

1. What is the National Parks Air Tour Management Act, and what does it require?

The National Parks Air Tour Management Act, which Congress passed in 2000, governs commercial air tours over national parks, except Grand Canyon National Park, which is governed by separate legislation. It requires that the FAA, in cooperation with the NPS, develop Air Tour Management Plans (ATMPs) or voluntary agreements for each park where commercial air tour operations occur or are proposed.

2. What is a commercial air tour? What about other aircraft that fly over the park?

A commercial air tour is any flight conducted for compensation or hire in a powered aircraft where the purpose of the flight is sightseeing over a national park or within ½ mile outside of the boundary of the park and is below 5,000' AGL (above ground level) and less than 1 mile laterally from any geographic feature within the park.

Air tours subject to regulation under the National Parks Air Tour Management Act do not include flights conducted for other purposes (e.g., commercial jets or military overflights), nor does it apply to air tours conducted over lands that are greater than ½ mile from the park boundary or public lands managed by agencies other than the National Park Service.

3. What is an Air Tour Management Plan, or ATMP, and what does it do?

The National Parks Air Tour Management Act defines an ATMP as a plan to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon natural and cultural resources, visitor experiences, and tribal lands.

4. What is a voluntary agreement, and what does it do?

As an alternative to an ATMP, the NPS and the FAA may enter into voluntary agreements with all commercial air tour operators (including new entrant commercial air tour operators and operators that have interim operating authority) that have applied to conduct commercial air tour operations over a national park. As the name implies, such an agreement is voluntary and signed by the FAA, the NPS, and the air tour operators at a specific park.

Like an ATMP, a voluntary agreement addresses the management issues necessary to protect park resources and visitor experience without compromising aviation safety or the air traffic control system. Voluntary agreements can establish conditions for air tours over a park, including routes and altitudes, number of flights, aircraft type, hours of operation, and reporting requirements. Unlike ATMPs, voluntary agreements do not require compliance with the National Environmental Policy Act.

5. Why are some parks with air tours not required to have ATMPs or voluntary agreements?

The National Parks Air Tour Management Act exempts the ATMP and voluntary agreement requirement for parks with 50 or fewer commercial air tour operations each year. Based on reports from air tour operators, 54 national parks for which operators hold Interim Operating Authority are currently exempt. The number of exempt parks may change from year to year based on data reported by air tour operators. National parks in Alaska are also exempted from the Act. Air tours over Grand Canyon National Park are subject to separate legislation.

6. Why are ATMPs being prepared for some parks with 50 flights or fewer?

While the National Parks Air Tour Management Act provides an exemption to the ATMP requirement for parks with 50 or fewer commercial air tour operations each year, the NPS may withdraw an exemption if the NPS determines that an ATMP or voluntary agreement is necessary to protect park resources and values or park visitor use and enjoyment. The NPS withdrew the exemption for Mount Rainier National Park, Death Valley National Park, Canyon de Chelly National Monument, and Muir Woods National Monument.

7. How do ATMPs protect natural and cultural resources and visitor experience?

ATMPs include conditions designed to protect natural and cultural resources and visitor experience. These conditions may include the number of authorized air tours, routes, altitude, aircraft type, day or time restrictions, and restrictions for particular events. Standoff distances can also be established for special status species or cultural and tribal resources. Each final ATMP identifies how the ATMP conditions protect natural and cultural resources and visitor experience for that park or parks.

8. How will ATMPs protect tribal lands, properties, ceremonies, or practices?

An ATMP can allow for restrictions for particular events, which are intended to prevent interruptions of Park events or tribal practices. The ATMP may include additional conditions as identified during consultations with Native American Tribes and Native Hawaiians, such as restrictions for particular days, seasons, or a complete prohibition.

9. Which applicable laws do NPS and FAA comply with when developing an ATMP or voluntary agreement?

The NPS and FAA comply with all applicable laws, including the National Parks Air Tour Management Act, the National Environmental Policy Act, the Endangered Species Act, and the National Historic Preservation Act. Additionally, the FAA reviews all ATMPs to ensure compliance with safety protocols. Park-specific information can be found in the ATMP Record of Decision – Consultation and Compliance.

10. Why are the FAA and the NPS completing ATMPs now?

On February 14, 2019, Public Employees for Environmental Responsibility and Hawai'i Coalition Malama Pono filed a petition in the U.S. Court of Appeals for the District of Columbia Circuit requesting that the Court order the agencies to complete ATMPs for Hawai'i Volcanoes National Park, Haleakalā National Park, Lake Mead National Recreation Area, Muir Woods National Monument, Glacier National Park, Great Smoky Mountains National Park, and Bryce Canyon National Park.

On May 1, 2020, the Court granted the petition and ordered the agencies to submit a schedule for bringing all eligible parks (based on reported air tour data from 2018) into compliance with the National Parks Air Tour Management Act within two years or to show specific, concrete reasons why doing so will take longer.

11. Which parks have completed ATMPs or VAs, and which parks have ATMPs or VAs in progress?

As of January 2023, parks that have completed ATMPs are: Arches National Park, Bryce Canyon National Park, Canyonlands National Park, Death Valley National Park, Glacier National Park, Golden Gate National Recreation Area/Muir Woods National Monument/Point Reyes National Seashore/San

Francisco Maritime National Historical Park, Great Smoky Mountains National Park, Mount Rainier National Park, Natural Bridges National Monument, and Olympic National Park. As of February 2023, parks that have completed VAs are Governors Island National Monument/ Statue of Liberty National Monument. The agencies terminated the ATMP planning process for Everglades National Park in July 2022 because the National Parks Air Tour Management Act no longer required an ATMP or VA (87 Fed. Reg. 43,595).

As of February 2023, parks that have ATMPs or VAs in progress: Badlands National Park, Bandelier National Monument, Canyon de Chelly National Monument, Glen Canyon National Recreation Area, Haleakala National Park, Hawai'i Volcanoes National Park, Lake Meade National Recreation Area, Mount Rushmore National Memorial, and Rainbow Bridge National Monument.

12. What happens to an operator's Interim Operating Authority (IOA)?

According to the National Parks Air Tour Management Act, an operator's IOA shall terminate 180 days after the date on which an air tour management plan is established for a park or tribal lands.

13. How will the number of commercial air tours be monitored?

The operator 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 their operational boundary. These reports will also include the required flight monitoring data and other information as the FAA, and the NPS may request or are detailed in the park's ATMP or voluntary agreement.

14. What incentives will there be to use quiet technology?

Operators that have converted to quiet technology aircraft may request to be allowed to conduct air tours during expanded operating times or expanded operating areas. 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 these resources and values.

15. How can I comment on the ATMPs that the FAA and NPS create for each park?

Written comments on draft ATMPs can be submitted on the NPS Planning, Environment, and Public Comment (PEPC) System at <https://parkplanning.nps.gov>. The PEPC sites for the respective park ATMPs will indicate the timeframe for comment submission.

16. What happens after the public review period on a draft ATMP?

Agencies will consider comments received on the draft ATMP and continue consultations with other agencies and tribal governments, as necessary. A final ATMP documenting the project's outcomes (including comments received and consultations undertaken) will be developed with ultimate approval resting with the FAA and the NPS.

17. What are the consequences of violating an ATMP or voluntary agreement?

The NPS and the FAA are both responsible for the monitoring and oversight of an ATMP or voluntary agreement. If the NPS identifies instances of noncompliance, the NPS will report such findings to the appropriate FAA Flight Standards District Office (FSDO). The public may also report allegations of non-

compliance with an ATMP or VA to the FSDO. The FSDO will investigate and respond to all written reports consistent with applicable FAA guidance.

Investigative determination of non-compliance with an ATMP or VA may result in loss of authorization to conduct commercial air tours authorized by the plan or agreement. Any violation of an operator's operations specifications shall be treated in accordance with FAA Order 2150.3, *FAA Compliance and Enforcement Program*.