunset date.
- The agencies added language in the “Justification” section to explain the need for operator training and education, the annual meeting, and flight monitoring technology.
- The agencies added the following sentence to the “Competitive Bidding” section: “The competitive bidding process will not be implemented in any way that would conflict with the Park management objective of phasing out commercial air tours through attrition.”
- The agencies added a parenthetical statement in the section “Adaptive Management” within the language describing instances in which a modification to the ATMP may occur through adaptive management to make clear that adaptive management actions may be taken to address tribal input. The revised language is below:
  - Such modifications may be made if: 1) the NPS determines that they are necessary to avoid adverse impacts to Park resources, values, or visitor experiences; 2) the FAA determines the need for such changes due to safety concerns; or 3) the agencies determine that appropriate, minor changes to this ATMP are necessary to address new information (including information received through tribal input and/or consultation) or changed circumstances.
- The agencies added the following to the first paragraph of Appendix A: “IOA previously issued for the Park and Blackfoot tribal lands terminates on the effective date of this ATMP. No operations will be authorized after 11:59 pm local time on December 31, 2029.”

### Area of Potential Effects

The APE for the undertaking was proposed in the Section 106 consultation letter dated August 31, 2021. The undertaking does not require land acquisition, construction, or ground disturbance. In establishing the 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 considered 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 as eligible for listing in the NRHP.

The previously delineated APE for the undertaking comprised the commercial air tour routes over the Park and a ½ outside the boundary of the Park, and an additional buffer of seven miles from either side of the centerline of the route as depicted, as depicted in **Attachment B** below. The FAA requested comments from all consulting parties including federally recognized tribes. We received no comments from consulting parties regarding the APE.

The changes to the undertaking described above include reducing the number of air tour routes from two to one, along or near the existing air tour routes over the Park and ½ mile outside the boundary of

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<sup>4</sup> Sunrise and sunset data is available from the NOAA Solar Calculator, <https://www.esrl.noaa.gov/gmd/grad/solcalc/>

the Park. As a result of the changes to the number and location of the air tour route, the APE has also changed. The revised APE is defined in the same way as the previous APE and comprises the commercial air tour routes over the Park and a ½ mile outside the boundary of the Park, plus an additional seven-mile buffer extending from either side of the centerline of the air tour route. The revised APE is depicted in **Attachment C**.

### **Identification of Historic Properties**

Preliminary identification of historic properties relied upon data submitted by NPS Park staff about known historic properties within the Park. Section 106 consultation efforts involved outreach to tribes, the Montana State Historic Preservation Office, operators, and other consulting parties including local governments and neighboring federal land managers. Public comments submitted as part of the draft ATMP public review process also informed identification efforts.

The FAA, in cooperation with the NPS, coordinated with Park staff to identify known historic properties located within the APE. On August 11, 2021, the FAA received a letter from Helena-Lewis & Clark National Forest expressing interest in participating in Section 106 consultation as a consulting party and informed the FAA there is a Traditional Cultural Property (TCP) within the preliminary APE. As a result of changes to the undertaking and APE since that time, the TCP identified by the Helena-Lewis & Clark National Forest is no longer within the APE. Comments received from the public indicated that TCPs of significance to federally recognized tribes are present within the Park. On April 21, 2022, the FAA also accessed the Montana Cultural Resource Database to collect GIS data for previously unidentified properties both inside and outside the Park and consulted with the tribes listed in **Attachment D** regarding the identification of any other previously unidentified historic properties that may also be located within the APE. The additionally identified properties were added to the preliminary list of historic properties to generate the final historic property list enclosed as **Attachment E**.

As the undertaking would not result in physical effects, the identification effort focused on identifying properties where setting and feeling are characteristics contributing to a property's NRHP eligibility, as they are the type of historic properties most sensitive to the effects of aircraft overflights. These may include isolated properties where a cultural landscape is part of the property's significance, rural historic districts, outdoor spaces designed for meditation or contemplation, and certain TCPs. 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).

In accordance with 36 CFR 800.4, the FAA has made a reasonable and good faith effort to identify historic properties within the APE. Those efforts resulted in identification of 49 historic properties. All historic properties identified within the APE are listed in **Attachment E** and shown in the APE map provided in **Attachment C**. In order to protect the confidentiality of federally recognized tribes and archaeological resources, TCPs and archaeological sites are not displayed on the APE maps.

### **Summary of Section 106 Consultation with Tribes**

The FAA contacted six federally recognized tribes via letter on March 26, 2021, inviting them to participate in Section 106 consultations and request their expertise regarding historic properties, including TCPs that may be located within the APE. On August 31, 2021, the FAA sent the identified federally recognized tribes a Section 106 consultation letter describing the proposed undertaking in greater detail in which we proposed an APE and provided the results of our preliminary identification of historic properties.

On December 1, 2021, the FAA sent follow-up emails to those tribes that did not respond to our prior Section 106 consultation requests, once again inviting them to participate in Section 106 consultations. On December 14, 2021, the FAA followed up with phone calls to those tribes that did not respond to our prior Section 106 consultation requests. On December 21, 2021, the Confederated Salish and Kootenai Tribe provided contact information for their new Tribal Historic Preservation Officer Kathryn McDonald and requested that previous consultation materials be resent. Materials were resent to the tribe on January 10, 2022. Outreach efforts to consult with the Crow Tribe of Montana and Fort Belknap Indian Community of the Fort Belknap Reservation are ongoing. The FAA has not received an affirmative response from these tribes expressing interest in participating in the Section 106 consultation process.

The tribes whom the FAA has contacted as part of this undertaking are included in the list of consulting parties enclosed as **Attachment D**. None of the tribes or consulting parties, other than Helena-Lewis & Clark National Forest and a comment from the public, have identified historic properties or TCPs in response to the FAA's March 2021, July 2021, and March 2022 Section 106 consultation letters.

### **Assessment of Effects**

The undertaking could have an effect on a historic property if it alters the characteristics that qualify the property for eligibility for listing or inclusion in the NRHP. The characteristics of the historic properties within the APE that qualify them for inclusion in the NRHP are described in **Attachment E**. Effects are considered adverse if they diminish the integrity of a property's elements that contribute to its significance. The undertaking does not include land acquisition, construction, or ground disturbance and will not result in physical effects to historic properties. The FAA, in coordination with the NPS, focused the assessment of effects on the potential for adverse effects from the introduction of audible or visual elements that could diminish the integrity of the property's significant historic features.

### **Assessment of Noise Effects**

The undertaking would not alter the characteristics of historic properties within the APE because effects from noise would be similar to or less than existing conditions. To assess the potential for the introduction of audible elements, including changes in the character of aircraft noise, the FAA and NPS considered whether there would be a potential change in the routes, number, or frequency of commercial air tours, as well as the type of aircraft used to conduct those tours.

Following public review of the ATMP, the FAA and the NPS consolidated the number of routes and increased the altitudes of the new proposed consolidated route in response to public comments and feedback received. The proposed route is near the existing air tour routes, but would move air tours closer to the developed portion of the Park, including Going-to-the-Sun Road, a National Historic Landmark. Along the proposed route, helicopters will fly no lower than 2,600 ft. AGL and commercial air tours conducted by fixed-wing aircraft will not fly lower than 3,100 ft. AGL. The ATMP requires commercial air tours to fly at the same or higher altitudes as compared to those flown under existing conditions. It should be noted that when the altitude of an aircraft is increased, the total area exposed to the noise from that aircraft may also increase depending on the surrounding terrain. Although the area exposed to noise might increase, this would not meaningfully affect the acoustic environment because of the attenuation of the noise from the higher altitude and transient nature of the impacts.

The number of authorized flights under the ATMP until commercial air tours is 144 and are permanently phased out in 2029. Thus, the ATMP authorizes fewer commercial air tours than the existing condition of 253 tours. The NPS's management objectives for the Park include preservation of wilderness character and values, natural soundscapes, wildlife and visitor experience, preservation of cultural resources, and

phasing out commercial air tours. Therefore, the agencies will not consider applications from new entrant operators.

Since the ATMP authorizes fewer annual flights than the average number of flights from 2017-2019 for operators with operating certificates at that time, increases the altitude of flights, limits noise effects from commercial air tours to historic properties in areas that will no longer be overflowed, sets minimum altitudes that ensure commercial air tours conducted by helicopters will fly no lower than 2,600 ft AGL and commercial air tours conducted by fixed-wing aircraft will not fly lower than 3,100 ft AGL, prohibits commercial air tours from hovering or circling over one location, limits the time-of-day flights can operate, provides for no fly periods to be set by the NPS, and consolidates the routes into a single route, any changes to overall noise impacts associated with commercial air tours over the Park in the period during which commercial air tours are authorized to occur are expected to be minimal or less in both character and decibel level. Likewise, the ATMP authorizes the use of the BHT-206-B, BHT-206-B3, BHT-206-L3, BHT-206-L4, BHT-210-210, BHT-407-407, and Bell-206-L3 helicopters and CE-182-P, CE-206-U206E, and CE-206-U206G fixed-wing aircraft. Any new or replacement aircraft must not exceed the noise level produced by the aircraft being replaced. And, as noted above, no commercial air tours would be authorized to fly over the Park, or within ½ mile of its boundary, after December 31, 2029.

For purposes of assessing noise impacts from commercial air tours on the acoustic environment of the Park under the National Environmental Policy Act (NEPA), the FAA noise evaluation is based on Yearly<sup>5</sup> Day Night Average Sound Level (Ldn or DNL); the cumulative noise energy exposure from aircraft over 24 hours. The DNL analysis indicates that the undertaking would not result in any noise impacts that would be “significant” or “reportable” under FAA’s policy for NEPA.<sup>6</sup>

As part of the ATMP noise analysis, the NPS provided supplemental metrics to further assess the impact of commercial air tours in quiet settings. **Attachment F** provides further information about the supplemental noise metrics and presents the noise contours (i.e., graphical illustration depicting noise exposure) from the modeling of the effects of commercial air tours in the period during which they would be authorized under the ATMP (from the effective date of the ATMP until all air tours are phased out through attrition, or December 31, 2029, whichever occurs first).

**Attachment F** presents noise contours for the Time Above 35 dBA (the amount of time in minutes that aircraft sound levels are above 35 dBA). Noise related to commercial air tours is modeled to be greater than 35 dBA for between 30 and 35 minutes a day and greater than 52 dBA for less than 5 minutes a day within the Park and ½-mile buffer. There are two historic properties in the location where the duration above 35 dBA is between 30 and 35 minutes: a portion of Going-to-the-Sun Road and the Avalanche Campground Historic District. The 27 historic properties where the duration above 52 dBA is between 0 and 5 minutes are listed in Table 1 below.

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<sup>5</sup> Yearly conditions are represented as the Average Annual Day (AAD)

<sup>6</sup> Under FAA policy, an increase in the Day-Night Average Sound Level (DNL) of 1.5 dBA or more for a noise sensitive area that is exposed to noise at or above the DNL 65 dBA noise exposure level, or that will be exposed at or above the DNL 65 dBA level due to a DNL 1.5 dBA or greater increase, is significant. FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, Exhibit 4-1. Noise increases are “reportable” if the DNL increases by 5 dB or more within areas exposed to DNL 45-60 dB, or by 3 dB or more within areas exposed to DNL 60-65 dB. FAA Order 1050.1F, Appendix B, section B-1.4.

**Table 1.** Historic Properties in the area where the duration above 52 dBA is between 0 and 5 minutes.

Granite Park Chalet (NHL)	Kelly’s Camp Historic District	Bull Head Lodge and Studio
Logan Creek Patrol Cabin	Lake McDonald Coffee Shop	West Entrance Station
Avalanche Campground Historic District	Lake McDonald Lodge Historic District (NHL)	Apgar Glacier Park Cottage Sites
Upper Lake McDonald Ranger Station	Glacier Park Villa Sites Historic District	Apgar Fire Lookout
Wheeler Camp	Greve’s Tourist Cabins	Howe’s Lake McDonald Cottage Sites Historic District
Burton and Lulu Wheeler Cabin	DeSmet	West Entrance Station
Thomas J. Walsh Lodge	Fish Creek Campground Historic District	Headquarters Historic District
Kelly Camp Road	Apgar’s Cabin Resort and Village Inn Historic District	Great Northern Railroad
Going-to-the-Sun Road	North Fork Road	Camas Creek Cutoff Road

While the above documented changes to existing conditions would result in an effect to historic properties during the period in which the ATMP authorizes air tours, noise is modeled using conservative assumptions (see **Attachment F**). Implementing the ATMP would result in a lower number of flights compared to the existing conditions based on the 2017-2019 three-year average of flights flown by current operators using a similar route and the same aircraft. The ATMP also includes a provision that does not authorize operations after 11:59 pm local time on December 31, 2029. Any effect from noise is anticipated to be minimal or less than existing conditions. Because the ATMP would result in minimal changes to noise levels at historic properties compared to existing conditions and noise from commercial air tours would cease after 11:59 pm local time on December 31, 2029, noise from the undertaking would not diminish the integrity of any historic property’s significant historic features.

**Assessment of Visual Effects**

The undertaking would not alter the characteristics of historic properties within the APE because there would be minimal change or less visual effects from existing conditions. During the period in which commercial air tours are authorized, the level of commercial air tour activity under the ATMP is expected to improve from the existing condition of all commercial air tours from 2017-2019. The ATMP sets the number of commercial air tours at 144, which is less than the existing condition of 253 tours. It also implements limits on the number of flights and times of day during which commercial air tours are able to operate until such tours are phased out. These limits do not currently exist.

Recognizing that some types of historic properties may be affected by visual effects of commercial air tours, the FAA and NPS considered the potential for the introduction of visual elements that could alter the characteristics of a historic property that qualifies it for inclusion in the NRHP. Aircraft are transitory elements in a scene and visual impacts tend to be relatively short. The short duration and low number of flights make it unlikely a historic property would experience a visual effect from the undertaking. One’s perspective of the viewshed from a historic property is often drawn to the horizon and aircraft at higher altitudes are less likely to be noticed. Aircraft at lower altitudes may attract visual attention but are also more likely to be screened by vegetation or topography.

The FAA and NPS also considered the experience of tribal members who may be conducting ceremonies or practices that could involve looking toward the sky. During the period in which commercial air tours are authorized, the ATMP includes a provision for the NPS to establish temporary no-fly periods for

special events, such as tribal ceremonies or other similar events, with a minimum of two weeks' notice to the operator. It represents an improvement over existing conditions where no such provision exists.

During the period in which air tours would be authorized, the ATMP limits the annual number of commercial air tours to 144 tours, consolidates parallel routes onto a single alignment similar to a route that is currently flown by one of the operators, limits visual effects from commercial air tours to historic properties in areas that will no longer be overflown, sets minimum altitudes that ensure commercial air tours conducted by helicopters will fly no lower than 2,600 ft AGL and commercial air tours conducted by fixed-wing aircraft will not fly lower than 3,100 ft AGL, prohibits commercial air tours from hovering or circling over one location, limits the time-of-day flights can operate, and provides for no fly periods to be set by the NPS. Consistent with the Park's General Management Plan, the ATMP phases out commercial air tours through attrition, or by December 31, 2029, whichever occurs first. As a result of these provisions in the ATMP, the undertaking would not introduce visual elements that would alter the characteristics of any historic property that qualifies it for inclusion in the NRHP.

### **Finding of No Adverse Effect Criteria**

To support a Finding of No Adverse Effect, an undertaking must not meet any of the criteria set forth in the Advisory Council on Historic Preservation's Section 106 regulations at 36 CFR 800.5(a). This section demonstrates the undertaking does not meet those criteria. The undertaking would not have any physical impact on any property. The undertaking is located in the airspace above historic properties and would not result in any alteration or physical modifications to these resources. The undertaking would not remove any property from its location. The undertaking would not change the character of any property's use or any physical features in any historic property's setting. As discussed above, the undertaking would not introduce any auditory or visual elements that would diminish the integrity of the significant historical features of any historic properties in the APE. The undertaking would not cause any property to be neglected, sold, or transferred.

### **Proposed Finding and Request for Review and Concurrence**

We propose that FAA and NPS approval of the undertaking would not alter the characteristics of any historic properties located within the APE as there would be minimal change or less audible or visual effects from existing conditions. Based on the above analysis, the FAA and NPS propose a finding of no adverse effect on historic properties. We request that you review the information and respond whether you concur with the proposed finding within thirty days of receiving this letter.

Should you have any questions regarding any of the above, please contact Judith Walker at 202-267-4185 or [Judith.Walker@faa.gov](mailto:Judith.Walker@faa.gov) and copy the ATMP team at [ATMPTeam@dot.gov](mailto:ATMPTeam@dot.gov).

Sincerely,



Judith Walker  
Federal Preservation Officer  
Senior Environmental Policy Analyst

Environmental Policy Division (AEE-400)  
Federal Aviation Administration

cc: Laura Evilsizer, Review and Compliance Officer, MT SHPO

Attachments

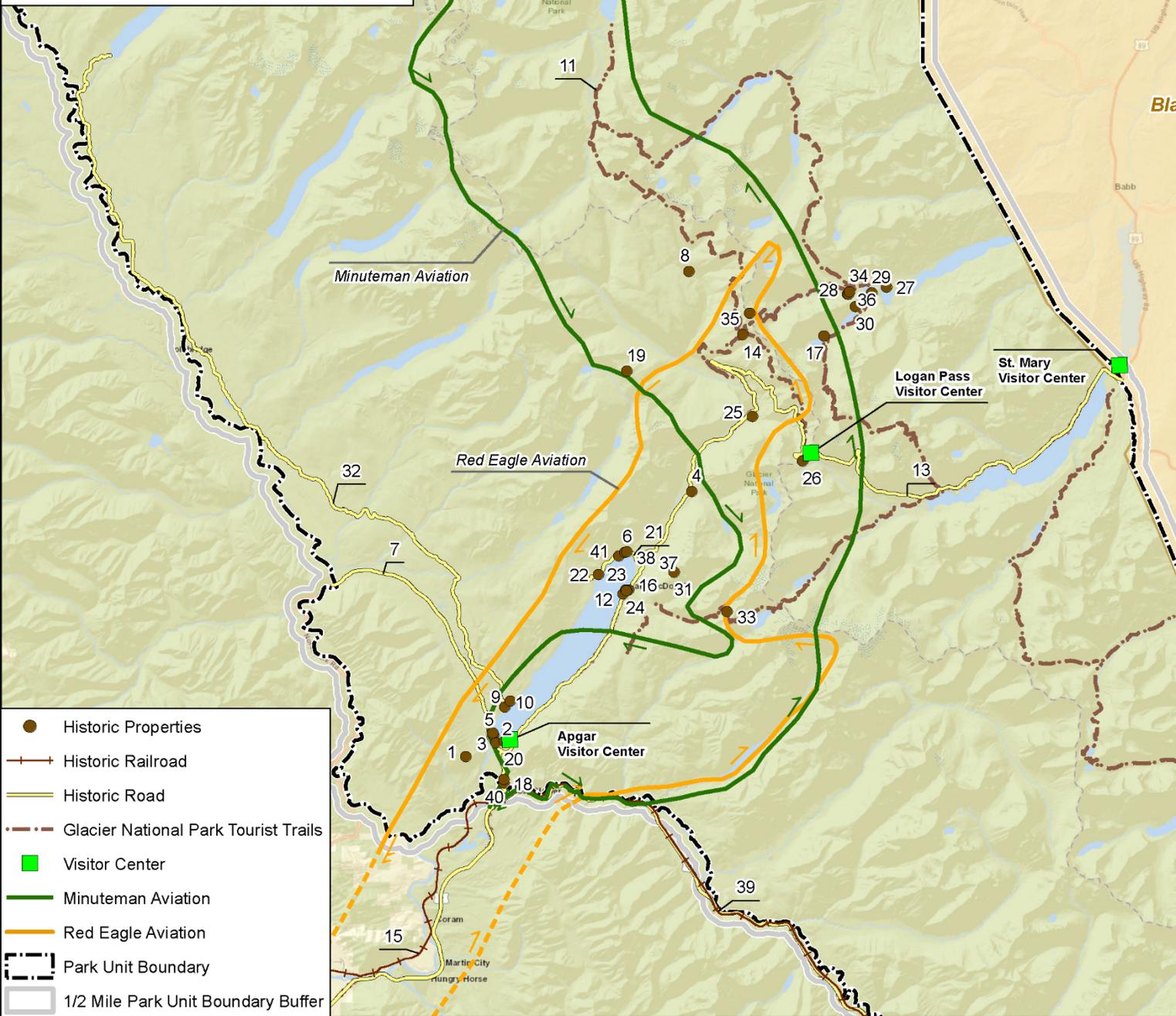
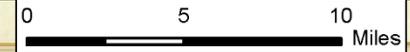
- A. Map of Existing Commercial Air Tour Routes, including Historic Properties
- B. Map of Previous Area of Potential Effects, including routes published in Draft ATMP
- C. Map of Revised Area of Potential Effects, including proposed Commercial Air Tour Routes
- D. List of Consulting Parties
- E. List of Historic Properties in the APE and Description of Historic Characteristics
- F. Methodology of NEPA Technical Noise Analysis

**ATTACHMENT A**

**Map of Existing Commercial Air Tour Routes  
Including  
Historic Properties within the APE**

# Existing Air Tour Routes with Historic Properties for ATMP at Glacier National Park

- Notes:
1. Dashed lines represent the portion of the route outside of the 1/2 mile Park Unit Boundary Buffer.
  2. Arrows on routes indicate direction of flight.



**Blackfoot Indian Reservation**

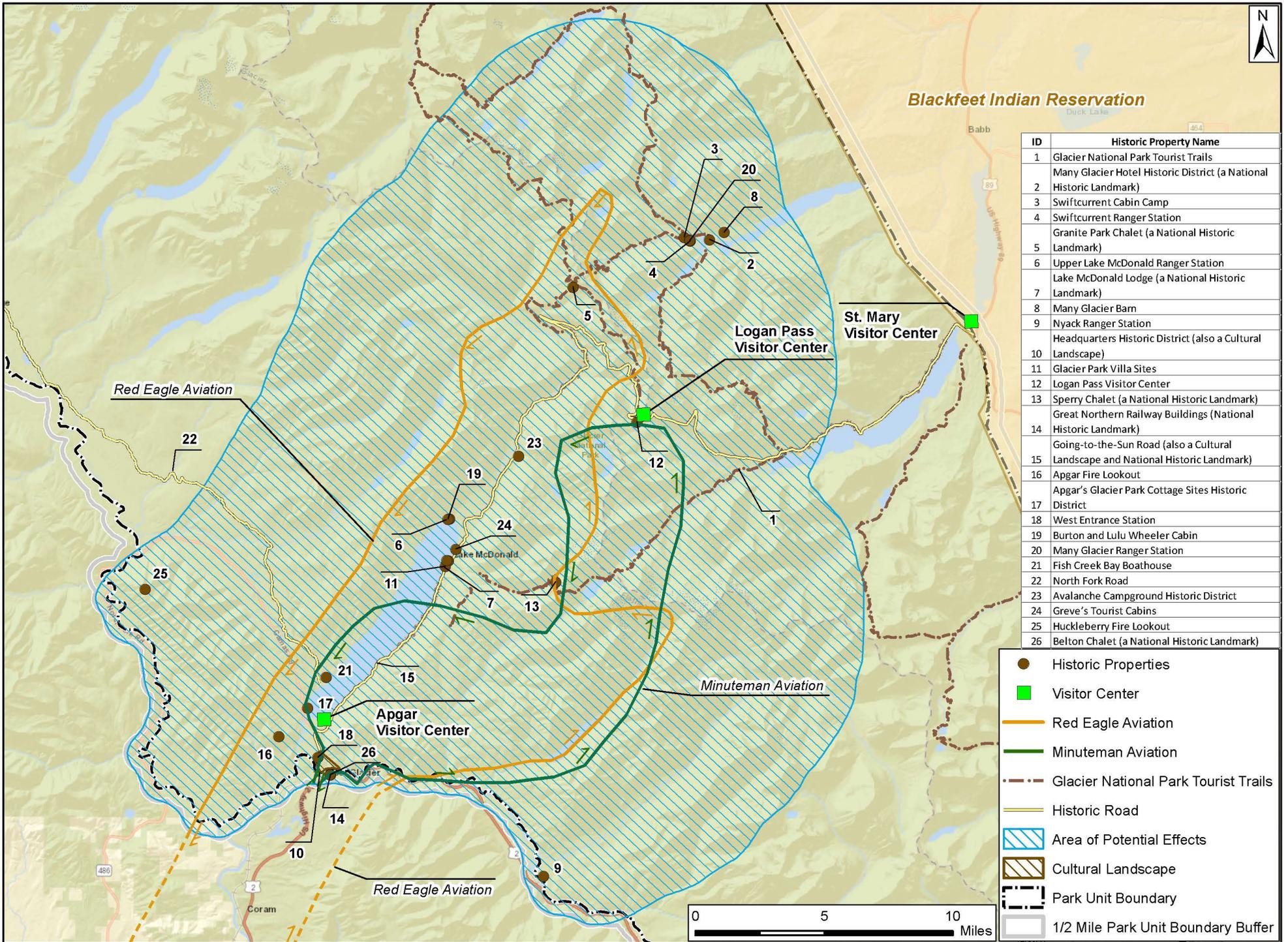
ID	Property
1	Apgar Fire Lookout
2	Apgar Glacier Park Cottage Sites
3	Apgar's Cabin Resort and Village Inn Historic District
4	Avalanche Campground Historic District
5	Bull Head Lodge and Studio
6	Burton and Lulu Wheeler Cabin
7	Camas Creek Cutoff Road
8	Cattle Queen Snowshoe Cabin
9	DeSmet
10	Fish Creek Campground Historic District
11	Glacier National Park Tourist Trails
12	Glacier Park Villa Sites Historic District
13	Going-to-the-Sun Road
14	Granite Park Chalet
15	Great Northern Railroad
16	Greve's Tourist Cabins
17	Grinnell Number 1 Gaging Station
18	Headquarters Historic District
19	Heaven's Peak Fire Lookout
20	Howe's Lake McDonald Cottage Sites Historic District
21	Kelly Camp Road
22	Kelly's Camp Historic District
23	Lake McDonald Coffee Shop
24	Lake McDonald Lodge Historic District
25	Logan Creek Patrol Cabin
26	Logan Pass Visitor Center
27	Many Glacier Barn & Bunkhouse
28	Many Glacier Campground Camptenders Cabin
29	Many Glacier Hotel Historic District
30	Morning Eagle
31	Mount Brown Fire Lookout
32	North Fork Road
33	Sperry Chalet
34	Swiftcurrent Auto Camp Historic District
35	Swiftcurrent Fire Lookout
36	Swiftcurrent Ranger Station Historic District
37	Thomas J Walsh Lodge
38	Upper Lake McDonald Ranger Station
39	US Highway 2
40	West Entrance Station
41	Wheeler Camp

- Historic Properties
- Historic Railroad
- Historic Road
- Glacier National Park Tourist Trails
- Visitor Center
- Minuteman Aviation
- Red Eagle Aviation
- Park Unit Boundary
- 1/2 Mile Park Unit Boundary Buffer

**ATTACHMENT B**

**Previous Area of Potential Effects Map  
Including  
Air Tour Routes Published in Draft ATMP**

# Previous Area of Potential Effects Map for ATMP at Glacier National Park (Routes from Draft ATMP)



ID	Historic Property Name
1	Glacier National Park Tourist Trails
2	Many Glacier Hotel Historic District (a National Historic Landmark)
3	Swiftcurrent Cabin Camp
4	Swiftcurrent Ranger Station
5	Granite Park Chalet (a National Historic Landmark)
6	Upper Lake McDonald Ranger Station
7	Lake McDonald Lodge (a National Historic Landmark)
8	Many Glacier Barn
9	Nyack Ranger Station
10	Headquarters Historic District (also a Cultural Landscape)
11	Glacier Park Villa Sites
12	Logan Pass Visitor Center
13	Sperry Chalet (a National Historic Landmark)
14	Great Northern Railway Buildings (National Historic Landmark)
15	Going-to-the-Sun Road (also a Cultural Landscape and National Historic Landmark)
16	Apgar Fire Lookout
17	Apgar's Glacier Park Cottage Sites Historic District
18	West Entrance Station
19	Burton and Lulu Wheeler Cabin
20	Many Glacier Ranger Station
21	Fish Creek Bay Boathouse
22	North Fork Road
23	Avalanche Campground Historic District
24	Greve's Tourist Cabins
25	Huckleberry Fire Lookout
26	Belton Chalet (a National Historic Landmark)

- Historic Properties
- Visitor Center
- Red Eagle Aviation
- Minuteman Aviation
- - - Glacier National Park Tourist Trails
- Historic Road
- Area of Potential Effects
- Cultural Landscape
- Park Unit Boundary
- 1/2 Mile Park Unit Boundary Buffer

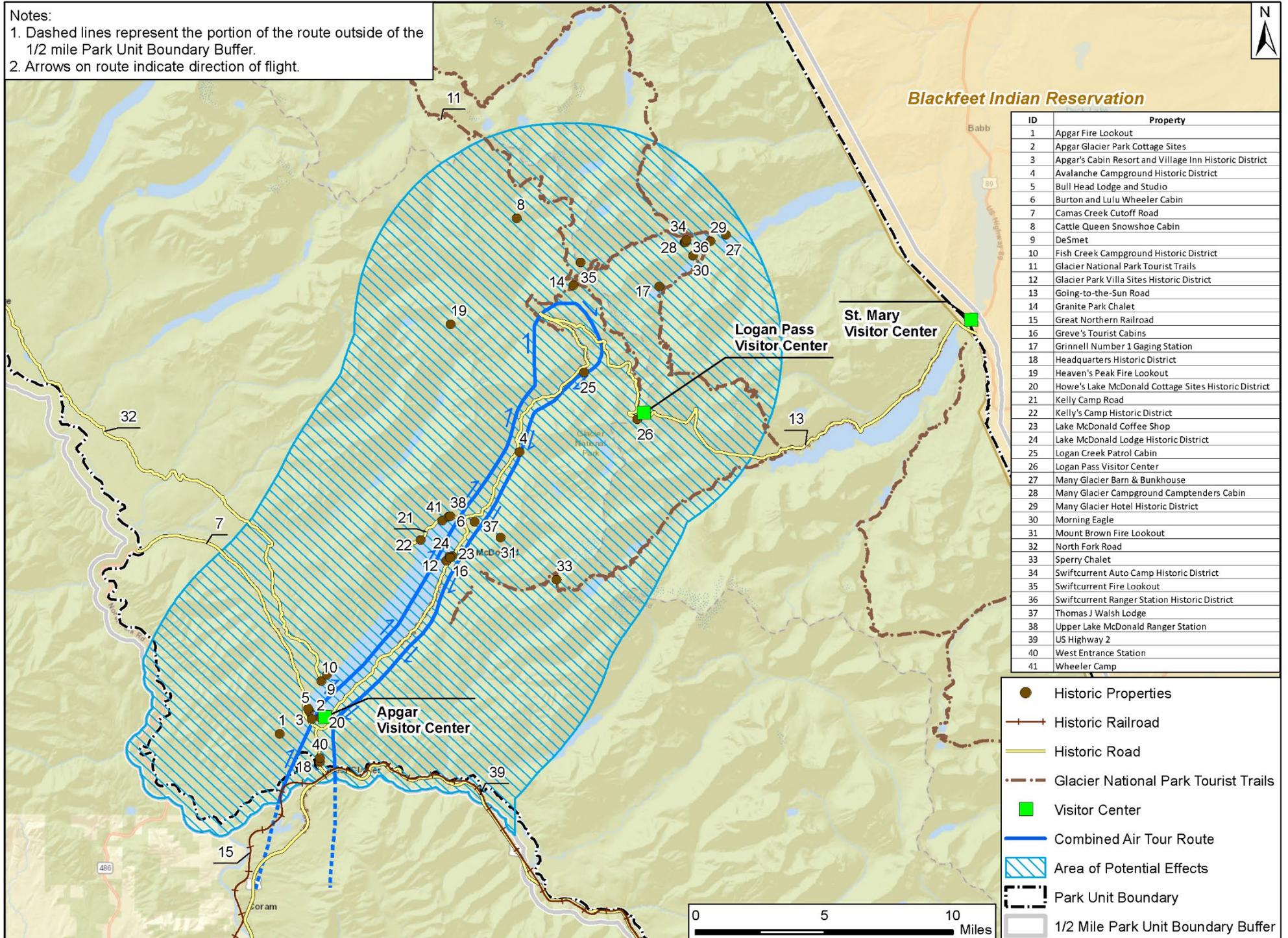
**ATTACHMENT C**

**Area of Potential Effects Map  
Including  
Proposed Commercial Air Tour Route**

# Area of Potential Effects for ATMP at Glacier National Park (Proposed Routes)

**Notes:**

1. Dashed lines represent the portion of the route outside of the 1/2 mile Park Unit Boundary Buffer.
2. Arrows on route indicate direction of flight.



**ATTACHMENT D**

**List of Additional Consulting Parties Invited to Participate in Section 106 Consultation**

Apache Tribe of Oklahoma
Blackfeet Tribe of the Blackfeet Indian Reservation of Montana
Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana
Confederated Salish and Kootenai Tribes of the Flathead Reservation
Crow Tribe of Montana
Flathead National Forest
Fort Belknap Indian Community of the Fort Belknap Reservation
Helena-Lewis & Clark National Forest
Homestead Helicopters, Inc.
Minuteman Aviation, Inc.
National Trust for Historic Preservation
Preserve Montana
Red Eagle Aviation, Inc. (Montana Air Adventures)

**ATTACHMENT E**

**List of Historic Properties in the APE and Description of Historic Characteristics**

Historic Name	Property Type	Eligibility Status	Significant Characteristics
Lake McDonald Lodge Historic District	Historic Building	NHL	The Lake McDonald Lodge Historic District is a National Historic Landmark and is listed in the NRHP under Criteria A and C as the oldest visitor accommodation facility within Glacier National Park that played a major role in the development of the park's western side visitor services at the turn of the century.
Sperry Chalet	Historic Building	Listed, NHL	The Sperry Chalet is a National Historic Landmark and is listed in the NRHP under Criteria A and C as a representation of one of the unique surviving visitor facilities at Glacier National Park and for its association with tourism in the park. The Sperry Chalet was constructed in 1913 using local stone and timber.
Granite Park Chalet	Historic Building	NHL	The Granite Park Chalet is a National Historic Landmark and is listed in the NRHP under Criterion A due to its role in the development of Glacier National Park providing lodging and food in an isolated area of the park. It is listed under Criterion C due to the successful implementation of the Swiss or Alpine style and rustic feeling of the design.
Going-to-the-Sun Road	Historic Linear Feature	Listed, NHL	Going-to-the-Sun Road is a National Historic Landmark and is listed in the NRHP under Criteria A and C for its role in the development of Glacier National Park and as an engineering feat. The road characterizes the changing nature of tourism in the park.

Bull Head Lodge and Studio	Historic Building	Listed	The Bull Head Lodge and Studio is listed in the NRHP under Criterion B for its association with the noted Western artist Charles M. Russell. It served as Russell's summer residence and workplace between 1907 to c.1924.
Site Number 24FH0314	Archaeological Site	Eligible	This site is eligible for its potential to yield information regarding the Lake McDonald Lodge (Glacier Hotel). The site was used as a dump site for the early operation of the lodge between 1897 and 1930.
Great Northern RR	Historic Linear Feature	Eligible	The Great Northern Railroad is eligible for the NRHP under Criterion A due to its significant role in the settlement and development of the transportation of goods and services to and from northern and central Montana in the early 1900s. It also played a significant role in the development of Kalispell and the surrounding areas. The railroad is also eligible under Criterion B for its association with James Jerome Hill, the "Empire Builder." Furthermore, the site is potentially eligible under Criterion C as an example of a significant engineering achievement.
Apgar Fire Lookout	Historic Building	Listed	The Apgar Fire Lookout is listed in the NRHP under Criterion A due to its association with the management needs of Glacier National Park and Criterion C as an excellent remaining example of an early-twentieth century lookout at the park.

Logan Creek Patrol Cabin	Historic Building	Listed	The Logan Creek Patrol Cabin is listed in the NRHP under Criteria A and C as it illustrates the development and administration of Glacier National Park. The Logan Creek Patrol Cabin is one of many similar structures built in the park during the 1920s and 1930s to facilitate the supervision of the park. It is a rectangular log structure that was built in 1925.
Mount Brown Fire Lookout	Historic Building	Listed	The Mount Brown Fire Lookout is listed in the NRHP under Criterion A due to its illustration of an important aspect in the management of conservation of timber resources in Glacier National Park. It is also eligible under Criterion C as an example of one of several similar buildings constructed in the park from a basic plan designed by the United States Forest Service.
Upper Lake McDonald Ranger Station Historic District	Historic District	Listed	The Upper Lake McDonald Ranger Station Historic District is listed in the NRHP under Criteria A and C as an example of a ranger station complex at Glacier National Park. Many of its buildings and structures originated from standard plans executed at regional offices and appear at other locations within the park.
US Highway 2	Historic Linear Feature	Eligible	US Highway 2 is eligible for the NRHP under Criterion A and C as a historic route through Flathead County and due to its association with the development of transportation in the area.

Greve's Tourist Cabins	Historic District	Eligible	Greve's Tourist Cabins are eligible for the NRHP under Criteria A as a historic district due to their association with the 1930s economy tourism in Glacier National Park. They are also eligible under Criterion C due to their embodiment of the distinctive characteristics of a 1930s cabin camp within the park. Within the APE for the undertaking there are six resources that contribute to the significance of Greve's Tourist Cabins: Dora Crump Cabin, Cabin 8, Cabin 7, Cabin 4, Bath House, and Woodshed.
Headquarters Historic District	Historic District	Listed	The Headquarters Historic District is listed in the NRHP under Criterion A as a property representing National Park Service Mission 66 planning and design programs. The district is also eligible under Criterion C as an excellent example of Park Service Modernist architecture.
West Entrance Station	Historic Building	Listed	The West Entrance Station is listed in the NRHP under Criteria A and C for its association with rustic architecture, National Park Service infrastructure development in response to increased visitation, and the construction efforts of the Civilian Conservation Corps.
Fish Creek Bay Boathouse	Historic Building	Listed	The Fish Creek Bay Boathouse is listed in the NRHP under Criterion A for its association with the recreational development of Glacier National Park. The boathouse was constructed c.1928 to house the DeSmet in the winter months.

Heaven's Peak Fire Lookout	Historic Building	Listed	Heaven's Peak Fire Lookout is listed in the NRHP under Criteria A and C due to its association with the park's fire management plan. The lookout served as one of the final links in a system of lookouts that minimized the destruction of the park by fire.
North Fork Road	Historic Linear Feature	Listed	The North Fork Road is listed under Criterion A for its association with park administration and the development of the North Fork Region in Glacier National Park.
Thomas J Walsh Lodge	Historic Building	Listed	The Thomas J. Walsh Lodge is listed in the NRHP under Criteria A, B, and C. It is significant under Criterion A as a "Summer Home" for its association with pre-park settlement and development. It is also significant under Criterion B for its association with Thomas J. Walsh, a U.S. Senator from Montana who rose to national prominence for exposing the "Teapot Dome Scandal." The lodge is also significant under Criterion C as a representative of vernacular, rustic-designed architecture development outside of the purview of the National Park Service's Landscape Division.

Wheeler Camp	Historic District	Listed	<p>The Wheeler Camp is listed in the NRHP under Criterion A, B, and C and includes the Burton and Lulu Wheeler Cabin, boathouse, generator house, and three other cabins. It is a representative example of a recreational camp on Lake McDonald in Glacier National Park and is associated with Burton Kendall Wheeler, a U.S. Senator, who used the cabin as his summer home. Furthermore, it is eligible under Criterion C as a "Summer Home" that retains its rustic architectural design and scenic vistas and access routes. There is one additional property within the APE that also contributes to the significance of the Wheeler Camp Historic District: Burton and Lulu Wheeler Cabin. The Burton and Lulu Wheeler Cabin is also individually eligible for the NRHP.</p>
Apgar Glacier Park Cottage Sites	Historic District	Eligible	<p>The Apgar Glacier Park Cottage Sites are eligible for the NRHP under Criterion A as a representative example of recreational camp development on Lake McDonald in Glacier National Park. They are also eligible under Criterion C due to their illustration of the shift in the 1950s away from traditionally designed rustic style cabins to the Mid-Century Modern Style. There are three additional properties within the APE that also contribute to the significance of the Apgar Glacier Park Cottage Sites Historic District: Moberly House, Bulls Head Lodge Guest Cabin, and Henderson Cabin.</p>

Glacier Park Villa Sites Historic District	Historic District	Eligible	The Glacier Park Villa Sites Historic District is eligible for the NRHP under Criteria A and C as a representative example of recreational camp development on Lake McDonald in Glacier National Park. The district contains four cabins that exemplify one type of property division and camp development that occurred around Lake McDonald in the first half of the twentieth century. There is one additional property within the APE that also contributes to the significance of the Glacier Park Villa Sites Historic District: Buttrey Cabin.
Howe's Lake McDonald Cottage Sites Historic District	Historic District	Listed	The Howes' Lake McDonald Cottage Sites Historic District is listed in the NRHP under Criteria A and C as a representative example of recreational camp development on Lake McDonald in Glacier National Park. The family camps at Howes' Lake McDonald Cottage Sites were built in the 1920s and 1930s and had modest, rustic cabins.
Kelly's Camp Historic District	Historic District	Listed	The Kelly's Camp Historic District is listed in the NRHP under Criteria A and C as a representative example of a cabin resort on Lake McDonald in Glacier National Park.
Lake McDonald Lodge Coffee Shop	Historic Building	Listed	The Lake McDonald Lodge Coffee Shop is listed in the NRHP under Criteria A and C as an example of the National Park Service (NPS) Mission 66 planning and design programs. It is an exceptional representation of the Mission 66 program that saw a significant change in NPS planning, management, and architecture.

Apgar's Cabin Resort and Village Inn HD	Historic District	Eligible	The Apgar's Cabin Resort and Village Inn Historic District is eligible for the NRHP under Criteria A and C as an example of a privately owned tourist resort from 1891 to the 1950s. The buildings include a row of 1890s log cabins, a row of small frame tourist cabins built in the 1910s or 1920s, 1930s frame housekeeping cabins, vernacular Rustic-style frame cabins built in the 1940s or 1950s, two single-story vernacular Modern motels, and a two-story architect-designed Mid-century Modern motel.
Avalanche Campground Historic District	Historic District	Eligible	The Avalanche Campground Historic District is eligible for the NRHP under Criteria A for its close association with the two major infrastructure development periods of Glacier National Park, including the 1920s through the New Deal and the Mission 66 era between 1953 and 1966. The district is also eligible under Criterion C for its landscape design elements that date to the 1920s and 1950s and the buildings and structures that are significant representatives of their respective eras.
Camas Creek Cutoff Road	Historic Linear Feature	Listed	Camas Creek Cutoff Road is eligible for the NRHP under Criterion A for its association with the National Park Service Mission 66 planning and design program. It is significant under Criterion C as a quality, well-preserved example of the Bureau of Public Roads engineering design.

DeSmet	Historic Vessel	Listed	The DeSmet is listed in the NRHP under Criterion A as an early representative of the first park-wide boating concession that was important to the success of concession and tourism within the park. It is also listed under Criterion C as an excellent example of a carvel planked boat constructed with traditional boat-working techniques and materials by J. W. Swanson.
Kelly Camp Road (AKA North Lake McDonald Road, Lake McDonald Ranger Station Road, Lake McDonald Ranger Station Spur, West Lake Trail”	Historic Linear Feature	Eligible	Kelly Camp Road is eligible for the NRHP under Criteria A for its association with homesteading and recreational tourism in Glacier National Park. There is one additional property within the APE that also contributes to the significance of the Kelly Camp Road: Lake McDonald Bridge.
Burton and Lulu Wheeler Cabin	Historic Building	Listed	The Burton and Lulu Wheeler Cabin is eligible for the NRHP under Criterion A, B, and C as part of the Wheeler Camp. It is part of a representative example of a recreational camp on Lake McDonald in Glacier National Park and is associated with Burton Kendall Wheeler, a U.S. Senator, who used the cabin as his summer home. Furthermore, the cabin is individually listed under Criterion C as a "Summer Home" that retains its rustic architectural design and scenic vistas and access routes.

Site Number 24FH1539	Archaeology Site	Eligible	This site consists of a historic camp most likely built post-1929 after the Halfmoon fire. It is eligible for the NRHP under Criterion A due to its association with the logging operations that occurred with this event. It is also eligible under Criterion D as it is a good example of an early-twentieth century logging camp and has potential to yield further information.
Fish Creek Campground Historic District	Historic District	Determined eligible by NPS	The Fish Creek Campground Historic District is eligible for the NRHP under Criterion A for its connection to Glacier National Park's visitation and recreational cultural patterns in the twentieth century. It is also eligible under Criterion C for its 1950s landscape design elements and Mission 66 style architecture. There is one additional property within the APE that contributes to the significance of the Fish Creek Campground Historic District: Fish Creek Bridge.
Swiftcurrent Fire Lookout	Historic Fire Lookout	Listed	The Swiftcurrent Fire Lookout is listed in the NRHP under Criterion A due to its illustration of an important aspect in the management and conservation of timber resources in Glacier National Park. It is also listed under Criterion C as a rare historic structure type in the management needs of the park.

Swiftcurrent Ranger Station Historic District	Historic District	Listed	The Swiftcurrent Ranger Station Historic District is listed in the NRHP under Criteria A and C as a unique example of a ranger station in Glacier National Park that was constructed after the original station at the site was destroyed by fire in 1936. All the structures that make up the Swiftcurrent Ranger Station were constructed within a year of each other, which resulted in a distinctive ranger station that respected its surrounding landscape and complemented the nearby Many Glacier Lodge.
Lower Josephine Mine	Historic Mine	Eligible	The Lower Josephine Mine is an early copper mine in the Swift Current/ Glacier mining area. It is eligible for the NRHP under Criterion A as one of the earliest and only patented mining claims and mine developments of the Swift Current Mining District.
Site Number GL0814	Historic Mine	Eligible	This site is eligible for the NRHP under Criterion D due to its potential to yield information regarding mining in the area in the early-twentieth century. The site consists of a main mine shaft, a lower mine addition, and a concentration of abandoned processing equipment.
Many Glacier Hotel Historic District	Historic District	NHL	The Many Glacier Hotel Historic District is a National Historic Landmark and is listed in the NRHP under Criteria A and C due to its role in the development of tourism in Glacier National Park and its rustic design. The district consists of the hotel building and four outbuildings that serve as employee quarters.

Many Glacier Campground Camptenders Cabin	Historic Building	Listed	The Many Glacier Campground Camptenders Cabin is listed in the NRHP under Criteria A and C due to its association with the increase of middle-class automobile tourists and the National Park Service development of infrastructure appropriate for this new clientele in the 1930s and 1940s. Within the APE there are two historic properties that contribute to the significance of Many Glacier Campground Camptenders Cabin: B465 Comfort Station and B1049 Comfort Station.
Many Glacier Barn & Bunkhouse	Historic Architecture	Listed	The Many Glacier Barn & Bunkhouse is listed in the NRHP under Criteria A and C for its association with the development of the administrative infrastructure in Glacier National Park and for its simplified-rustic design.
Swiftcurrent Auto Camp Historic District	Historic District	Listed	The Swiftcurrent Auto Camp Historic District is listed in the NRHP under Criterion A due to its association with the shift in National Park Service (NPS) policy and concession development made in response to external changes in the leisure patterns of the American public. It is also listed under Criterion C as an exemplification of a shift in NPS policy regarding new building design and placement within the park through its small-scale rustic design and isolated placement of the buildings.

Glacier National Park Tourist Trails	Historic Road/Trail	Listed	The Glacier National Park Tourist Trails are listed in the NRHP under Criteria A and C for their association with the recreational and transportation development of Glacier National Park. There is one additional property within the APE that also contributes to the significance of Glacier National Park Tourist Trails: Packer's Roost.
Cattle Queen Snowshoe Cabin	Historic Log Structure	Listed	The Cattle Queen Snowshoe Cabin is listed in the NRHP under Criteria A and C as one of the oldest surviving backcountry patrol cabins in Glacier National Park. The Park reports that the cabin burned down in the 2003 Trapper Fire and is no longer extant.
Grinnell Number 1 Gaging Station	Historic Political/Government	Eligible	The Grinnell Number 1 Gaging Station is eligible for the NRHP under Criterion A due to its association with the first long-term, scientific studies of glaciers in Glacier National Park. The station was built in 1949 and was functional through 1978.
Logan Pass Visitor Center	Historic Building	Listed	The Logan Pass Visitor Center is listed in the NRHP under Criteria A and C as an associated property type of the Mission 66 and Parkscape planning and design programs. The visitor center was constructed in 1966 and represents a unique example of visitor center construction employing modern design in concert with its dramatic mountain setting in Glacier National Park.
Bullshead Mine	Historic Mine	Eligible	The Bullshead Mine is eligible for the NRHP under Criterion A as one of the earliest and only patented mining claims and mine developments of the Swift Current Mining District.

Josephine Mine	Historic Mine	Eligible	The Josephine Mine is an early copper mine in the Swiftcurrent / Glacier mining area. It is eligible for the NRHP under Criterion A as one of the earliest and only patented mining claims and mine developments of the Swift Current Mining District.
Morning Eagle	Historic Vessel	Listed	The Morning Eagle is listed in the NRHP under Criterion A due to the role it played in the development of recreation within Glacier National Park. It is also listed under Criterion C as an excellent example of a carvel planked boat constructed using traditional boat-working techniques and materials by J.W. Sweanson, an early influential boat builder.
Traditional Cultural Properties	TCP	Eligible	The FAA has been informed that TCPs are present within the APE.

## ATTACHMENT F

### Summary of Noise Technical Analysis from NEPA Review

For purposes of assessing noise impacts from commercial air tours on the acoustic environment of the Park under the National Environmental Policy Act (NEPA), the agencies used the following metrics:

- Time above 35 dBA (minutes)
- Time above 52 dBA (minutes)
- Equivalent Sound Level or LAeq (over 12 hours)
- Day-night Average Sound Level or Ldn (over 24 hours)
- Maximum sound level or Lmax

Metric	Relevance and citation
Time Above 35 dBA <sup>7</sup>	<p>The amount of time (in minutes) that aircraft sound levels are above a given threshold (i.e., 35 dBA)</p> <p>In quiet settings, outdoor sound levels exceeding 35 dB degrade experience in outdoor performance venues (ANSI 12.9-2007, Quantities And Procedures For Description And Measurement Of Environmental Sound – Part 5: Sound Level Descriptors For Determination Of Compatible Land Use); Blood pressure increases in sleeping humans (Haralabidis et al., 2008); maximum background noise level inside classrooms (ANSI/ASA S12.60/Part 1-2010, Acoustical Performance Criteria, Design Requirements, And Guidelines For Schools, Part 1: Permanent Schools).</p>
Time Above 52 dBA	<p>The amount of time (in minutes) that aircraft sound levels are above a given threshold (i.e., 52 dBA)</p> <p>This metric represents the level at which one may reasonably expect interference with Park interpretive programs. At this background sound level (52 dB), normal voice communication at five meters (two people five meters apart), or a raised voice to an audience at ten meters would result in 95% sentence intelligibility.<sup>8</sup></p>

<sup>7</sup> dBA (A-weighted decibels): Sound is measured on a logarithmic scale relative to the reference sound pressure for atmospheric sources, 20 µPa. The logarithmic scale is a useful way to express the wide range of sound pressures perceived by the human ear. Sound levels are reported in units of decibels (dB) (ANSI S1.1-1994, American National Standard Acoustical Terminology). A-weighting is applied to sound levels in order to account for the sensitivity of the human ear (ANSI S1.42-2001, Design Response of Weighting Networks for Acoustical Measurements). To approximate human hearing sensitivity, A-weighting discounts sounds below 1 kHz and above 6 kHz.

<sup>8</sup> Environmental Protection Agency. Information on Levels of Noise Requisite to Protect the Public Health and Welfare with an Adequate Margin of Safety, March 1974.

Equivalent sound level, $L_{Aeq, 12\text{ hr}}$	The logarithmic average of commercial air tour sound levels, in dBA, over a 12-hour day. The selected 12-hour period is 7 am – 7 pm to represent typical daytime commercial air tour operating hours.
Day-night average sound level, $L_{dn}$ (or DNL)	<p>The 24-hour average sound level, in dBA, after addition of ten decibels to sounds occurring from 10 p.m. to 7 a.m.</p> <p>For aviation noise analyses, the FAA has determined that the cumulative noise energy exposure of individuals to noise resulting from aviation activities must be established in terms of Day-night average sound level (DNL)<sup>9</sup>.</p> <p>Note: Both <math>L_{Aeq, 12\text{ hr}}</math> and <math>L_{dn}</math> characterize:</p> <ul style="list-style-type: none"> <li>• Increases in both the loudness and duration of noise events</li> <li>• The number of noise events during specific time period (12 hours for <math>L_{Aeq, 12\text{ hr}}</math> and 24-hours for <math>L_{dn}</math>)</li> </ul> <p><math>L_{dn}</math> takes into account the increased sensitivity to noise at night by including a ten dB penalty between 10 p.m. and 7 a.m. local time. If there are no nighttime events, then <math>L_{Aeq, 12\text{ hr}}</math> is arithmetically three dBA higher than <math>L_{dn}</math>.</p> <p>The FAA’s indicators of significant impacts are for an action that would increase noise by DNL 1.5 dB or more for a noise sensitive area that is exposed to noise at or above the DNL 65 dB noise exposure level, or that will be exposed at or above the DNL 65 dB level due to a DNL 1.5 dB or greater increase, when compared to the no action alternative for the same timeframe<sup>10</sup>.</p>
Maximum sound level, $L_{max}$	The loudest sound level, in dBA, generated by the loudest event; it is event-based and is independent of the number of operations. $L_{max}$ does not provide any context of frequency, duration, or timing of exposure.

In order to provide a conservative evaluation of potential noise-effects produced by commercial air tours under the ATMP, the analysis is based on a characterization of a peak day<sup>11</sup> of commercial air tour activity. For the busiest year of commercial air tour activity from 2017-2019 based on the total number of commercial air tour operations and total flight miles over the Park, the 90<sup>th</sup> percentile day was identified for representation of the peak day in terms of number of operations, and then further assessed for the type of aircraft and route flown to determine if it is a reasonable representation of the commercial air tour activity at the Park. For the Park, the 90th percentile day was identified as the following:

- Minuteman – 1 flight, BHT-206-L aircraft

<sup>9</sup> FAA Order 1050.1F, Appx. B, sec B-1

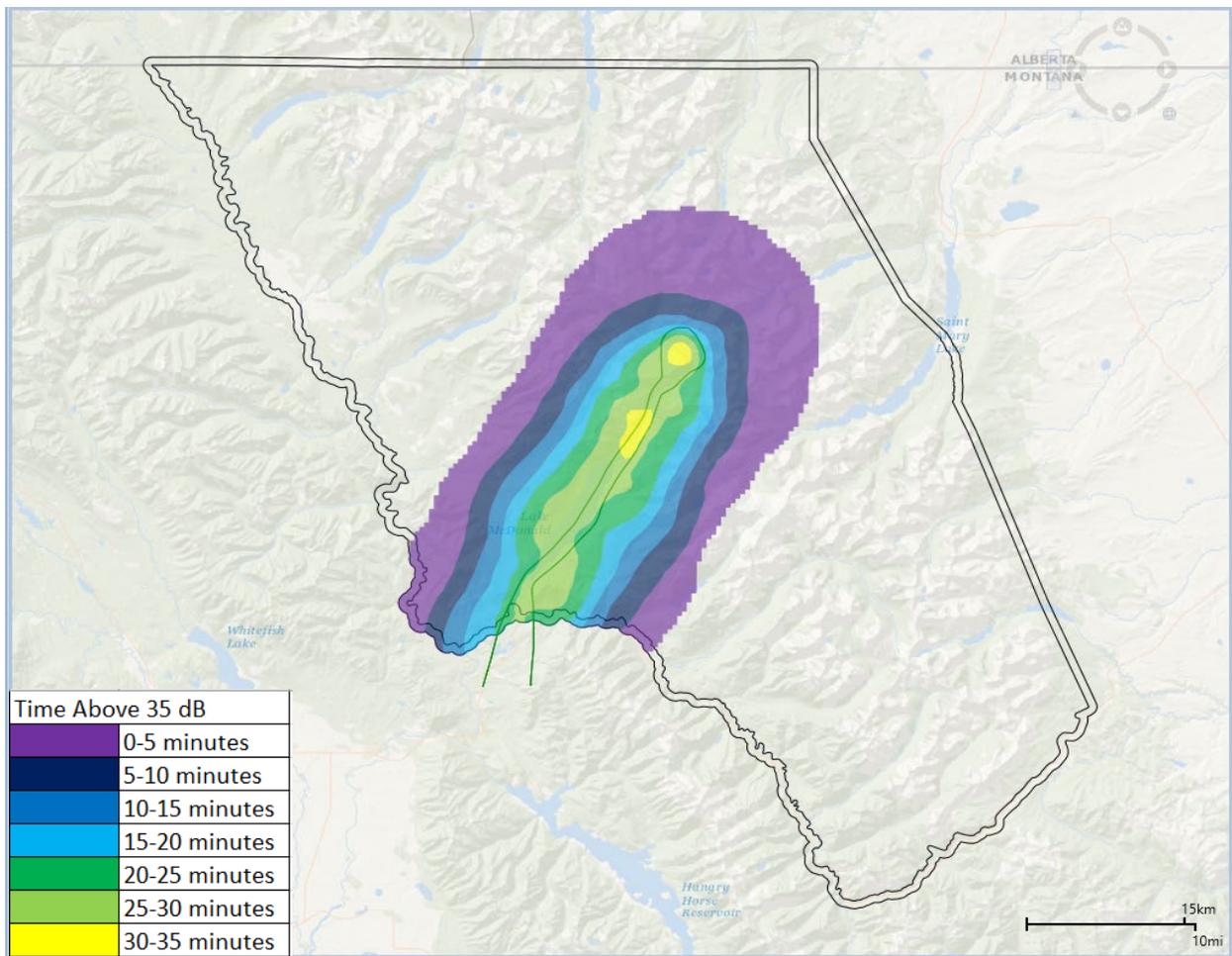
<sup>10</sup> FAA Order 1050.1F, Exhibit 4-1

<sup>11</sup> As required by FAA policy, the FAA typically represents yearly conditions as the Average Annual Day (AAD). However, because ATMP operations in the Park occur at low operational levels per year and are highly seasonal in nature it was determined that a peak day representation of the operations would more adequately allow for disclosure of any potential impacts. A peak day has therefore been used as a conservative representation of assessment of AAD conditions.

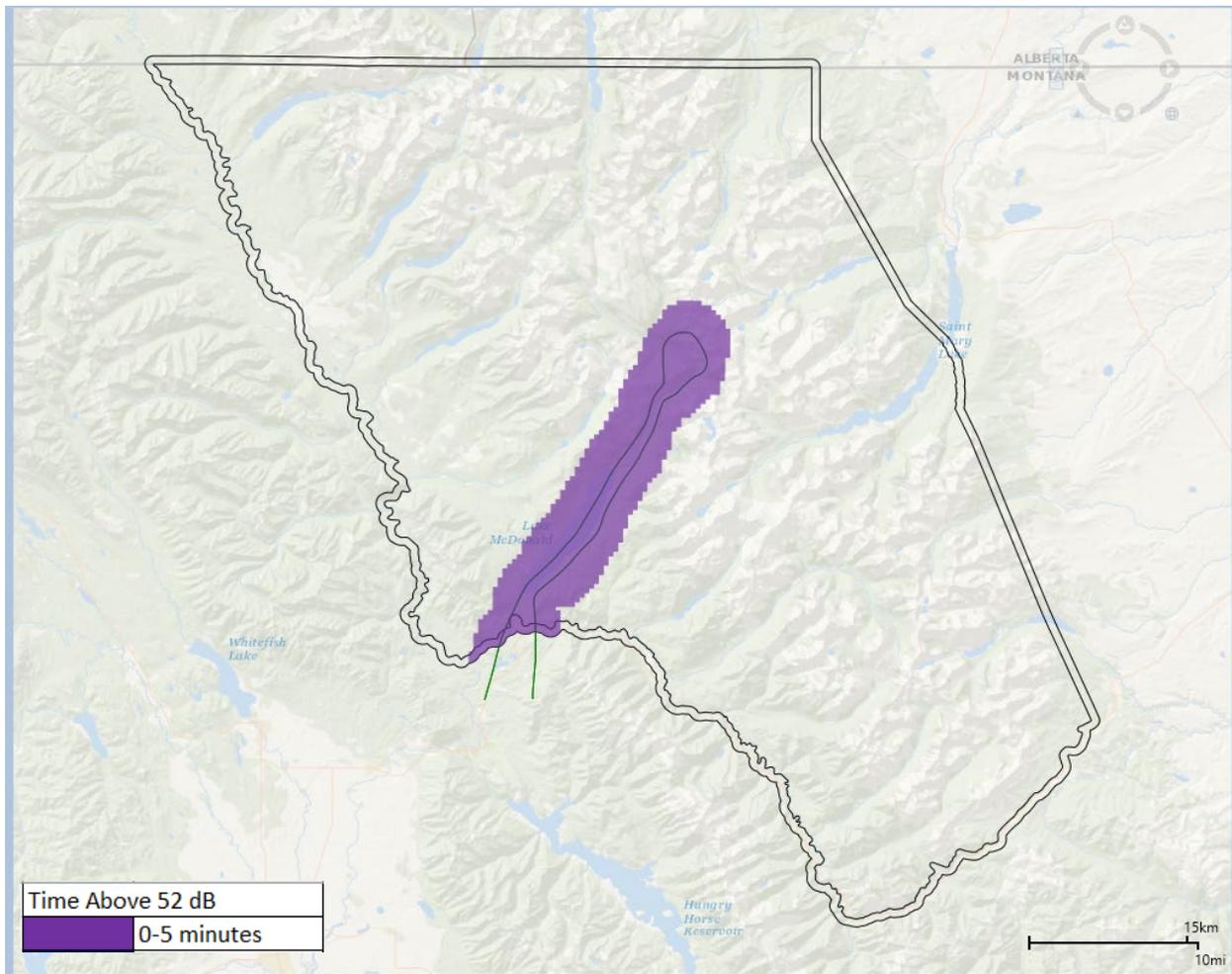
- Red Eagle – 2 flights, CE-206-U206E or CE-206-U206G aircraft
- Red Eagle – 1 flight, BELL-206-L3 aircraft

Noise contours for the following acoustic indicators were developed using the FAA’s Aviation Environmental Design Tool (AEDT) version 3d and are provided below. A noise contour presents a graphical illustration or “footprint” of the area potentially affected by the noise.

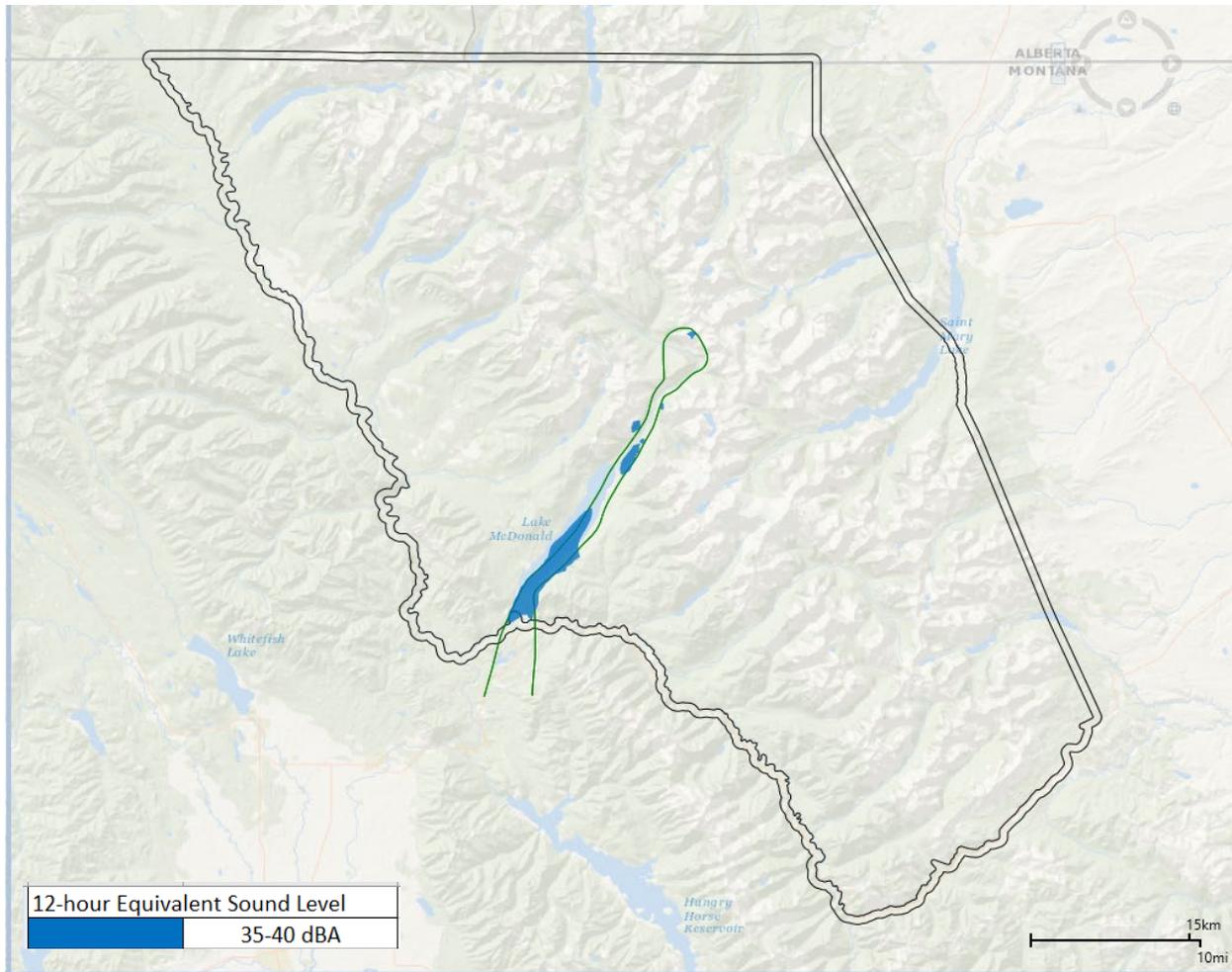
- Time above 35 dBA (minutes) – see Figure 1
- Time above 52 dBA (minutes) – see Figure 2
- Equivalent Sound Level or  $L_{Aeq, 12hr}$  – see Figure 3
  - Note: Contours are not presented for  $L_{dn}$  (or DNL) as it is arithmetically three dBA lower than  $L_{Aeq, 12hr}$  if there are no nighttime events, which is the case for the ATMP modeled at the Park.
- Maximum sound level or  $L_{max}$  – see Figure 4
  - Note: While the  $L_{max}$  for a commercial air tour may exceed 50 dBA in some areas of the Park, it should be noted that in no areas do the sound levels exceed 50 dBA for greater than five minutes as shown by the Time Above 52 dBA results.



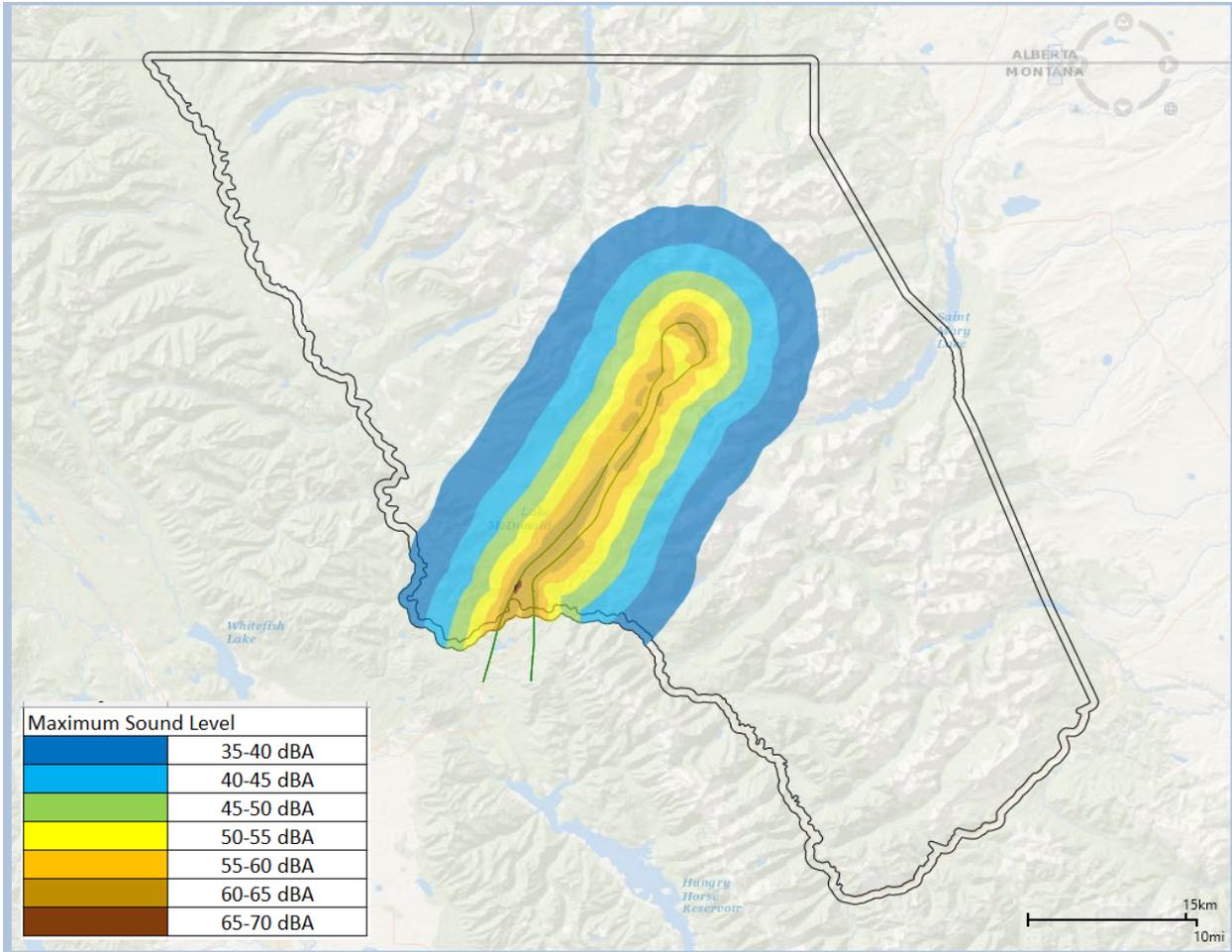
**Figure 1.** Noise contour results for Time Above 35 dBA



**Figure 2.** Noise contour results for Time Above 52 dBA



**Figure 3.** Noise contour results for  $L_{Aeq, 12hr}$



**Figure 4.** Noise contour results for  $L_{max}$



*Historic Preservation  
Museum  
Outreach & Interpretation  
Publications  
Research Center*

Judith Walker  
FPO – FAA  
401 F Street NW, Suite 308  
Washington, DC 20001

Re: Air Tour Management Plan for Glacier National Park

Dear Ms. Walker,

Thank you for your letter (received August 23, 2022) regarding the Air Tour Management Plan in Glacier National Park. We concur with your determination of No Adverse Effect.

Please note that our concurrence does not substitute for a good faith effort to consult with interested parties, local government authorities, and American Indian tribes. If you receive a comment that substantially relates to a historic property located within or adjacent to the Area of Potential Effect, please submit it to our office for review. Include documentation of how the comment was addressed. If you have any questions or concerns, do not hesitate to contact me at (406) 444-7719 or [Laura.Evilsizer@MT.gov](mailto:Laura.Evilsizer@MT.gov). Thank you for consulting with us.

Sincerely,



Laura Evilsizer, M.A.  
Compliance Officer, Deputy SHPO  
Montana State Historic Preservation Office

225 North Roberts Street  
P.O. Box 201201  
Helena, MT 59620-1201  
(406) 444-2694  
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[montanahistoricalsociety.org](http://montanahistoricalsociety.org)

FILE: FAA – 2022 - 2022082301



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

**CONCURRENCE**

*Anthony THPO*  
**Blackfoot THPO**  
**Blackfoot Tribe**  
08/05/2022

### **NATIONAL PARKS AIR TOUR MANAGEMENT PROGRAM**

August 4, 2022

Re: Section 106 Consultation and Finding of No Adverse Effect under Section 106 of the National Historic Preservation Act for the development of an Air Tour Management Plan for Glacier National Park

Iliff "Scott" Kipp Sr.

Chairman

Blackfoot Tribe of the Blackfoot Indian Reservation of Montana 640

All Chiefs Road

Browning, MT 59417

Dear Chairman Kipp Sr.:

The Federal Aviation Administration (FAA) received an email on July 7, 2022, from the Montana State Historic Preservation Office (SHPO), in response to our June 28, 2022 Finding of Effects letter for the Air Tour Management Plan (ATMP) at Glacier National Park. The Montana SHPO informed the FAA that there were additional unevaluated properties within the Area of Potential Effects (APE) that were not included in the list of historic properties in Attachment E of the FAA's Finding of Effects letter.

Per the Montana SHPO's request, we are providing you with the additional information about historic properties identified within the APE at Glacier National Park. The FAA has completed additional searches of the Montana Cultural Resource Database to identify all properties that are listed or eligible to be listed on the National Register of Historic Places (NRHP), or are undetermined/unevaluated, within the APE. FAA is treating the identified undetermined/unevaluated properties as eligible for the purposes of Section 106 consultation for this undertaking. This is not a formal determination of NRHP eligibility. FAA is providing the attached supplemental documents, which include in **Attachment A** the list of the eligible, listed, and unevaluated/undetermined historic properties within the APE that were not included in prior consultation, and corresponding maps with unrestricted location information as **Attachment B**.

The FAA evaluated the potential effects of the undertaking on historic properties in the APE and the proposed finding of No Adverse Effects for the undertaking remains valid. The undertaking would not have any physical impact on any property. The undertaking is located in the airspace above historic properties and would not result in any alteration or physical modifications to these resources. The undertaking would not remove any property from its location and would not change the character of

**From:** [Haas, Shauna \(Volpe\)](#)  
**To:** [Hootman, Amy \(Volpe\)](#)  
**Subject:** FW: Red Eagle 106 FOE Letter for GLAC  
**Date:** Thursday, August 4, 2022 1:49:30 PM

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For the file in resolution of below referenced email.

**Shauna J. Haas**

Environmental Protection Specialist | Volpe Center  
[REDACTED] [REDACTED] [REDACTED]

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**From:** Lusk, Keith (FAA) <[Keith.Lusk@faa.gov](mailto:Keith.Lusk@faa.gov)>  
**Sent:** Thursday, August 4, 2022 2:38 PM  
**To:** Basic, Catherine <[catherine.basic@faa.gov](mailto:catherine.basic@faa.gov)>; Haas, Shauna (Volpe) [REDACTED]; Walker, Judith <[judith.walker@faa.gov](mailto:judith.walker@faa.gov)>  
**Cc:** Elmore, Eric <[eric.elmore@faa.gov](mailto:eric.elmore@faa.gov)>  
**Subject:** Red Eagle 106 FOE Letter for GLAC

fysa

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**From:** John Paul Noyes [REDACTED]  
**Sent:** Thursday, August 4, 2022 11:18 AM  
**To:** Lusk, Keith (FAA) <[Keith.Lusk@faa.gov](mailto:Keith.Lusk@faa.gov)>  
**Cc:** Elmore, Eric (FAA) <[eric.elmore@faa.gov](mailto:eric.elmore@faa.gov)>  
**Subject:** RE: Checking in

Keith,

Thanks again for your time on this matter. Yes we believe that we can offer the safest routes and do so in a manner that does not impact historical sites or park visitors on the ground. We appreciate your and the FAA's willingness to work with us in coming up with the best solution.

**Thank You,**

**John Paul Noyes**

Mobile: [REDACTED]

Email: [REDACTED]

---

**From:** Lusk, Keith (FAA) <[Keith.Lusk@faa.gov](mailto:Keith.Lusk@faa.gov)>  
**Sent:** Thursday, August 4, 2022 9:03 AM  
**To:** John Paul Noyes [REDACTED]  
**Cc:** Elmore, Eric (FAA) <[eric.elmore@faa.gov](mailto:eric.elmore@faa.gov)>  
**Subject:** RE: Checking in

Hi John – I have sent your note to the Helena FSDO and shared with our leadership. I'll be back in touch with you.

One other thing I wanted to note was that in Red Eagle's letter dated 7/27 you say you "object to the findings...and do not concur with its conclusions". We wanted to explain our finding under Section 106 of the National Historic Preservation Act. While you say you object to our finding, it sounds like Red Eagle Aviation and the FAA agree on the finding related to the National Historic Preservation Act.

Specifically, the agency has concluded that the proposed ATMP, which authorizes commercial air tours during designated times and on specific routes does NOT have an adverse effect on historic properties identified in the area relevant to our analysis (called the APE or Area of Potential Effect).

The agencies believe you agree with the finding because your letter states that "We are sympathetic to the Historical attributes noted in the proposed ATMP we disagree that our Fixed Wing flights and routes would have an adverse effect on historical sites or Structures." In other words, the letter is stating that Red Eagle believes the commercial air tour routes would NOT have an adverse effect " on historic sites or Structures." We agree. This is consistent with the FAA's conclusion and we intend to treat this letter as a concurrence with our Section finding.

That said, we recognize that Red Eagle submitted comments about various elements of the proposed ATMP (not specifically related to historic properties, or air tours' effect on historic properties) during the public comment process—i.e., safety concerns, minimum altitudes, number of routes, number of flights per day. These comments relate to the ATMP generally and not specifically about how the routes, times of day, or other elements effect historic properties. Therefore, these comments are outside the scope of the Section 106 process, but have been considered by the agencies in finalizing the ATMP.

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# **APPENDIX G**

## **NPS Statement of Compliance**

## APPENDIX G

### NATIONAL PARK SERVICE STATEMENT OF COMPLIANCE

#### Glacier National Park Air Tour Management Plan

##### **Compliance with NPS Management Policies Unacceptable Impact and Non-Impairment Standard**

As described in National Park Service (NPS or Service) 2006 Management Policies, § 1.4.4, the National Park Service Organic Act prohibits the impairment of park resources and values. *Guidance for Non-Impairment Determinations and the NPS NEPA Process* (September 2011) provides guidance for completing non-impairment determinations for NPS actions requiring preparation of an environmental assessment (EA) or environmental impact statement (EIS) pursuant to the National Environmental Policy Act (NEPA). The applicable NPS guidance does not require the preparation of a non-impairment determination where a categorical exclusion (CE) is applied because impacts associated with CEs are generally so minimal, they do not have the potential to impair park resources. Nonetheless, out of an abundance of caution, the NPS has completed a non-impairment analysis for the Glacier National Park (Park) Air Tour Management Plan (ATMP) and determined that it will not result in impairment of Park resources, or in unacceptable impacts as described in § 1.4.7.1 of the 2006 NPS Management Policies.

Sections 1.4.5 and 1.4.6 of Management Policies 2006 further explain impairment. Section 1.4.5 defines impairment as an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values. Section 1.4.5 goes on to state:

An impact to any park resource or value may, but does not necessarily, constitute an impairment. An impact would be more likely to constitute impairment to the extent that it affects a resource or value whose conservation is

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park, or
- key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park, or
- identified in the park's general management plan or other relevant NPS planning documents as being of significance.

Section 1.4.6 of Management Policies 2006 identifies the park resources and values that are subject to the no-impairment standard. These include:

- the park's scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources;

paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals;

- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;
- the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and
- any additional attributes encompassed by the specific values and purposes for which the park was established.

NPS non-impairment analysis normally does not include discussion of impacts to visitor experience, socioeconomics, public health and safety, environmental justice, land use, Park operations, wilderness, etc., as these do not constitute impacts to Park resources and values subject to the non impairment standard under the Organic Act. *See* Management Policies § 1.4.6.

#### *Non-Impairment Determination for the Glacier National Park ATMP*

The purposes of Glacier National Park, along with Park significance statements and a description of the Park's fundamental resources and values, are described in the *Foundation Document for Glacier National Park (Foundation Document)*, 2016.

*Park Purpose:* The purpose of Glacier National Park, part of the world's first international peace park, is to preserve the scenic glacially carved landscape, wildlife, natural processes, and cultural heritage at the heart of the Crown of the Continent for the benefit, enjoyment, and understanding of the public. *Foundation Document, page 4.*

The Park's significance statements highlight some resources that may be impacted by commercial air tours. Commercial air tours authorized by the ATMP will not impact the geologic features of the Park, but may impact the wilderness, wildlife and cultural resources the Park protects. In addition, recreation opportunities and air quality are listed as fundamental resources of the Park. (*See* Foundation Document, page 7-8.) These may be impacted by commercial air tours.

The ATMP implements the Record of Decision (ROD) for the Glacier National Park General Management Plan (GMP) which called for the elimination of air tours over Glacier National Park. (National Park Service, 1999). Under the ATMP all commercial air tours over the Park will be phased out on or before December 31, 2029. Thus, there will be no impacts to Park resources from commercial air tours after December 31, 2029. The analysis in this Statement focuses on impacts from commercial air tours that may occur in the period between the effective date of the ATMP until December 31, 2029.

As a basis for evaluating the potential for impairment or unacceptable impacts on Park resources, the NPS relied on the environmental analysis in the Environmental Screening Form (ESF) (Appendix B to the Record of Decision (ROD)), the Glacier National Park Air Tour Management Plan Section 7 Endangered Species Act No Effect Determination (Appendix E to the ROD), and,

the Section 106 documentation for the National Historic Preservation Act (Appendix F to the ROD). The ESF includes analysis of impacts to air quality; biological resources including wildlife, wildlife habitat, and special status species; cultural resources including cultural landscapes, ethnographic resources, prehistoric and historic structures; soundscapes; lightscapes; wilderness; visitor experience; and viewsheds. The ESF considers both the change from current conditions as well as the impact from the commercial air tours authorized under the ATMP. *See* ESF, Appendix B to the ROD.

The ATMP would result in limited impacts to the Park's natural and cultural soundscapes by improving the extent and prevalence of noise compared to current conditions. Acoustic conditions in the Park were measured in 2004 (Lee et al., 2016). While the report was not designed specifically to measure air tour noise, at the locations nearest the commercial air tour route, the existing ambient daytime ( $L_{50}$ )<sup>1</sup> was reported to be 21-34 decibels, while the natural ambient daytime was reported to be 19-34 decibels. To determine the severity of the effect and potential for impairment from this ATMP, the NPS considered not just the presence of noise and potential for disturbance, but also the duration, frequency, and amplitude of noise. Noise modeling, using a peak day that is defined as a 90th percentile day, for the ATMP discloses that noise from 144 annual commercial air tours would be present but geographically limited. *See* ESF, Appendix B to the ROD. The increase from ambient acoustic conditions above 35 decibels due to noise could mask quieter natural sounds at the park. However, most areas of the park would experience no noise from air tours. Further, noise above 35 decibels will range from less than 5 minutes to a maximum of 35 minutes on a peak day in areas that receive noise from air tours. Noise levels are not expected to exceed 52 decibels for more than 5 minutes on a peak day for any area of the park. At 52 decibels a visitor may reasonably expect interference with Park interpretive programs. *ESF, Figures 3., 4., and 5. Noise Technical Analysis*, Appendix B to the ROD. A minimum of 221 days a year the Park will not experience noise from commercial air tours. Because some operators reported providing multiple tours per day, the number of days with commercial air tour noise is likely to be less than 1/3 of the year. Therefore, the natural and cultural soundscapes of the Park remain unimpaired and without unacceptable impacts under the ATMP since noise impacts are limited to only 144 instances per year, those instances will not occur everyday, noise exceeds 52 decibels for less than 5 minutes on a peak day, and noise is limited in geographic extent. Because the noise is short in duration with the loudest noise focused near or beneath the designated route and limited geographically, the Park's natural and cultural soundscape will be largely unimpacted by commercial air tours and available for the enjoyment by present and future generations.

ATMP impacts to wildlife occur from noise generated by commercial air tours. The analysis in the ESF discloses that noise would likely be heard by wildlife near the route. *See* Appendix B to the ROD. Generally, noise from commercial air tours may impact wildlife in a number of ways including altered vocal behavior, breeding relocation, changes in vigilance and foraging behavior, predator avoidance, reproductive success, and impacts on individual fitness and the

<sup>1</sup> Noise metrics referenced in this document are discussed in detail on pages 12 - 13 and 19 - 21 of the ESF.

structure of ecological communities to name a few (Shannon et al., 2016; Kunc et al., 2016; Kunc and Schmidt, 2019). To determine the severity of the effect and potential for impairment, the NPS considered not just the presence of noise and potential for disturbance, but also the duration, frequency, and amplitude of noise. The analysis demonstrates that the 144 commercial air tours would impact the Park at levels above 35 decibels for up to 35 minutes on a peak day. The minimum altitude for helicopter aircraft will be no lower than 2,600 ft. AGL, and commercial air tours conducted using fixed-wing aircraft will fly no lower than 3,100 ft. These altitude requirements limit higher decibel noise exposure to wildlife in the Park, including the Park's threatened and endangered species. Additionally, the ATMP route was specifically designed to avoid sensitive habitat for grizzly bear and other listed species. The NPS concluded, in consultation with experts from the U.S. Fish and Wildlife Service, that the commercial air tours authorized by the ATMP would have no effect on endangered species in the Park.<sup>2</sup> No Effect Determination, Appendix E to the ROD. In conclusion, the ATMP will not impair the Park's wildlife or its habitat because the impacts from the commercial air tours do not rise above 35 decibels for more than 35 minutes on a peak day and would only occur a maximum of 144 days a year. As documented through this analysis, and in the ESF, impacts to wildlife, either individually or cumulatively, would occur on an individual level and would not affect wildlife on the population level. These impacts do not impair the functioning of the Park's unique ecosystems and the wildlife within. Consistent with the no effect determination, wildlife, including threatened and endangered species, will persist in the Park without a loss of integrity and visitors will continue to enjoy wildlife and their habitats.

Impacts to the Park's cultural resources would be similar in frequency and duration to those described above for wildlife. Acting as lead agency for the purposes of compliance with Section 106 of the National Historic Preservation Act with respect to the ATMP, the FAA concluded, in coordination with the NPS, that there would be no adverse effects on historic properties from the 144 commercial air tours authorized under the ATMP. The State Historic Preservation Officer concurred with that determination that there would be no adverse effects on historic properties from the 144 commercial air tours authorized under the ATMP. The ESF and consultation materials documented that the ATMP would not diminish the Park's cultural landscape's integrity of location, design, setting, materials, workmanship, feeling, or association. Additionally, the determination documented that commercial air tours do not adversely affect those elements of ethnographic resources that make them significant to traditionally associated groups, nor does the ATMP interfere with the use of ethnographic resources by these groups. Finally, the analysis documented that the ATMP does not adversely affect the feeling and setting of archaeological sites or historic structures that make those sites and structures eligible for listing on the National Register of Historic Properties. *See* Appendices B and F to the ROD. Since there are no adverse effects on these resources, these resources would maintain their integrity and purpose and therefore remain unimpaired for the enjoyment of future generations under the ATMP.

<sup>2</sup> A no effect determination means there will be no consequences to listed species or critical habitat from the ATMP.

As disclosed in the ESF, the ATMP may have very limited impacts on the Park's viewshed. Visitor enjoyment of the Park's viewshed is a fundamental resource of the Park. As noted in the ESF, aircraft are not typically included in viewshed analyses because they are transitory. They are most noticeable because of the noise associated with them. As noted above, due to the short duration of the effects as well as the limited frequency, impacts to the Park's viewshed will be limited. As a result, visitors will continue to be able to enjoy the Park's beautiful views unimpaired.

The NPS completed an air quality analysis and determined that the 144 commercial air tours authorized under the ATMP contributes a minimal amount of emissions to the local air quality and would not have a regional impact. *See* ESF, Air Quality Technical Analysis, Appendix B to the ROD. Because the amount of emissions is so small the ATMP does not affect the integrity of the Park's air quality, leaving it unimpaired for future enjoyment.

As demonstrated here and in the analysis referenced above, the impacts to these resources, neither individually nor cumulatively, would preclude the NPS from achieving the purpose of the Park or desired conditions for resources; and would not unreasonably interfere with Park programs or activities, another appropriate use, the overall atmosphere of peace and tranquility or the natural soundscape, or NPS concessioner or contractor operations or services. As a result, there will not be impairment of or unacceptable impacts to the Park's natural and cultural resources or visitor experience. Impacts to other resources potentially affected were considered so small and insignificant that they did not warrant a written analysis here.

During the period in which commercial air tours are authorized, the ATMP sections on adaptive management will allow park managers to ensure that unanticipated or unacceptable impacts do not occur and the requirement for implementing flight tracking technologies included in the ATMP will better enable the NPS to monitor and enforce the restrictions in the ATMP.

### **Compliance with NPS Management Policies Regarding Appropriate Uses**

A separate written appropriate use analysis is not required under NPS 2006 Management Policies. In recognition of comments suggesting that the NPS consider whether commercial air tours are an appropriate use over the Park, for this ATMP the NPS has decided to briefly address the issue of appropriate use below.

NPS 2006 Management Policies § 1.5 state:

An "appropriate use" is a use that is suitable, proper, or fitting for a particular park, or to a particular location within a park. Not all uses are appropriate or allowable in units of the national park system, and what is appropriate may vary from one park to another and from one location to another within a park."

Section 8.1.2 of Management Policies further explain:

The fact that a park use may have an impact does not necessarily mean it will be unacceptable or impair park resources or values for the enjoyment of future generations. Impacts may affect park resources or values and still be within the limits of the discretionary

authority conferred by the Organic Act. In these situations, the Service will ensure that the impacts are unavoidable and cannot be further mitigated.

In determining whether a use is appropriate, the NPS evaluates:

- consistency with applicable laws, executive orders, regulations, and policies;
- consistency with existing plans for public use and resource management;
- actual and potential effects on park resources and values;
- total costs to the Service;
- whether the public interest will be served.

Parks may allow uses that are appropriate even if some individuals do not favor that particular use. The National Park Air Tour Management Act (NPATMA) contemplates that commercial air tours may be an acceptable use over National Park System units so long as protections are in place to protect park resources from significant impacts of such tours, if any. Therefore, commercial air tours are authorized by law, though not mandated, and generally may be appropriate where they do not result in significant impacts or cause unacceptable impacts on park resources and values.

*Glacier National Park ATMP – consistency with NPS Management Policies for Appropriate Uses*

The NPS relied on the mitigations in the ATMP (Appendix A to the ROD), the analysis in the ESF (Appendix B to the ROD), the Glacier National Park Endangered Species Act No Effect Determination (Appendix E to the ROD), the Section 106 documentation for the National Historic Preservation Act (Appendix F to the ROD), the unacceptable impact and non-impairment analysis above, and the language in NPATMA as a basis for finding that the ATMP's authorization of 144 commercial air tours over Glacier National Park until December 31, 2029 is an appropriate use.

- The ATMP for Glacier National Park is consistent with applicable laws, executive orders, regulations, and policies. NPATMA specifically provides that air tours may be allowed over National Park System units where they do not result in significant impacts. Commercial air tours are not prohibited in applicable laws, regulations, or policies. The termination of air tours on December 31, 2029, consistent with the Park's GMP, is also consistent with NPATMA.
- The ATMP's authorization of 144 commercial air tours over the Park until December 31, 2029 is consistent with the Park's existing management plans. The Record of Decision for the 1999 GMP stated that NPS would work with FAA to phase out or ban commercial air tours over the Park. The ATMP is consistent with this decision. Until commercial air tours are phased out, mitigations, including limiting the number of commercial air tours per year and per day, restricting commercial air tours to the designated route, and setting minimum altitudes, limit impacts to visitor experience and other resources.
- The effects of the 144 commercial air tours authorized in the ATMP on Park resources was evaluated in the materials referenced above and unacceptable impact and non-

impairment discussion above. There will be a minimum of 221 days per year when impacts from air tours would not occur. Because some operators may fly more than one tour a day, it is likely there will be even more days that do not have noise from commercial air tours. The daily cap of no more than 3 air tours per day/per operator prevents any one day from having excessive noise from commercial air tours. The commercial air tours are also short in duration. Thus, the impacts from 144 commercial air tours authorized by this ATMP and do not rise to the level of an unacceptable impact nor impair Park resources. Section 8.1.1 requires the NPS to consider whether there are mitigations that can reduce impacts to Park resources and whether the impacts of those uses, after applying mitigations, result in unacceptable impacts or impairment. In this case, the NPS evaluated the impacts of 144 commercial air tours and included specific mitigations in the ATMP to minimize impacts to Park resources. The NPS believes the mitigations in the ATMP are sufficient to protect Park resources until commercial air tours are phased out at the end of December 31, 2029. Additional mitigations are not required because the impacts associated with the ATMP are not significant and do not result in unacceptable impacts or impairment.

- The cost to the NPS from implementing the ATMP includes yearly compiling of operator reported commercial air tours and aircraft monitoring data which is done in coordination with the Federal Aviation Administration. The compiling of reporting data would occur anyway because they are required under NPATMA, regardless of whether the Park has an ATMP because commercial air tours are currently authorized under interim operating authority (IOA). These costs will no longer be incurred after December 31, 2029 for this ATMP. This is done by the NPS's Natural Sounds and Night Skies Division which also provides noise monitoring, modeling, and planning support to parks across the country.
- While some visitors may not like commercial air tours, others appreciate the opportunity to view the Park from a commercial air tour. Commercial air tours, as contemplated in NPATMA, serve the public in this way. After commercial air tours are phased out, visitors may approximate that experience by traveling along the Going-to-the-Sun Road and may still view much of the Park's backcountry from its roads and accessible viewpoints.

Additional commercial air tours and commercial air tours on different routes may not be appropriate. However, the NPS has determined that because the ATMP authorizes 144 commercial air tours, and those commercial air tours are restricted to a designated route, are relatively short in duration, and are at an acceptable altitude, the ATMP is adequately protective of Park resources and the commercial air tours it authorizes are an appropriate use of the Park until December 31, 2029 after which time no commercial air tours would be permitted over the Park or outside the Park but within ½ mile of its boundary.

### **Compliance with NPS Management Policies for Soundscape Management**

A separate written compliance analysis for Soundscape Management is not required under NPS 2006 Management Policies. In recognition of comments suggesting that the NPS consider

whether the ATMP complies with NPS soundscape policies and guidance, the NPS has opted to briefly discuss the issue with respect to this ATMP.

Management Policies § 4.9 states, “The National Park Service will preserve, to the greatest extent possible, the natural soundscapes of parks.” Section 5.3.1.7 similarly addresses cultural and historic resource sounds.

Section 8.4 specifically addresses overflights, including commercial air tours, which notes

Although there are many legitimate aviation uses, overflights can adversely affect park resources and values and interfere with visitor enjoyment. The Service will take all necessary steps to avoid or mitigate unacceptable impacts from aircraft overflights.

Because the nation’s airspace is managed by the Federal Aviation Administration (FAA), the Service will work constructively and cooperatively with the Federal Aviation Administration and national defense and other agencies to ensure that authorized aviation activities affecting units of the National Park System occur in a safe manner and do not cause unacceptable impacts on park resources and values and visitor experiences.

Director’s Order #47 gives further guidance for the management of natural and cultural soundscapes, requiring the consideration of both the natural and existing ambient levels.

*Glacier National Park ATMP – consistency with NPS Management Policies for Soundscape Management.*

Consistent with Management Policies § 8.4, the NPS worked constructively and collaboratively with FAA to develop the ATMP. The NPS relied on the mitigations in the ATMP (Appendix A to the ROD), the analysis in the ESF (Appendix B to the ROD), the Glacier National Park Endangered Species Act No Effect Determination (Appendix E to the ROD), the Section 106 documentation for the National Historic Preservation Act (Appendix F to the ROD), and the unacceptable impact and non-impairment analysis above as a basis for finding that the ATMP complies with the policies and guidance for management of natural and cultural soundscapes.

Consistent with Management Policies § 4.9, the ATMP eliminates some noise, or moves the Park closer to natural ambient conditions, by limiting commercial air tours to 144 per year, which is a reduction from the current authorized number (1,653) under IOA and reduces the number of commercial air tour routes to one route limiting the geographic extent of noise. *See* ATMP, Appendix A to the ROD. Further, the route is above existing developed areas limiting exposure to sensitive areas of the Park. When developing the ATMP, the NPS considered the commercial air tour routes and evaluated the potential for noise to reach the most sensitive resources in the Park, including cultural and natural resources, and areas where commercial air tours could disrupt educational opportunities. The commercial air tours occur along a designated route, which protects most of these areas from the intermittent, and short duration noise effects of commercial air tours.

Management Policies § 5.3.1.7 prohibits excessive noise and § 1.4.7.1 prohibits actions that unreasonably interfere with “the atmosphere of peace and tranquility, or the natural soundscape

maintained in wilderness and natural, historic, or commemorative locations within the park.” Acoustic conditions in the Park were measured in 2004 (Lee et al., 2016). At the locations nearest the commercial air tour route, the existing ambient daytime (L<sub>50</sub>) was reported to be 21-34 decibels, while the natural ambient daytime was reported to be 19-34 decibels. When determining the severity of the impacts, results from the noise modeling for the ATMP were considered against both the natural soundscape and existing soundscape. As discussed above under the non-impairment discussion, the noise from commercial air tours is limited, both spatially and temporally. Therefore, the noise from commercial air tours is neither excessive nor does it unreasonably interfere with the peace and tranquility of the Park, wilderness character, or natural or historic or commemorative locations. In conclusion, the ATMP complies with § 8.4, § 4.9, and § 5.3.1.7 of the Management Policies because the NPS has successfully collaborated with the FAA and developed an ATMP that will not result in unacceptable impacts to natural or cultural soundscapes or impairment of Park resources.

### **Compliance with NPS Management Policies for Wilderness Preservation and Management**

A separate written compliance analysis for Wilderness Preservation and Management is not required under NPS Management Policies. In recognition of comments suggesting that the NPS consider whether the ATMP complies with NPS wilderness policies and guidance, the NPS has elected to briefly discuss the issue with respect to this ATMP.

Management Policies for wilderness preservation and management do not specifically address commercial air tours. However, § 7.3 of Director’s Order #41 notes that commercial air tours are inconsistent with preservation of wilderness character and requires the NPS to consider ways to further prevent or minimize impacts of commercial air tours on wilderness character.

The ATMP does not allow commercial air tours to take off or land within wilderness. Therefore, § 4(c) of the Wilderness Act and § 6.4 of Director’s Order #41 do not apply and a minimum requirements analysis is not required. While the NPS did not complete a minimum requirements analysis, the NPS did analyze and report on the impacts of commercial air tours on wilderness character and minimized those impacts.

#### *Glacier National Park ATMP – consistency with NPS Management Policies for Wilderness Preservation and Management.*

The NPS relied on the mitigations in the ATMP (Appendix A to the ROD), the analysis in the ESF (Appendix B to the ROD), the unacceptable impact and non-impairment analysis above, and soundscape management analysis above as a basis for finding that the ATMP complies with the policies and guidance for Wilderness Preservation and Management.

Of the Park’s total 1,013,839 acres, approximately 91% is recommended wilderness (927,550 acres), which is managed as designated wilderness by the NPS, pursuant to the 2006 NPS Management Policies. The NPS considered the impact of 144 commercial air tours on wilderness character. The ESF acknowledges noise from aircraft could impact wilderness character although the analysis demonstrates that the impact is limited. As described in detail above and in the ESF,

noise from commercial air tours over wilderness will be infrequent, limited in geographically, and short in duration because the designated route is focused over the Going-to-the-Sun Road corridor and does not extend into most of the Park's wilderness area. Wilderness character will remain unimpaired under the ATMP since a Park visitor will have the opportunity to hear the sounds of nature and experience the primeval character of the Park's wilderness, and the natural and cultural soundscape will remain largely unmarred by air tour noise the vast majority of time.

Consistent with Director's Order #41, § 7.3, the ATMP includes mitigations which minimize impacts to wilderness character including limiting commercial air tours to 144 per year, requiring aircraft to fly above 2,600 ft. AGL, and requiring the 144 commercial air tours to stay on the designated route. *See* ATMP, § 5.0, Appendix A to the ROD.

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## **APPENDIX H**

Summary of Public Comments and Comment  
Analysis on the Draft Air Tour Management  
Plan for Glacier National Park

**US Department of Transportation  
Federal Aviation Administration**



**US Department of the Interior  
National Park Service**



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## **Glacier National Park**

### **Summary of Public Comments and Comment Analysis on the Draft Air Tour Management Plan**

**July 2022**

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## **INTRODUCTION**

An Air Tour Management Plan (ATMP) would provide the terms and conditions for commercial air tours conducted over Glacier National Park (Park) pursuant to the National Parks Air Tour Management Act (Act) of 2000. The Act requires that the Federal Aviation Administration (FAA) in cooperation with the National Park Service (NPS) (collectively, the agencies) establish an ATMP or voluntary agreement for each National Park System unit for which one or more applications to conduct commercial air tours has been submitted, unless that unit is exempt from this requirement because 50 or fewer commercial air tour operations are conducted over the Park on an annual basis, 49 U.S.C. § 40128(a)(5).

The objective of establishing an ATMP for the Park is to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tours on natural and cultural resources, visitor experiences and tribal lands.

A notification of the public review period for the draft ATMP was announced in the Federal Register, and the draft ATMP was provided for public review and comment from September 3 through October 3, 2021. In addition, the agencies held a virtual public meeting for the Park's draft ATMP on September 21, 2021. The draft ATMP was published on the NPS Planning, Environment, and Public Comment (PEPC) website (PEPC ID: 103520).

Any comments entered into PEPC by members of the general public, as well as any written comments mailed or emailed to the NPS, were considered and included in the overall project record. This *Public Comment Summary Report* provides a summary of the substantive comments submitted during the public comment period.

## **COMMENT ANALYSIS METHODOLOGY**

Comment analysis is a process used to compile and correlate similar comments into a usable format for the agencies' decision-makers and the program team. Comment analysis assists the agencies in organizing, clarifying, and addressing information and aids in identifying the topics and issues to be evaluated and considered throughout the ATMP planning process.

The process includes five main components:

- developing a coding structure
- employing a comment database for comment management
- reviewing and coding of comments
- interpreting and analyzing the comments to identify issues and themes
- preparing a comment summary.

A coding structure was developed to help sort comments into logical groups by topic and issue. The coding structure was designed to capture the content of the comments rather than to restrict or exclude any ideas.

The NPS PEPC database was used to manage the public comments received. The database stores the full text of all correspondence and allows each comment to be coded by topic and category. All comments were read and analyzed, including those of a technical nature, opinions, suggestions, and comments of a personal or philosophical nature.

Under each code, all comments were grouped by similar themes, and those groups were summarized with concern statements.

## CONTENT ANALYSIS TABLES

In total, 2,668 correspondences were received providing 3,319 comments. The term “correspondence,” as used in this report, refers to each submission offered by a commenter. The term “comment,” as used in this report, refers to an individual issue and/or concern raised by a commenter that the agency coded by topic and category. A single commenter may have raised multiple comments within a correspondence. Similarly, multiple commenters raised many of the same comments. Of the correspondences received, nineteen were identified as form letters. Eighteen of these letters, for which there were 1,319 signatories, were very similar in content and expressed opposition to air tours citing impacts to wildlife, visitor experience, and wilderness. These letters also noted that a disproportionately small number of people cause noise pollution for the majority of visitors, and that the draft ATMP should include a sunset date by which air tours must end. The other form letter, with 6 signatories, expressed support for air tours and was opposed to the minimum altitudes, the route structure, the annual and daily limits on air tours, and the inability to transfer tours or a business. The letter also alleged violations of the Act by other air tour operators.

The following table was produced by the NPS PEPC database and provides information about the numbers and types of comments received, organized by code, including form letters.

Code	Description	Comments	Percentage
ADV100	Adverse Impacts: Soundscape impacts	592	18%
ADV200	Adverse Impacts: Wildlife/biological impacts	332	10%
ADV300	Adverse Impacts: Endangered species impacts	26	0.8%
ADV400	Adverse Impacts: Wilderness character impacts	444	13%
ADV500	Adverse Impacts: Cultural resource impacts	9	0.3%
ADV510	Adverse impacts: Visual impacts	21	0.6%
ADV520	Adverse Impacts: Equity	232	7%
ADV530	Adverse Impacts: Climate change / greenhouse gases / air quality	63	2%
ADV600	Adverse Impacts: Other	85	2.6%
ELE100	ATMP Elements: Annual number of air tours	35	1%
ELE200	ATMP Elements: Routes and altitudes	53	1.6%
ELE300	ATMP Elements: Aircraft type	15	0.5%
ELE400	ATMP Elements: Day/time	20	0.6%
ELE500	ATMP Elements: Other	246	7%
FAV100	Benefits of air tours	8	0.2%
NS100	Non-substantive comment: Support air tours	26	0.8%
NS150	Non-substantive comment: Other	138	4%
NS200	Non-substantive comment: Oppose air tours continuing	360	11%
NS300	Non-substantive comment: Oppose air tours introduction	514	15%
PRO100	Process Comments: Impact analysis	34	1%
PRO200	Process Comments: Public review	7	0.2%
PRO300	Process Comments: Alternatives considered	13	0.4%
PRO400	Process Comments: Other	13	0.4%
PRO500	Process Comments: NEPA	20	0.6%
TRIBE	Tribal concerns	13	0.4%

## SUMMARY OF COMMENTS

The following text summarizes the comments received during the comment period and is organized by code. The summarized text is formatted into concern statements to identify the thematic issues or concerns represented by comments within the code. The focus on coding comments is on those comments with substantive content. Substantive comments raise, debate, or question a point of fact, or analysis of the impacts associated with the ATMP, or elements of the ATMP. Comments that merely support or oppose the ATMP are not considered substantive.

### ADV100 Adverse Impacts: Soundscape Impacts

1. Commenters stated that air tour noise adversely affects opportunities to experience peace, solitude, tranquility, and opportunities to hear natural sounds; adversely affects wildlife; adversely affects visitors that come to the Park to experience natural soundscapes or visit the backcountry; and that air tours are incompatible with wilderness. For these reasons, commenters requested that air tours be prohibited over the Park.
2. One commenter stated adopting this draft ATMP would result in air tour noise audible throughout the entire Park on a typical fair-weather day.
3. One commenter noted that the Park's solitude and tranquility were recognized in its 1974 wilderness recommendation to Congress, and in a 1994 NPS Report to Congress it was noted that the Park was one of the highest priority parks where overflights can diminish the ability of visitors to experience the increasingly scarce resource of natural quiet. Another commenter referenced the adverse impacts of aircraft overflight noise on park resources and values contained in the 1994 Report to Congress on Effects of Aircraft Overflights on the National Park System ([https://www.nonoise.org/library/npreport/intro.htm#TABLE OF CONTENTS](https://www.nonoise.org/library/npreport/intro.htm#TABLE_OF_CONTENTS)).
4. One commenter stated that natural sounds were identified as a critical issue during the development of the Park General Management Plan (GMP) environmental impact statement (EIS) (page 140), which recognizes noise as a threat to natural sounds. The commenter noted that noise from air tours could be heard throughout the Park. The commenter also referenced recent studies including the Glacier National Park Air Tour Monitoring Report to support this statement.
5. One commenter referenced a 2017 article in Science, which reported that noise pollution is pervasive in U.S. protected areas, such as national parks, surpassing levels known to interfere with human visitor experience and disrupt wildlife behavior, fitness, and community composition, and that elevated noise was also found in critical habitats of endangered species (<https://www.science.org/doi/full/10.1126/science.aah4783>).
6. One commenter referenced the mission of the NPS, which includes the preservation of the natural soundscapes that are inherent components of the scenery and the natural and historic objects and the wildlife protected by the NPS Organic Act (Director's Order #47).
7. One commenter provided the following references as being relevant to soundscapes: Ann E. Lane, Scenic Air Tours over Our National Parks: Exploitation of Our National Resources or Environmental Solution, 62 J. Air L. & Com. 523, 1996 (<https://scholar.smu.edu/jalc/vol62/iss2/7>); Finnessey, Lauren, "The Negative Effects of Tourism on National Parks in the United States", 2012. Honors Theses - Providence. Campus. 4. ([https://scholarsarchive.jwu.edu/student\\_scholarship/4](https://scholarsarchive.jwu.edu/student_scholarship/4)).

### ADV200 Adverse Impacts: Wildlife/Biological Impacts

1. Many commenters expressed concern about the negative impacts on wildlife, noting that air tours cause stress, fear, a decrease in reproduction, and interfere with communication; and that noise

from air tours would adversely affect sensitive species like elk, lynx, and grizzly bears. Commenters also noted the presence of wolverines, mountain goats, big horn sheep, pika, bald eagles, and wolves.

2. Commenters noted they have witnessed helicopters stress deer and elk. One commenter noted a colony of terns abandoned their nest site when a drone flying over a colony crashed. Another commenter, who was responsible for studying nesting bald eagles in Lassen Volcanic National Park, witnessed fixed-wing flights disrupt nesting behavior and cause agitated behavior for both parents and nestlings and on one occasion resulted in mortality.
3. One commenter stated that noise disturbs migration patterns and breeding calls, which in turn decreases the populations of insects, frogs, birds, and upward along the food chain. Another commenter stated the Park is a raptor migration route with thousands of birds coming through the Park in the spring and fall, and that helicopters have the potential to disturb these routes or result in collisions.
4. One commenter stated that air tours should be restricted to flight corridors during migrations. Another commenter stated that the draft ATMP should require no-fly periods during raptor migrations in the spring and fall as well as authorize no-fly periods for periods of sensitive wildlife activity, not solely for administrative, social, or cultural events; the commenter stated that the flight paths proposed bisect an important raptor migration path across the McDonald valley, and air tours should be prohibited through this zone while migration is happening.
5. One commenter stated that the Park is one of the few places in the contiguous 48 states that continues to support populations of all indigenous carnivores and most of their prey species, and that air tours would infringe upon the survival, reproduction, and viability of these species.
6. One commenter opposed to air tours provided the following link that shows the impact of the noise from one motorcycle on a monitored bear:  
<https://www.youtube.com/watch?v=ZgTzqXL2Vvw>.
7. One commenter stated that the draft ATMP does not protect wildlife from the disruption and displacement from important seasonal habitat that is caused by helicopter and airplane noise.
8. Regarding wildlife awareness in Section 3.7D of the draft ATMP, one commenter questioned whether a pilot would voluntarily inform the NPS if they have a second flight later in the day, depending on the number allowed for the specific operator.
9. One commenter referenced noise sensitive areas defined in FAA Order 1050.1F, p. 11-3 which include wildlife and waterfowl refuges, and that the issue of adverse impacts of excessive aircraft noise to noise sensitive areas is described in FAA Advisory Circular (AC) No. 91-36D, Section 6.a.
10. One commenter provided the following reference for the impacts of noise, including aircraft noise, on wildlife: A synthesis of two decades of research documenting the effects of noise on wildlife; Graeme Shannon et al., 26 June 2015;  
<https://onlinelibrary.wiley.com/doi/10.1111/brv.12207>.
11. Commenters stated that the impacts of air tours on wildlife are in addition to the impacts that wildlife face with diminishing space, human intrusion, climate change, wildfires, heat waves, pollution, and noise from snowmobiles and off-road vehicles.
12. One commenter stated that flights will likely be continuously going over similar areas frequented by wildlife which may result in the wildlife no longer using key locations in their home ranges and territories.
13. One commenter was concerned that when impacts to wildlife are noticed, by the time management decisions are made or a new agreement is reached, it is often too late for the wildlife because of the slow process associated with amending documents.

### ADV300 Adverse Impacts: Endangered Species Impacts

1. Commenters stated that the draft ATMP does not acknowledge compliance with the Endangered Species Act (ESA) and should not be signed by the NPS until it does.
2. One commenter stated that virtually the entire Park is Grizzly Bear Security Core and as such no air routes have any chance of avoiding this critical habitat type and disrupting this threatened species; similarly, a large portion of the Park is designated Lynx Critical Habitat requiring higher levels of protection and should not be subject to repeated air tours.
3. Commenters were opposed to air tours in the Park, noting that air tours fly in the path of critical habitat of threatened species and can disrupt the natural actions of wildlife, including reproduction for endangered species.
4. One commenter suggested that Sec 3.7D of the draft ATMP is unlikely to minimize disturbance to endangered, threatened or sensitive wildlife populations, and is unworkable unless dealing with radio tagged animals or birds on nests.
5. One commenter referred to the existence of studies and guidance from multiple agencies including NPS, U.S. Fish and Wildlife Service (USFWS), U.S. Forest Service (USFS), which disclose effects of human activities, including aircraft, on grizzly bears and sensitive wildlife, and which include recommendations for the purposes of effects analyses in a Biological Assessments. The commenter provided the following reference: Guide to Effects Analysis of Helicopter Use in Grizzly Bear Habitat by Montana/Northern Idaho Level I Terrestrial Biologists Team FINAL - Version September 17, 2009.
6. One commenter stated that the USFWS and/or the NPS is violating the ESA by allowing unlimited take of grizzly bears from helicopter use during the non-denning season, which will jeopardize the grizzly bear population. The commenter requested formal consultation with the USFWS on the impact of air tours on lynx, grizzly bears, monarch butterflies, and wolverines.
7. One commenter stated that the operational time restrictions in Section 3.4 Day/Time and Section 3.8 Quiet Technology Incentives of the draft ATMP should be based on what the best available science indicates is necessary to minimize adverse impacts to wildlife. The commenter added that the draft ATMP provides no scientific justification nor any rationale for why these time restrictions were selected, and that the final plan needs to provide a justifiable rationale that ensures operational hours protect species listed under the ESA as well as other sensitive species. Another commenter stated that the draft ATMP should not allow for any quiet technology incentives that allow air tours at sunrise and sunset in order to protect grizzly bears and Canada lynx.
8. One commenter stated that the draft ATMP permits operations on routes that fly over areas of important habitat for grizzly bears, lynx, wolverine, mountain goats, big horn sheep and other sensitive or federally protected species, which violates the aircraft-specific guidance related to wildlife that the draft ATMP itself cites to justify the routes. As an example, the commenter noted that guidance from the USFS and USFWS suggests focusing lower-level aircraft traffic over roads to avoid core habitat for grizzly bears and avoiding mountain goat and big horn sheep habitat.
9. One commenter stated that the NPS has a duty to prevent any activities likely to cause jeopardy or otherwise take species listed under the ESA, such as threatened grizzly bears. The commenter stated there could be situations where air tours inadvertently harass, harm, or pursue listed species due to their low altitude flight pattern and noise, resulting in take. The commenter stated that the NPS carries out its duties to protect grizzly bears by participation in the Northern Continental Divide Ecosystem Grizzly Bear Conservation Strategy which requires the Park to maintain a

baseline amount of core habitat. The commenter stated that the NPS should consult with the USFWS under Section 7 of the ESA to ascertain whether the commercial air tours allowed under the draft ATMP will negatively impact grizzly bears and the Park's ability to maintain core habitat, and that similar consultation should be conducted relevant to the proposed air tours impacts on threatened Canada lynx as well as wolverines, which are a candidate species.

#### ADV400 Adverse Impacts: Wilderness Character Impacts

1. Many commenters opposed flights over wilderness, noting that air tours are incompatible with wilderness characteristics, impact visitor experience, and are contrary to the mandates of the Wilderness Act. Commenters cited Director's Order 41 and stated that it is NPS policy to manage any category of wilderness as if it were designated wilderness and that air tours are inconsistent with preservation of wilderness character. Commenters also cited the GMP, which states that the Park offers a rare primitive wilderness experience and includes the need to phase out commercial overflights.
2. Commenters stated that the NPS is required to protect the solitude and silence for the 91% of the Park that is recommended wilderness, and therefore NPS must eliminate the noise from air tour operators in order to provide this protection. Related to this concern, one commenter cited the following sources: 1) Gladwin, D.N., D.A. Asherin, and K.M. Mancini, 1987. Effects of aircraft noise and sonic booms on fish and wildlife: results of a survey of U.S. Fish and Wildlife Service Endangered Species and Ecological Services Field Offices, Refuges, Hatcheries, and Research Centers. NERC-88/30. U.S. Fish Wildl. Serv., National Ecology Research Center, Fort Collins, CO. 24 pp.; 2) Gladwin, D.N., K.M. Mancini, and R. Villeda, 1988. Effects of aircraft noise and sonic booms on domestic animals and wildlife: bibliographic abstracts. U.S. Fish Wildl. Serv. National Ecology Research Center, Ft. Collins, CO. NERC-88/32. 78 pp. Accessed August 27, 2021; <https://www.nonoise.org/library/animbib/animbib.htm>; 3) Mancini, K.M., D.N. Gladwin, R. Villeda, and M.G. Cavendish, 1988. Effects of aircraft noise and sonic booms on domestic animals and wildlife: a literature synthesis. U.S. Fish and Wildl. Serv. National Ecology Research Center, Ft. Collins, CO. NERC-88/29. 88 pp. Accessed August 27, 2021; <https://www.nonoise.org/library/animals/litsyn.htm>; 4) National Park Service. September 12, 1994. Report on effects of aircraft overflights on the National Park System. Report to Congress. Prepared pursuant to Public Law 100-91, The National Parks Overflights Act of 1987. Accessed August 27, 2021; <https://www.nonoise.org/library/npreport/intro.htm>.
3. Commenters cited the following sources related to wilderness impacts: Landres et al., 2008 (p. 7-8); Watson et al., 2015; Barber et al., 2010; NPS 2006; Marin et al., 2011; Miller, 2008; Lynch et al., 2011; Mace et al., 2013; Rapoza et al., 2014.
4. One commenter referenced noise sensitive areas defined in FAA Order 1050.1F, p. 11-3 which include areas with wilderness characteristics, and that the issue of adverse impacts of excessive aircraft noise to noise sensitive areas is described in detail in FAA Advisory Circular (AC) No. 91-36D, Section 6.a.
5. One commenter stated that the draft ATMP permits operations on routes that fly almost entirely over recommended wilderness, including over no less than eight backcountry campsites (Lake McDonald, Arrow Lake, Granite Park, Gunsight Lake, Lake Ellen Wilson, Lincoln Lake, Harrison Lake, Sperry) and both of the Park's historic backcountry chalets, which violates NPS management policies pertaining to recommended wilderness by harming visitors seeking to experience natural sounds in the Park's backcountry.
6. One commenter stated that the Park consists of the Waterton-Glacier International Peace Park, a World Heritage Site, the world's first Transboundary International Dark Sky Park, International

Biosphere Reserves, the North American Continental Divide, the Crown of the Continent Ecosystem, and 927,550 acres of recommended wilderness, and that pursuant to the 2006 NPS Management Policies, is managed in accordance with the Wilderness Act. The commenter stated that no motorized vehicles are allowed in wilderness areas.

7. One commenter stated 14 CFR Part 93 determines that aircraft noise impacts are eliminated by mandating that aircraft not overfly urban communities, and this same approach should be applied to National Park designated wilderness areas, citing [https://www.faa.gov/regulations\\_policies/rulemaking/media/NYNShoreHelicopterFinalRule.pdf](https://www.faa.gov/regulations_policies/rulemaking/media/NYNShoreHelicopterFinalRule.pdf); and <https://www.planenoise.com/docs/12-1335-1446255.pdf>.
8. One commenter cited a study (<https://www.science.org/doi/full/10.1126/science.aah4783>) which found that 12.1% of wilderness areas still experienced anthropogenic sound levels 3 decibels (dB) above predicted natural levels, indicating that they are not entirely untrammelled by man as defined by the Wilderness Act.
9. Commenters suggested that videos could be prepared to provide overhead views instead of introducing noise pollution to wilderness areas.

#### ADV500 Adverse Impacts: Cultural Resource Impacts

1. Commenters noted the draft ATMP provides no information regarding compliance with Section 106 of the National Historic Preservation Act (NHPA) which should include consultation with potentially affected Native American tribes and state and tribal historic preservation offices. One commenter stated that information about the consultation, and the agencies' response to the issues raised be provided to the public as part of the draft ATMP.
2. Commenters noted the importance of the Park to Native American tribes and that the Park contains cultural resources such as archaeological sites, historic buildings, and Native American sensitive sites. Commenters stated that commercial air tours could have severe impacts on cultural resources and tribal lands, especially places and uses of importance to the Park's indigenous peoples.
3. One commenter stated that silence is a cultural value and resource that needs protection, citing the NPS dual mandate to protect cultural and natural resources.
4. One commenter stated that the Park makes every effort to have a historic character, noting old lodges and the wood and stone barriers on the Going-to-the-Sun Road, and asked why the emphasis on historic value, but then allow planes and helicopters overhead.
5. One commenter stated that the draft ATMP does not acknowledge compliance with the NHPA and should not be signed by the NPS until it does.

#### ADV510 Adverse Impacts: Visual Impacts

1. Commenters were concerned about the visual impacts of air tours, noting that they are a source of visual pollution and intrusion that will impede enjoyment of scenic qualities, and will detract from the feeling of isolation and wilderness that people seek.
2. Commenters noted that air tours are not compatible with a Dark Sky area. One commenter stated that the Park is one of the few places in our country to see the stars and forget about civilization, but that experience is marred by the sound of air traffic, particularly helicopters.

#### ADV520 Adverse Impacts: Equity

1. Many commenters stated that a disproportionately small number of people who can afford air tours cause noise pollution that adversely impacts the experience for the majority of visitors. One

commenter stated that such flights violate principals of equity and equality because the cost of such flights separates wealthy citizens from the masses.

2. One commenter stated that equity does not mean that everyone gets to do everything, without regard to priorities. The commenter stated that protecting the Park from noise pollution is a bigger priority than letting people view it from the air.
3. One commenter stated that noise pollution should not be something anyone has a right to purchase from a concessionaire within a National Park when it occurs at the expense of other users.

#### ADV530 Adverse Impacts: Climate Change, Greenhouse Gases, and Air Quality

1. Commenters stated that air tours contribute to air pollution, carbon and greenhouse gas emissions, and climate change; that the pollution affects pristine smells and fresh air; that the flights contribute to global warming that is melting the glaciers that people come to see; and contribute to worsening wildfires. One commenter referred to a United Nations report that illustrates the severity of climate change. For these reasons, commenters stated that air tours should be prohibited.
2. One commenter referred to the fuel odor and trucks that bring the aviation fuel.

#### ADV600 Adverse Impacts: Other

1. Commenters noted adverse health impacts, stating that continual exposure to noise over 85 dB is harmful to health; that according to the World Health Organization (WHO) environmental noise pollution creates stress, provokes aggression, and causes mental and physical health disorders; and that noise pollution is a threat immune function and reduces brain function. One commenter that referred to the psychological damage of noise cited the following: C.G. Jung Letters I & II, Ed., G. Adler. Princeton, N.J.: Princeton University Press, 1975. 2 volumes. Vol II, PP, 389-91.
2. Commenters stated that quiet is important to hikers and backpackers for awareness and can be lifesaving, such as when listening for and hearing the grunts of a grizzly bear or hearing the call of fellow hikers who are behind on the trail or hurt.
3. Commenters expressed concern about the risk of crashes, stating that air tours increase the likelihood of crashes; that plane crashes cause wildfires which may require rescue operations in difficult terrain; and that the possibility of wrecks is increased by the terrain and its effect on flying conditions, as well as by distractions due to the sight-seeing desires of the passengers.
4. One commenter stated that the North Fork and Middle Forks of the Flathead River are designated Wild and Scenic in the Park. Another commenter stated that the classification of a Wild and Scenic river is devoid of meaning if overflight noise pollution is not eliminated.
5. One commenter stated that the sounds undermine tourism revenue.
6. One commenter, a birder and amateur botanist, stated that the noise interferes with the ability to identify birds through their songs, and interferes with concentration when identifying plants.
7. Commenters expressed concern about the impact of noise on military veterans, noting that many suffer from PTSD and come to the Park for peace, and it is therefore necessary to create and maintain a space free of helicopter and airplane noise.
8. Commenters stated that air tours negatively affect residents outside the Park, including residents in and near West Glacier, Montana.

## ELE100 ATMP Elements: Annual Number of Air Tours

1. Commenters recommended reducing the total number of flights, reducing the number of flights per day, phasing out air tours within the next five years, or eliminating flights all together.
2. Commenters stated that the proposed limit of 144 flights annually is reasonable. One commenter was against the idea of phasing out flights or even reducing the numbers beyond what is proposed.
3. One commenter suggested a limit of 3,000 flights per year.
4. Commenters stated there should be no ability to amend the ATMP to increase the total number of annual air tours, in reference to Section 9.0, third paragraph. The commenter stated that due to natural habitat and visitor experience preservation, a requirement should be added that no more than two of the authorized flights annually may be operated in any one day.
5. One commenter stated that the draft ATMP should clarify that under no circumstances will an increase in commercial air tours be considered for any operator identified in Appendix A.
6. One commenter suggested the authorized number of air tours should be no more than the lesser of actual usage in 2000 or the recited recent three-year window average to maintain consistency with the Act's legislative history, which provided that: "In determining the number of authorizations to issue to provide commercial air tour operations over a national park, the Administrator, in cooperation with the Director, shall take into consideration the provisions of the air tour management plan, the number of existing commercial air tour operators and current level of service and equipment provided by any such operators, and the financial viability of each commercial air tour operation." (106th Congress, H.R. 717, H.Rept. 106-273).
7. One commenter suggested that, until a complete phase out occurs, air tours should be limited to 1 flight for each of the three commercial operators a week (3 total flights), with an assigned schedule of 1 flight every other weekday, excluding weekends. Another commenter suggested that the draft ATMP designate 2-3 days each week when air tours are not permitted so that visitors on the ground can choose to tour the Going-to-the-Sun Road free of the intrusion of a helicopter. One commenter suggested that tours only occur one day of the week.
8. One commenter requested that the limit of 3 flights per day for each operator be eliminated since many days are affected by weather delays which leads to rescheduling, which in many cases is not possible due to out-of-town guests' individual travel schedules. The commenter stated that penalizing visitors who cannot take a tour due to poor weather is not feasible or desirable in the tourist-based business, and that often rescheduling for the next day is problematic since most days are fully booked during peak tourist season.
9. One commenter objected to the limit of 144 yearly air tours between all operators, stating that one operator fully utilizes its 159 authorized flights per year per its current IOA, which includes the allowance for an additional 159 separate tours over Blackfoot Tribal lands.
10. Commenters expressed concern that operating authority based on the average of annual overflights between 2017, 2018, and 2019 does not take into account the actual carrying capacity for noise at the Park, and requested a reduction in operating authority based on resource protection and justified by sound studies and modeling.
11. One commenter suggested either phasing out air tours with a 20% reduction in the number of flights every year with the goal of hitting zero flights after 5 years; or a date at which all air tours are to end, for instance December 31, 2027; either would create certainty around meeting the GMP goal of no air tours, while also giving operators time to adjust their business models away from air tours over the Park.

12. One commenter stated that the annual number, while decreased, appears arbitrary, and asked how 144 flights became the standard.

#### ELE200 ATMP Elements: Routes and Altitudes

1. Commenters stated that the draft ATMP should limit routes to the Going-to-the-Sun Road only, where significant mechanical noise and crowds already exist, noting that other routes disrupt backcountry areas and degrades the wilderness solitude. One commenter stated that in addition to only allowing flights over this road, flights should occur from west to east.
2. One commenter stated that flight paths should be kept away from Going-to-the-Sun Road, and stated that one operator passes over the road and another operator passes close to the Logan Pass Visitor Center. The commenter recommended that routes be located away from hiking paths as much as possible.
3. One commenter stated there should be no restrictions on commercial flights that are following the Middle Fork of the Flathead River, which would occur when flights to and from Schafer Meadows airstrip must follow the river due to low cloud ceilings.
4. Commenters recommended that routes be redirected to other areas outside of the Park which contain comparable scenery or prohibited below 5,000 feet (ft.) and conducted at least ½ mile outside Park boundaries so as not to disrupt visitors and to protect wilderness areas.
5. One commenter requested avoidance of noise over glaciers and to reroute all airlines.
6. Commenters requested a minimum elevation of 10,000 ft.
7. Commenters requested a minimum altitude of 2,500 ft.
8. One commenter stated that the 2,600 ft. above ground level (AGL) requirement seems prudent to minimize impact.
9. One commenter stated that aircraft should not loiter in a given area.
10. One commenter stated that the minimum AGL altitude of 2,900 ft. is insufficient to prevent disruption on the ground; it should be at least the 5,000 ft. recited in Section 2.0(1) of the draft ATMP and with the qualifications on no deviations as discussed there. The commenter also stated that there is no reason to adopt varying altitude requirements for various parts of the Park, as all parts of the Park should be valued and protected. The commenter also stated the exception listed in Section 2.0(1) should be replaced with requirements that (a) flights will operate at all times at the stated minimum altitude over any part of the terrain, and (b) flights will not operate or, if in operation, will discontinue operations where cloud cover or other conditions are expected to require them to deviate below the stated altitude.
11. One commenter stated that the justification for the 2,900 ft. minimum AGL altitude in Section 4.0 is not sufficient. The commenter noted that the measure against the actual physical injury threshold for animal life does not account for disruption of natural habitat and does not address the disruption to the visitor experience. The commenter also noted that the noise from helicopters/rotary aircraft which are the bulk of commercial air tour operations are far louder and far more disruptive than fixed-wing aircraft, both in general cruise mode and especially in altitude adjustment mode, and are more impactful at any altitude, approaching if not exceeding the cited 92 dB injury level.
12. Commenters were concerned that 2,600 ft. AGL would not protect wildlife and visitor experience and recommended that the minimum altitude be based on modeling and acoustic studies. One commenter stated that flights should be set to fly not less than 2,600 ft. AGL of the highest proximal land feature, and not the ground level immediately below the aircraft. Another commenter stated that the draft ATMP provides no rationale for the 2,600 ft. AGL minimum altitude other than referencing the National Bald Eagle Management Guidelines. The commenter

stated that the agencies should thoroughly explain the reasoning behind the 2,600 ft. AGL requirement by quantifying the decibels heard at ground level from overflights operating at different elevations above ground level as well as the variation in potential impacts on visitors and wildlife (other than eagles) that these different acoustical disturbances create, and only then can the public judge whether 2,600 ft. AGL is a scientifically-defensible stipulation.

13. One commenter stated that altitude and route restrictions outlined in the draft ATMP are reasonable, and while they would result in flights over Lake McDonald, as long as it is a small number on any day, this is probably acceptable for those enjoying that area of the Park.
14. Commenters stated that line 28 of the draft ATMP – less than one mile laterally from any geographic feature within the Park – refers to a metric that is not applicable to Park terrain.
15. One commenter recommended that helicopter flights not occur within a horizontal distance of 5,000 to 6,500 ft. of winter and kidding habitat or mineral licks, and also recommended extending the horizontal setback from the proposed 2,600 ft. to a minimum of 5,000 ft. and implementing a minimum 1,700 ft. vertical separation setback to prevent disturbance to mountain goats and other species of wildlife sensitive to aerial disturbance, and their habitats. The commenter based their comment on the 2020 Position Statement from the Northern Wild Sheep and Goat Council regarding Commercial and Recreational Disturbance of Mountain Goats.
16. One commenter stated that the discussion in the draft ATMP regarding the Bald Eagle Management Guidelines supports the immediate cessation of commercial air flights, and that the reference to the 2,600 ft. AGL has nothing to do with raptor protection during migration. The commenter stated that migration in the Glacier, Mt. Brown, and Stanton areas is far too sensitive in April and October, and that this information is well documented; e.g., Autumn 1996 over 37 days, 2,240 eagles (J. Raptor Res. 35(2):81-90(2001)) were counted at elevations above these mountains. The commenter stated that the lateral 2,000 ft. buffer does not protect this area.
17. One commenter stated that the proposed flight route did not include consultation with air tour operators; therefore, the commenter submitted current flight routes, which accommodate the weather encountered. The commenter stated that these routes are appropriate considering flight safety and are directly related to the current weather conditions. The commenter stated that flights are often booked many months in advance, and the operator cancels flights occasionally due to inclement weather, so limiting operations to one route would further impede the ability to safely fulfill commitments to customers. The commenter provided a map of five proposed routes and requested they are included to allow pilots to make decisions for flights based solely on flight safety. The commenter noted that flight paths currently correlate with Highway 2 on the south side of the Park which offers several emergency landing strips namely, Ryan Field in West Glacier, MT, and that the additional flight routes provide flexibility to continue air tours when the Park temporarily closes certain airspace due to planned events. The commenter requested the continuation of air tours on or in the vicinity of the Blackfoot Tribal lands as currently allowed under IOA, which currently allows 159 operations per year, stating that the Blackfoot Tribe is happy to have air tours that allow visitors to experience historical tribal sites such as Chief Mountain, Two Medicine Valley, and the St. Mary River Valley. The commenter stated that reducing these flights or disallowing them continues to go against the current crises of overcrowding and missed opportunities for visitors to experience the Park.
18. One commenter stated that the draft ATMP includes a minimum flight altitude requirement of 2,600 ft. above terrain within the nearest ½ nautical mile, but that according to Federal Aviation Regulations (FAR) Parts 135.89 and 135.157, pilots are required to use supplemental oxygen for flight above 10,000 ft. mean sea level (MSL) in excess of 30 minutes, and passengers are required to be provided oxygen. The commenter stated that this would limit operators to flying over

terrain less than 7,400 ft. MSL, which is not consistent with the routes operators fly or the draft ATMP proposed route. The commenter added that flight at these high altitudes degrades aircraft performance, creating safety of flight issues when operating in mountain winds. The commenter recommended that the minimum obstacle clearance remain 500 ft. as it is currently declared in IOA and is consistent with FAR Part 135 and maintain the 2,600 ft. AGL as a recommended/desired altitude when practical.

19. Regarding Sec. 8.0 Adaptive Management, one commenter stated that the draft ATMP should clarify that no changes to routes or alternatives will be considered unless it is to make them more protective of park resources, wildlife, and visitor experience (i.e., making minimum flight elevations higher or routes more restrictive).
20. One commenter stated that the draft ATMP should mandate that from January 1 through May 1 the minimum flight elevation is 3,600 ft. AGL to avoid stressing wintering ungulates as opposed to the minimum flight elevation of 2,600 ft. AGL identified in Section 3.2, indicating that the draft ATMP requirement occurs after impacts to wintering ungulates have already happened.
21. One commenter stated that, in reference to 2,600 ft. AGL, the Park has a vertical relief surface rather than flat ground, and that when climbing peaks in the Park, it is obnoxious to have helicopters fly below, and that a higher altitude far above the peak tops would be preferable.
22. One commenter asked if aircraft need to be above 2,600 ft. as soon as they are within 1/2 mile of the border of the Park and expressed support that this be the case noting that one of the landing sites appears to be very close to the border. The commenter also asked why there is no specification for minimum lateral distance from geographic features.
23. Regarding Section 3.7D Wildlife Avoidance, one commenter stated the draft ATMP fails to justify the distance and elevation adjustments to prevent stress to wintering ungulates, and that the final plan needs to provide a scientific rationale so the public can be confident these distances are sufficient to minimize stress on wintering ungulates and other sensitive species. The commenter also stated that ungulates such as elk congregate during the breeding season (late summer or early fall) and occasionally other times of the year at sites where there is a concentration of food resources; therefore, the restriction on flying low over ungulate herds should be a year-long restriction, not simply January 15 to May 1.
24. One commenter asked if aircraft are restricted from being near each other, or close in time.

#### ELE300 ATMP Elements: Aircraft Type

1. Commenters expressed opposition to air tours, specifically those conducted by helicopter.
2. In reference to Section 3.3 Aircraft Type of the draft ATMP, one commenter stated that new or replacement aircraft should maximize the technology available in order to minimize the noise level. The commenter also stated that concurrence before initiating air tours with replacement craft is too late, and that operators should notify the agencies before purchasing new equipment and get approval that it complies with best available technology, and that purchasing or upgrading equipment shall not entitle the operator to extend operating authority or qualify for a permit.
3. One commenter stated that the draft ATMP does not explain why aircraft types can be changed, or how and when the Park will be notified. The commenter stated that changing aircraft should not be allowed.
4. One commenter stated that the draft ATMP should allow only fixed-wing aircraft since they cannot hover and tend to fly at higher elevations than rotor-blade aircraft, therefore reducing the impact to wildlife and visitors on the ground.

#### ELE400 ATMP Elements: Day/Time

1. One commenter stated that 1 hour after sunrise should be kept for the sake of peace and quiet in the morning and that air tours should end at least half an hour before sunset so the viewing of sunsets is not marred by aircraft.
2. One commenter requested a window of operation from 11:00 AM to 1:00 PM, and that any limitation should be stated as the more restrictive, as in may operate from the later of four hours after sunrise or 11:00 AM to the earlier of four hours before sunset or 1:00 PM.
3. One commenter recommended limiting operations when bears are emerging from dens, ungulates are calving or other significant periods for wildlife, including avian, and that this should be evaluated by species, including mountain goats, Canada lynx, and wolverine.
4. One commenter stated that the day and time of air tours listed in lines 132 and 133 of the draft ATMP are too broad and are in direct contrast to the eating, sleeping, mating, and communication of wildlife. Another commenter stated that a one-hour window after dawn and before dark appears to have little to do with wildlife, and that the window should be much longer so that the advantage of overlap in animal behavior during this period is biased to animals' benefit.
5. One commenter recommended that air tours operate two hours after sunrise until two hours before sunset since the hours before and after sunrise and sunset are when wildlife may be particularly active and present some of the best wildlife viewing opportunities, and are popular times for sightseeing and photography. The commenter stated that allowing air tours to take place during these otherwise naturally quiet times of day is an unnecessary noise intrusion that may adversely impact wildlife behavior and visitor experience opportunities.
6. One commenter recommended, based on the 2020 Position Statement from the Northern Wild Sheep and Goat Council regarding Commercial and Recreational Disturbance of Mountain Goats, that disturbance activity should not occur as follows: at mineral licks used by mountain goats during peak use periods generally occurring between May 1 and August 31, recognizing that local variation in periods of use can span a different period of time; on or near mountain goat kidding or natal habitats between May 1 and July 15; or on or near mountain goat winter range habitats between November 1 and April 30.
7. One commenter recommended that there be no flights allowed during national park week, to preserve the atmosphere of natural sounds and sights.
8. One commenter noted that while the draft ATMP mentions the prohibition of air tours one hour after sunrise and one hour before sunset due to effects on wildlife and visitors, there is no further investigation, study or monitoring of wildlife behavior at other times of the day, and that this omission of information violates the fundamental laws and policies governing NPS units. The commenter stated that NPS should be conducting acoustic monitoring beyond the sunrise and sunset time frames to ensure no adverse effects or impairment of park resources and values, and that whether the standard is impairment, adverse effects or unacceptable impacts, NPS is required to protect natural and cultural resources and visitor experiences of those resources ahead of uses and activities that could negatively impact them.

#### ELE500 ATMP Elements: Other

1. Many commenters requested a firm sunset date to end tours, with suggestions including twelve to eighteen months, two years, three years, five years, or that air tours be eliminated immediately. Commenters suggested specific dates to end tours, including January 1, 2022 and September 30, 2025. One commenter stated that the time interval for eliminating air tours should be enough to

help operators remain in business by exploring other and different types of tours, such as operating at the boundaries of the Park.

2. Commenters stated that the draft ATMP is not consistent with the GMP requirement to phase out air tours. One commenter stated that lines 101 to 107 of the draft ATMP misrepresent the GMP, which does not mention attrition, and stated that air tours are a violation of the GMP and must end now.
3. One commenter requested that air tours should be phased out and violators fined if they do not adhere to the rules.
4. One commenter is aware of two commercial air tour operators offering air tours over the Park operating under Part 91 LOAs, and felt the lack of supervision of these operators violates 14 CFR Part 136 and needs to be disallowed immediately. The commenter stated that these operators are unrestricted in total flights and daily usage, and often in the Park's steep terrain of a 5,000 ft. vertical separation from terrain is less restrictive than the proposed ATMP restriction of 2,600 ft. above terrain within ½ nm. The commenter stated that the legitimate air tour operators are more restricted and regulated, and believe the Part 91 LOA operators to be "Commercial Air Tours" since this is how the operators advertise on their websites, and that they should fall under FAA Part 135 operating regulations. The commenter stated that if Part 91 LOAs are not disallowed over the Park, then the commenter would like to apply for one immediately.
5. One commenter requested clarification on competitive bidding because it contradicts the prohibition in the draft ATMP on new entrants (Section 6.0) or transfer of annual allocated air tours (Section 3.7F). The commenter stated that commercial air tour operators should not be able to use a competitive bidding process to materially change the specifications for their operations, including increasing the number of permitted air tours over the Park since a primary management objective of the Park and the draft ATMP is to eventually eliminate all air tours via attrition.
6. One commenter stated there should be no need for competitive bidding as there are no new entrants, and there should be no reallocation of operating authority. The commenter stated it is unclear what is meant by "consideration by agencies of Park-specific resources, impacts, or safety concerns, or for other reasons" if the operator does not desire or is unable to operate under the conditions of the ATMP, the permit should be retired. This commenter stated opposition to new entrants in Section 6.
7. One commenter stated that lines 321-324 of the draft ATMP do not make sense unless competitive bidding will happen only once because the paragraphs in Section 7.0 give a different impression.
8. One commenter requested a more reliable method than attrition for phasing out air tours. Another commenter requested clarification on the attrition process described in Section 3.7F, Section 6.0, and the last paragraph of Section 8.0 of the draft ATMP, stating that it does not guarantee that permits will actually be retired, creating the possibility that air flights will continue indefinitely.
9. One commenter stated that the draft ATMP needs to clarify what is meant by the phrase the ATMP will not authorize commercial air tours by a successor in interest to any of the operators identified in Table 1, by purchase, merger, or otherwise (lines 309- 310). The commenter recommends that the draft ATMP state unequivocally that any change of ownership or legal restructuring of current ownerships control of the business will terminate the permit, and must include, but not be limited to, any interfamilial or intergenerational transfer of ownership (including non-sales and inheritance), as well as any restructuring of the company to allow it to legally exist after the current ownership is no longer in control of the company (such as the creation of an LLC). The commenter stated that because these ATMP sections are essential to allowing the attrition process to operate successfully, the draft ATMP should state categorically

that these sections may not be deleted or their intent amended through adaptive management unless any adaptive changes are more protective of park resources, wildlife, and visitor experience than presently exist. Other commenters expressed similar concerns, stating that the draft ATMP needs to clarify that any transfer of a business will cause the retirement of air tour allocations, which would include but not be limited to intergenerational transfers, creation of an LLC or Board of Directors/Owners, or inheritance through a legal will.

10. One commenter stated that the No Transfer clause in the draft ATMP is not acceptable and suggested that it be removed. The commenter recommended that the draft ATMP allow generational transfers and/or sales of the commercial air tour business to include the transfer of Park flight tours and allow "phasing out" to occur when an operator decides to surrender tours when going out of business. As reasons for allowing such transfers, the commenter cited to air tours as a means to address overcrowding and the ability to provide access to those with mobility or health issues. Other commenters also expressed support for the ability for operators to transfer their businesses, but that the allocation should remain as 144 flights total per year.
11. One commenter expressed support for Section 6.0 New Entrants of the draft ATMP in which agencies will not consider applications from new entrant operators and will not authorize commercial air tours by a successor in interest to any of the operators identified in Table 1, by purchase, merger, or otherwise, since not allowing new entrants is consistent with the Park's stated management objective of eliminating air tours through attrition.
12. One commenter stated that once operators become aware of denning sites, feeding areas, or other known areas of congregation for ungulates, Canada lynx, and grizzly bear, it is the operators' responsibility to report sightings or other conditions as soon as they become aware of them, and failure to report should result in removal of license.
13. Commenters were concerned about compliance with the draft ATMP, stating that it does not explain how routes, altitudes and numbers will be monitored or enforced, and asked who will supply the personnel, equipment, or funding, and how will wildlife avoidance be monitored or enforced. One commenter stated that pilots rarely obey the 2,000 ft regulation and it is common to see the helicopters below the tops of the peaks.
14. Commenters asked if non-compliance would result in a loss of license or a cessation or reduction of allowed flights, and other commenters requested that if the Park is provided with evidence of illegal flight activity, then cases need to be investigated, fined, and ticketed.
15. One commenter suggested the following process for reporting possible non-compliance with the ATMP: Park employees or the public would report allegations of non-compliance to a specific department in the Park, with an associated phone number and email address; the Park would publish the phone number and email address on its website and in Park publications; when the Park receives a complaint, it would investigate the report of non-compliance and determine its validity; if the complaint deserves further investigation, the Park would contact the local FAA Flight Standards District Office to initiate an FAA investigation; the FAA would then determine, in consultation with the Park, what actions might need to be taken against a commercial air tour operator.
16. One commenter was concerned about the reliance on bystanders to report any potential violations of the altitude requirement, stating that many violations will go unreported or their accuracy may be difficult to verify in a fair, accurate, and efficient manner. The commenter recommended that, instead, the NPS should require operators to collect flight data that tracks routes and altitude and that these data be submitted as part of operator's semi-annual reporting requirements, which would be a more efficient and accurate mechanism by which to ensure compliance with all route,

hovering, and altitudinal requirements, as well as assist investigators following up on bystander reports.

17. Regarding Section 5.1 of the draft ATMP, one commenter stated that all aircraft should be required to install Automatic Dependent Surveillance-Broadcast Out (ADS-B OUT) technology and to operate from the beginning to the end of any flight under the ATMP in full transmit mode, because it is critical to adequate enforcement of and public confidence in the ATMP that all such operations be public and subject to public review and complaint in real time by specific identification of the aircraft, operator, time, altitude and location. The commenter stated that while operators have sometimes taken the position that such information is private, that this is not acceptable; there is no expectation of privacy by any operator in such operations.
18. Regarding Section 3.6 of the draft ATMP, one commenter stated that the required reporting should be fully accessible to the public, that there is no proprietary claim by any operator to information on operations. Other commenters also supported that flight monitoring data be reported in real time.
19. One commenter stated that 180 days to install the flight monitoring technology is too long, and that operators should be required to have it ready to go immediately.
20. Regarding Section 3.6 of the draft ATMP, one commenter asked if monitoring isn't already required, and if an operator hasn't honored this requirement, then that operator should be disqualified from operating under the new ATMP.
21. One commenter recommended that operators be required to collect and submit real-time global positioning system flight and location data twice annually for all flights, for both winter and non-winter activities, which will enable the development and improvement of site-specific mitigation strategies and facilitate performance-based, adaptive management outcomes that protect wildlife values. The commenter based this recommendation on the 2020 Position Statement from the Northern Wild Sheep and Goat Council regarding Commercial and Recreational Disturbance of Mountain Goats and cited the following: Developing a Spatial Tool to Enable Monitoring of Aircraft Flights and Compliance with Avoidance Strategies for Helicopter Skiing Operations in the Skeena Region.
22. One commenter suggested that the draft ATMP specify whom, by department or personnel, at the agencies will review the semi-annual reports and what specific actions might be taken against an operator if non-compliance is found with the number of permitted tours or any of the restrictions related to height, time of day, and route. The commenter stated that these reports, and any identification of non-compliance by an operator, should also be available to the public upon request.
23. One commenter stated that semi-annual reporting provides time to falsify data.
24. Regarding Section 3.7A of the draft ATMP, commenters expressed concerns about the training and education provisions, including that operators and pilots should be required, not just invited, to attend, and that the Park should not have the option of not holding such training. One commenter stated that operators cannot be expected to have the knowledge of animal feeding patterns and locations in such a diverse and complicated ecosystem in order to adhere to ATMP, and that a termination of air tours is a reasonable next step.
25. Regarding Section 3.7A of the draft ATMP, one commenter requested a requirement that operators and pilots attend a training approved or provided by the Tribal Historic Preservation Office of the Blackfoot Nation and the Tribal Preservation Department of the Confederated Salish and Kootenai Tribes. The commenter noted this will enhance the visitor experience and increase the likelihood that interpretation recognizes tribal perspectives and connections to the Park.

26. Regarding Section 3.7B Annual Meeting of the draft ATMP, one commenter stated that any such meeting needs to be open to the public so that the agencies may receive input from Park users on how well the ATMP is being implemented and how the public feels about any proposed changes or amendments to the ATMP.
27. One commenter recommended that air tour operators be required to provide passengers with an educational brochure or rack card that informs the public they will be flying over a noise sensitive area and special restrictions (e.g., AGL requirements) are in effect to minimize the adverse impact of aircraft noise on the environment below.
28. Regarding Section 3.7A of the draft ATMP, one commenter suggested that the draft ATMP require the recording of the operators' interpretive narratives, or a live broadcast, that can be monitored by Park staff.
29. Regarding Section 9.0 of the draft ATMP, first paragraph ("if the FAA ... determines that the ATMP is adversely affecting aviation safety and the national aviation system ..."), one commenter stated this unilateral right of the FAA to amend the ATMP should be stricken since it gives the FAA virtually limitless authority to amend the ATMP and FAA does not broadly consider ground disruption, whether to national parks or otherwise, as within its statutory direction.
30. One commenter stated that adaptive management should not be authorized in the event it would increase the number of air tours, decrease minimum altitude or other mitigation requirements, or otherwise increase noise emission or other negative impacts on the natural habitat and visitor experience; and that any proposed modifications under adaptive management be fully noticed to the public for advance comment.
31. One commenter asked if the language in line 340 of the draft ATMP is sufficiently binding, and suggested language about losing authorization to operate, or similar.
32. Regarding Section 5.0 of the draft ATMP, first sentence, one commenter stated there should be a date by which the operator must modify the operation specifications to comply with the ATMP or cease any operations, and that deadline should be a matter of a few months.
33. Regarding Sections 6.0 and 7.0 of the draft ATMP, one commenter stated there is no provision setting forth requirements for any operator sale of its business or transfer of its temporary license to overfly the Park under this ATMP, and that one should be added that at a minimum requires quiet technology.
34. Regarding Section 3.8 of the draft ATMP, commenters stated there should be no enhanced operation incentive for quieter aircraft, with one commenter noting that there is still a negative impact during hours of operation, and that the quiet technology incentive should apply solely to the ability to replace aircraft. Another commenter stated that quiet technology should be mandated for all aircraft without exceptions, and that allowing aircraft with this technology to fly in the post-sunrise and pre-sunset time makes no sense.
35. Commenters stated that the draft ATMP should include a clear definition of quiet technology, suggesting that the definition quantify the maximum noise standards that qualify, and that the standard should be a significant reduction of at least 50% to qualify for ability to replace aircraft. One commenter suggested that the opening sentence of Section 3.8 be revised to state that the ATMP incentivizes the adoption of quiet technology aircraft, as described in FAA Advisory Circular AC-93-2, by the commercial air tour operator conducting commercial air tours over the Park. One commenter asked if a decibel level can be specified, and if noisier technology should be punished.
36. One commenter stated that the draft ATMP should establish clear standards for how use of quiet technology will be monitored, that the draft ATMP needs to make the auditory differences between quiet technology and standard technology for all aircraft types clear to the public, and

how the effects of air tours that have adopted quiet technology will be monitored to assess whether their operations during extended hours are having any adverse impacts on wildlife or visitors.

37. Regarding Section 3.3 of the draft ATMP, one commenter noted that noise-reducing technology currently exists in next generation commercial air tour aircraft, and that any authorized new or replacement aircraft should be required to utilize the maximum noise-reducing technology and models available, and this should be an express requirement for any agency concurrence.
38. One commenter had questions about converting to quiet technology aircraft including upgrading the muffling devices on the aircraft currently being used or whether it only applies to new aircraft employed by the operator; how much quieter would the aircraft have to be; and since the improvement of only a few decibels would be indistinguishable to wildlife and visitors, has the required improvement been quantified, and if so, is there a specific decibel reduction that operators would have to achieve before being allowed to conduct air tours from sunrise and until sunset.
39. One commenter stated that the draft ATMP seeks to eliminate commercial air tours of the Park as the only option to resolve the issue of noise pollution and that, instead, operators should be given the option to develop and/or implement quiet aircraft technology to address the issue directly. The commenter stated that Section 3.8 Quiet Technology Incentives does not offer an option for operators to continue operating in a normal capacity should they adopt quiet technology to resolve the noise issue, and that the draft ATMP is clearly designed to eliminate the activity altogether, without serious consideration of incentivizing operators to adopt quiet technology as a solution.
40. One commenter stated that quiet technology incentives depend upon air tour operators voluntarily making significant financial commitments to replace aircraft with newer models, which may never happen or could take years or decades to occur, and that these incentives are not an adequate substitute for management action to reduce air tour noise over parks, especially parks with wilderness such as this Park which is 91% wilderness. The commenter stated that eliminating air tours or incrementally decreasing the number of flights allowed and/or increasing the altitude requirements for air tours are practical measures with immediate effect.
41. Regarding Section 8 of the draft ATMP, one commenter stated that discussion of adaptive management and adjustments are not needed, that there is a one-time shot at the new ATMP and if an operator is unable to continue under existing operation the operation shall be retired.
42. Regarding Section 3.5 of the draft ATMP, one commenter stated that while a two-week notification period works for events that are predictable, there are cases where flexibility may be required, for example, when climate change may cause bears to emerge from dens or migrations to start or end earlier than predicted. Another commenter stated that the draft ATMP does not explain why this section does not include raptor migration in the spring and fall, documented by decades of research.
43. One commenter stated that allocations not being used should be reallocated, noting that operators with the most allocations have not done tours in a few years and that another operator does not have nearly the number of allocations.
44. One commenter recommended, based on the 2020 Position Statement from the Northern Wild Sheep and Goat Council regarding Commercial and Recreational Disturbance of Mountain Goats, that operators contribute to the costs of regular wildlife inventories to monitor mountain goat population trends and compositions, which would also support effectiveness monitoring associated with the horizontal and vertical setbacks, flight transects and routes, and mitigation measures implemented in the operator's plan focused on maintaining mountain goat occupation

and use of existing habitats. The commenter stated that this could be accomplished through a royalty or surcharge contribution to a special fund, also supported by the NPS.

45. One commenter stated that although there is a signature page under Section 11.0 Effective Date of the draft ATMP, it is not clear what a signature on that page means and what effect it would have. The commenter asked what actions would be initiated upon signature and if signatures mean approval of the draft ATMP and that it complies with all laws and policies and can be implemented.
46. One commenter stated that the agencies do not provide a clear justification to allow air tours, which communicates a lack of prioritization of the Park's natural and cultural resources. The commenter stated that with the Park's limited resources in terms of staff and funding, the time and cost of managing an ATMP with virtually no activity that still has the potential to harm park resources is not worth it.
47. One commenter stated that there should be no restrictions that would hamper the use of the following two FAA charted airstrips: Moose City by the North Fork of the Flathead River near the Canadian border, and Ryan Field just south of West Glacier, MT.
48. One commenter stated that air tours should be allowed only with non-polluting and relatively silent aircraft or at altitudes that won't interfere with wildlife, and that some reasonable limits need to be placed on ground noise level. The commenter added that companies with clean and green operations should be given priority, with a transparent and equitable licensing process, with applications reviewed periodically.
49. One commenter was concerned that the specification that the draft ATMP applies to powered aircraft may cause problems with hang glider or hot air balloon tours, or other operations that might spring up from new technology.
50. One commenter identified a typo in line 50 of the draft ATMP. While the commenter did not point out the typo, the text includes reference to "visiting the thee" valleys.
51. One commenter stated that from the figures, it appears the operators are not allowed to take off and land in the Park; the commenter recommended that this be specified in the ATMP or operations specifications.

#### FAV100 Benefits of Air Tours

1. One commenter stated that flying over the Park is something one never forgets, is a life changing experience, and can create more respect for the wilderness and more of a feeling of personal responsibility.
2. Commenters stated that air tours allow people with disabilities to access the Park. One commenter described providing a charity flight outside the Park to a young passenger with serious health issues, whose only option was from a helicopter, and that this would be similar for others due to failing health, old age, or a hereditary disadvantage that prevents enjoyment of the Park from foot.
3. One commenter stated that the noise and visibility impact of air tours on ground visitors is no greater than that of another vehicle or hiker and only lasts a few seconds, that there is no physical impact to the Park surface, and the disturbance to Park wildlife has been shown in studies to be negligible. The commenter also stated that the carbon footprint of aircraft is minuscule compared to the millions of vehicles that pass through the Park.
4. Commenters cited benefits of air tours to the local economy. One commenter stated that the aviation companies who are providing this service are also bringing business to the Flathead Valley and providing a unique service and experience not available any other way.

5. Commenters stated that since there are limits to the number of people that can enter the Park, including restrictive entrance reservation programs and overflowing parking areas, air tours help reduce that load.
6. One commenter stated that air tours allow a person to see more of the Park in a short period of time.

#### PRO100 Process Comments: Impact Analysis

1. Commenters stated that the agencies have issued a proposed action for public comment without disclosing potential impacts or providing any environmental impact analysis regarding that proposed action, and that the draft ATMP lacks scientific justification or legal rationale for both the restrictions on air flights and the reliance on an indefinite timeline to phase out air flights through operator attrition. Commenters stated that the draft ATMP must be revised to provide substantive analysis of the effects of air tours on park resources and visitors, justification for their continuation, and a scientific basis for the operational requirements imposed on air tour companies to minimize air tour impact. One commenter, citing the Organic Act, stated that the draft ATMP fails to account for the resources and values intended to be protected and how to judge impacts to them.
2. One commenter stated that the draft ATMP does not include any park-specific data or information to judge adverse impacts to resources, visitor experience, and tribal lands, and allows air tours without any baseline acoustic information or identification of natural and cultural resources effected as well as harm to visitor and tribal experiences and uses.
3. One commenter stated that NPS did not provide scientifically valid information on the likely decibel levels that Park visitors would experience on the ground, and that it would have been appropriate to take noise readings to establish the baseline which would bring objective data into the discussion. The commenter stated that adaptive management won't succeed without good decibel baseline data and the ability to measure decibel changes over time, and that decibel data would help in evaluating potential adverse effects on noise-sensitive wildlife species.
4. One commenter stated that IOA has no associated impact analysis, and there is none in the draft ATMP, so there is no basis for whether any changes to operations in the draft ATMP compared to the IOA would cause no or only minimal environmental impact.
5. One commenter stated that Section 4.0 of the draft ATMP is not an adequate evidence-based analysis of effects and does not meet categorical exclusion (CE) requirements, and that an analysis of the impacts of current conditions and of the proposed action, in addition to a reasonable range of alternative actions, is needed.
6. One commenter stated that 40 CFR 1508.8 requires government programs to address indirect effects, and although the draft ATMP only extends to a half-mile around the Park, the indirect effects stretch all the way back to the airport. The commenter asked how the draft ATMP considers the damage to the homes and businesses affected by air tours.
7. One commenter asked if a visitor poll was conducted at the Park, similar to the poll done early in the ATMP process for Hawai'i Volcanoes National Park. The commenter asked if a poll was conducted, what were the results, or if not, why was a poll not conducted.
8. One commenter asked what data concerning soundscapes were collected to justify this plan, why that data is not included or referenced in the draft ATMP, how this information was analyzed, and who analyzed it. The commenter asked if any studies or analysis would be necessary if the original intent of the Act was honored and all air tours were banned from park airspace. Another commenter stated that the draft ATMP fails to provide a legally defensible analysis of how it

protects park resources and visitor enjoyment, including opportunities to experience natural sounds and solitude.

9. One commenter stated that air tours should be permitted only after the operators prove their operations do not exceed certain maximum noise levels on the ground.
10. One commenter noted the availability of the NPS Natural Sounds Acoustic Monitoring Reports ([https://www.nps.gov/subjects/sound/acousticmonitoring\\_reports.htm](https://www.nps.gov/subjects/sound/acousticmonitoring_reports.htm)), and the study published in the Journal of Forestry in 2016 titled, A Framework to Assess the Effects of Commercial Air Tour Noise on Wilderness (<https://doi.org/10.5849/jof.14-135>).

#### PRO200 Process comments: Public Review

1. One commenter stated that this is the second time in 25 years that the public has been asked to comment on air tour operations over the Park, and that during the first comment period the majority of citizens expressed support for ending all such commercial operations, but during the ensuing years, neither NPS nor FAA have done anything in that regard. The commenter stated the current public process cannot be another opportunity for the public to be ignored.
2. One commenter questioned how the public meeting on September 21, 2021, could satisfy the requirements for a public meeting as envisioned by Congress in the Act. The commenter stated the meeting provided no meaningful information, that there were breaks when questions were in the queue, that there were no substantive answers provided on many questions, including a question about whether intergenerational transfer would terminate a permit, and that the public did not know in real time who else was involved in the public meeting.
3. One commenter stated that many people think that this forum and hearing is regarding allowing flights in the Park, and that it seems many do not realize flights already occur. The commenter requested that it be taken into account that some of the answers will be affected by this and if a person is confused and says "no" without elaboration, they more than likely mean "no flights".
4. One commenter asked if Canadians get a say in this given the unique location of the Park.

#### PRO300 Process Comments: Alternatives Considered

1. One commenter stated that the agencies have failed to conduct public scoping or consider a range of reasonable alternatives, and that it is the NPS' responsibility to identify a preliminary range of alternatives or alternative elements for the public to comment on, and/or to conduct public scoping to solicit, among other things, public input on possible alternatives, which has not occurred.
2. Commenters suggested that showing movies of aerial flights should be an alternative, and accessible to all Park visitors.
3. Commenters requested an alternative that immediately meets the GMP's vision of no commercial overflights so the agencies and public could sufficiently analyze whether the draft ATMP achieves the law's required objective that it prevents significant adverse impacts of commercial air tours on park resources and visitor experience.
4. One commenter stated that there should be alternatives, not just codifying the status quo, even with a gradual phase-out of air tours through attrition.
5. One commenter stated that NPS is improperly using a NEPA CE so that it does not have to objectively analyze a reasonable range of alternatives, which could be the following: the current use level; whatever use level and limitations NPS recommends; no future use (prohibition); and perhaps one or more deviations with less overflights or changed routes and enforcing the FAA minimum 2,000 ft. AGL for all NPS proposed, recommended, and statutory wilderness areas. Another commenter noted the no air tours alternative would be considered the environmentally

preferable alternative as defined under the Council on Environmental Quality NEPA implementing regulations. One commenter stated that the purpose and need of the draft ATMP is not met by implementing the draft ATMP, and at least one NEPA alternative should take a hard look at an alternative that meets goals and objectives.

6. One commenter suggested an alternative in which the number of air tours would be reduced by 20% of the original total (i.e., by 29 tours) each year for 5 years, and as each annual reduction occurs, the remaining number of flights allowed would be redistributed proportionally among the approved operators. The commenter stated that allowing a 5-year phase out would allow time for the air tour operators to adjust to the eventual elimination of low altitude air tours.

#### PRO400 Process Comments: Other

1. One commenter asked, since ATMPs are being developed according to a standardized template, if this plan will set a precedent that other parks' ATMPs follow, stating that the current IOA for two of Hawaii's National Parks currently allow for a total of over 50,000 air tours a year. The commenter asked if Glacier's template will be used to allow IOA in this situation.
2. One commenter acknowledged that the agencies are under time and budget pressure from the court to complete a large number of ATMPs in a very short time, but stated that this does not justify cutting corners and over-simplification resulting in documents that are almost certain to be thrown out again by the courts.
3. Commenters stated that NPS should prepare an appropriate use analysis in accordance with NPS Management Policies 2006, Sections 1.5 and 8.1.2, that serves, in part, as the basis for determining whether air tours of any amount should be allowed or prohibited.
4. One commenter stated that without the appropriate justification to allow air tours, this process must be stopped and air tours should be eliminated at the Park.
5. One commenter requested that NPS turn management of the ATMP planning process over to the Park's planning and compliance staff; or if the process must be centrally coordinated to ensure reasonable consistency in the planning documents for all ATMPs, then assign management of the planning process to an experienced NEPA project manager at the NPS Environmental Quality Division.
6. One commenter stated that presenting the proposed action for public comment in advance of and apart from the required compliance documents and without any analysis of alternatives has not been explained and is neither understandable nor acceptable, and sets a harmful procedural precedent for future planning efforts and is very likely to be counterproductive to the necessary completion of all the ATMPs by the court-approved deadline.

#### PRO500 Process Comments: NEPA

1. One commenter stated that the draft ATMP does not state how the draft ATMP meets NEPA requirements. The commenter stated that the lack of analysis prevents adequate input from the public on the level of NEPA analysis appropriate to the impacts, and that the draft ATMP is not a compliance document adequate for NEPA, ESA, and state historic preservation office (SHPO) and tribal consultations under Section 106 of the NHPA.
2. Commenters stated that issuing the draft ATMP for public comment or finalizing the ATMP without releasing the appropriate level of NEPA compliance violates well-established NEPA procedural requirements, which include disclosing potential impacts of a proposed action when asking the public to comment on that action. Commenters provided the following sources: <https://www.law.cornell.edu/cfr/text/40/1501.2>;

[https://www.nps.gov/subjects/nepa/upload/NPS\\_NEPAHandbook\\_Final\\_508.pdf](https://www.nps.gov/subjects/nepa/upload/NPS_NEPAHandbook_Final_508.pdf);

[https://www.faa.gov/documentLibrary/media/Order/FAA\\_Order\\_1050\\_1F.pdf](https://www.faa.gov/documentLibrary/media/Order/FAA_Order_1050_1F.pdf).

3. Commenters stated that this draft ATMP requires an EIS. One commenter asked why the NPS is not conducting a complete environmental review when a federal lawsuit already determined that EISs are necessary for ATMPs, and questioned whether a CE would fulfill the mandate set by the U.S. District Court of Appeals.
4. One commenter stated the Act requires NEPA compliance by means of an EIS or environmental assessment (EA) for ATMPs citing 49 USC 40128(b)(2), and that the FAA is therefore in violation of NEPA and should conduct a full NEPA analysis before moving forward with this ATMP. The commenter also cited 42 USC 4332(C).
5. One commenter stated that if Park overflights are limited by attrition, then a CE is a violation of NEPA guidelines, and natural attrition means there will be no certain termination date that will result in additional decades of overflights.
6. One commenter stated that failure to properly cite the appropriate CE and to offer supporting justification for its use violates NEPA.
7. One commenter stated that the level of controversy surrounding air tour flights over national park units alone would preclude the use of a CE to satisfy NEPA requirements.
8. One commenter questioned the applicability of NPS Categorical Exclusion CE 3.3 A1, stating that NPS has never formally approved air tours in the first place (i.e., has never signed or had the authority to sign, or otherwise approved authorizations, permits, plans or other documents allowing national park air tours to occur) and that there never has been any NEPA review conducted by any federal agency of the existing air tour operations. The commenter stated that an ATMP can greatly modify approved operations in terms of routes, altitudes, numbers, aircraft type (e.g., quiet technology), and even whether operations are allowed at all; thus, an ATMP is not a simple change or amendment to an IOA, but is a completely new type of action.
9. The commenter stated that ESA and NHPA compliance, including consultation with affected tribes should be integrated into the NEPA document, but since there has been no NEPA document issued with the draft ATMP, there has been no integration of the required compliance processes, which violates various well-established NEPA process requirements.

#### TRIBE: Tribal Concerns

1. One commenter expressed concern with the lack of tribal consultation, stating there is no indication of how and which tribes contributed and how their voices were factored into the decision-making process. The commenter stated that it is vital that the draft ATMP acknowledge the cultural and historical significance of many areas in the Park and that the NPS work with neighboring tribal communities to protect these areas. As a result of the insufficient language regarding how the draft ATMP will respect American Indian sacred sites and ceremonial activities, the commenter urged the NPS to increase the amount of comprehensive analysis of these cultural sites and include more tribal consultation.
2. One commenter questioned whether the required consultation with the Confederated Salish and Kootenai Tribes or the Blackfeet Nation has occurred as required by the federal governments trust and treaty responsibilities. Another commenter stated there is no explanation of why these Tribes have not been consulted.
3. One commenter stated that this action would add onto the current injustices committed by the U.S in stealing tribal lands, and expressed opposition to aircraft continuously flying over.

4. One commenter stated that the Blackfeet Indian Reservation is adjacent to the Park's eastern boundary, and that tribes attach religious or cultural significance to areas within and adjacent to the Park.

#### NS100 Non-Substantive Comment: Support Air Tours

1. Commenters expressed general support for air tours, citing to the unique views offered by air tours, noting that only a small portion of the Park is seen from a road or trail, citing accessibility for the elderly and people with disabilities, and stating that restricting, limiting or allowing air tours to phase out is antithetical to the idea of equal access for all.
2. One commenter stated that reducing air tour operators will make them prohibitively expensive, not cheaper.
3. Commenters were concerned that by eliminating air tours, the draft ATMP will preclude everyone except the young and fit from reaching some of the remote areas, and that denying visitor access by aircraft is equivalent to restricting visitation to only hikers.
4. One commenter stated that to completely ban or outlaw aviation would deny many the opportunity to view the Park's beauty and a Park that is funded through tax dollars. The commenter asked if noise pollution is the problem, then when will the noise of motorcycles or exhaust augmented diesel pickups be restricted, and that it is time to cap vehicle decibel levels.
5. One commenter stated that to claim that the presence of an aircraft ruins the natural experience of the Park is without merit, considering that visitors share the road with hundreds of vehicles, and the trail with many other hikers, and the even backcountry trails are used by numerous hikers simultaneously.

#### NS150 Non-Substantive Comment: Other

1. Commenters expressed support for the draft ATMP, noting that the draft ATMP is a reasonable and necessary measure to help with the preservation of the rare ecosystem and of the quality of the human experience of the Park, and recognizing that helicopter supported adventure tourism is an increasingly diverse and growing industry that requires guidance to ensure that its operations do not result in adverse outcomes to wildlife or harm to the environment.
2. One commenter stated that the agencies use the IOA as a justification when in many cases the IOA never represented actual factual existing operations, noted the proposed 144 annual flights while contending this will eliminate 1,653 unsubstantiated IOA.
3. One commenter requested that the agencies check and provide data on all flights between 2,600 and 5,000 ft., stating that these are potentially commercial scenic air tours.
4. One commenter requested all official public complaints received regarding aircraft/air tours over the Park from the official introduction of air tours since 1980 through 2021.
5. One commenter stated that all existing exemptions to the ATMP requirement should be withdrawn by the NPS, and that no further voluntary agreements should be adopted which have the effect of providing fewer restrictions on commercial air tour overflights than an otherwise-applicable ATMP.
6. One commenter stated that the revenue of current operators is about \$75,000 per year, and asked how it makes any sense to invest 100 times that amount to monitor air tours and purchase the necessary monitoring equipment for \$75,000 in taxable revenue for the state. The commenter stated that the 3,000,000 visitors per year contribute immensely to the local, national, and global economy and that Park resources and needs to be protected from air tours, stating this is an economic issue.
7. One commenter asked why air tour operators do not pay an entrance fee.

8. Many commenters were concerned about the noise from motorcycles, citing Montana laws MCA 61-9-403 and 61-9-435, and that if noise is of concern, then motorcycles should be included.
9. One commenter stated that unless a plane is chasing an animal intentionally, the animals do not even look up.
10. One commenter stated that the draft ATMP fails to control air tours and fails to consider that 42% of the Park can be seen from roads.
11. One commenter stated that the NPS should mention that non-wilderness areas should also have some degree of protection.
12. One commenter stated the issue is not an aviation problem, but that instead the NPS and the Park must address the machines and the noise they make as forms of acoustical, visual, and spiritual pollution, adding that wilderness and machines do not mix.
13. One commenter requested the cessation of all helicopter flights, and also drones, in Glacier and all national parks.
14. One commenter requested an end to the following: air tours, hunting on both private and public lands, steel traps on animals, motorized vehicles on paths used by hikers, and allowing climbers to drill bolts into rock faces along the fascia of a mountain.

NS200 Non-Substantive Comment: Oppose Air Tours Continuing

1. Many commenters expressed opposition to the continuation of air tours, citing noise pollution; the disturbance to the environment, wildlife, visitors, and wilderness, including opportunities to experience peace, solitude and tranquility; adverse impacts to the Park's natural and cultural resources and tribally-significant locations; and citing provisions of the Organic Act and noting that flights are at odds with NPS park values and its mission statement.
2. One commenter stated that the draft ATMP lacks a rationale for continuing air tours, and stated that the following laws and policies lay out the rationale for stopping all commercial air tours at the Park immediately: NPS Management Policies of 2006, Wilderness Act of 1964, National Historic Preservation Act, Endangered Species Act, Organic Act of 1916.
3. One commenter stated that monitoring and enforcement of limits may be expensive or problematic, and the public should not subsidize these costs to allow commercial operators to make more private profits, and therefore an outright prohibition on overflights makes the most sense because it is easy to understand, monitor, and enforce.
4. One commenter requested protection of the airspace over the Badger Two Medicine in order to experience tranquility and natural sounds as a valued Park resource.
5. One commenter that supported elimination of air tours stated that the draft ATMP complies with the NPS Organic Acts conservation mandate, which is summarized in Management Policies 2006, Section 1.4.3: [W]hen there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant.
6. One commenter suggested that some conditional permits could be made for those who are wheelchair-bound, but otherwise flights should be minimized to emergency only.

NS300 Non-Substantive Comment: Oppose Air Tours Introduction

1. Many commenters expressed opposition to the introduction of air tours citing noise and air pollution; disturbance to, wildlife, visitors, and wilderness, including opportunities to experience peace, solitude, and tranquility; the risk of fire, snow hazards, and triggering post-traumatic stress disorder; and questioning compliance with the NPS mission.
2. One commenter stated that all air tours, whether helicopter or fixed-wing craft, should be banned from the Park and all adjacent parks and park-like lands under federal or Canadian jurisdiction.

3. One commenter stated that the noise generated by such flights should be somehow taxed or fined to make costs prohibitive.
4. One commenter stated that if drones are not allowed because of noise pollution and decreased visitor enjoyment, neither should air tours.
5. Commenters countered claims that flights ensure access to visitors, such as the elderly or handicapped, because ground access is available to all, noting that the Going-to-the-Sun Road allows seasonal access to the Park's high country, that those that cannot experience the Park by foot may experience much of the Park by Red Bus Tours and Blackfeet Tours, and that there are ample roads and easily accessible overlooks and trails that can offer access.