Air Tour Management Plans – Frequently Asked Questions

• What is a commercial air tour?
  o A commercial air tour means any flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park or within ½ mile outside of the boundary of the park.

• What is the National Parks Air Tour Management Act and what does it require?
  o The National Parks Air Tour Management Act, which Congress passed in 2000, governs commercial air tours in national parks, except Grand Canyon National Park which is governed by separate legislation. It requires that the FAA, in cooperation with the NPS, develop an Air Tour Management Plan (ATMP) or voluntary agreement for each park where air tour operations occur or are proposed.

• What is an ATMP, and what does it do?
  o The National Parks Air Tour Management Act defines an ATMP as a plan used 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.

• Why are the FAA and the NPS completing ATMPs for 24 parks now?
  o 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 23 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. Muir Woods National Monument was not included in the 23 parks subject to the court’s order because no tours had been reported over the park at the time of the lawsuit and therefore, it was exempt from the requirement to develop an ATMP. However, because there are over 5,000 Interim Operating Authority allocations for Muir Woods, which is managed jointly with Golden Gate National Recreation Area, the NPS withdrew the exemption, and an ATMP for Muir Woods will be completed in conjunction with the ATMP for Golden Gate National Recreation Area, San Francisco Maritime National Historical Park, and Point Reyes National Seashore. The agencies are currently working to complete ATMPs for 24 parks.

• Why are some parks with air tours not required to have ATMPs or voluntary agreements?
  o The National Parks Air Tour Management Act provides an exemption to 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.

- 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 has withdrawn the exemption for Mount Rainier National Park, Death Valley National Park, Canyon de Chelly National Monument, and Muir Woods National Monument.

- 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 is 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, type of aircraft, hours of operation, and reporting requirements. Unlike ATMPs, voluntary agreements do not require compliance with the National Environmental Policy Act.

- How can I comment on the ATMPs that the FAA and NPS create for each park?
  - Written comments on the 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 time period within which comments may be submitted. Comments can also be submitted by mail to:
    National Park Service
    Natural Sounds and Night Skies Division
    <<PARK NAME>> ATMP
    1201 Oakridge Dr., Suite 100
    Fort Collins, CO 80525

- What happens after this public review period on the draft ATMP?
  - The agencies will consider comments received on the draft ATMP and continue consultations with other agencies and tribal governments, as necessary. A final ATMP will be prepared in consideration of the comments received and consultations. The final ATMP will be signed by both the FAA and the NPS.

- 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. Section 4 of the draft ATMP identifies how the ATMP conditions protect natural and cultural resources and visitor experience.
• How will ATMPs protect tribal lands, properties, ceremonies, or practices?
  o The ATMP allows restrictions for particular events, in order to prevent interruptions of Park events or tribal practices. The ATMP may include additional conditions as identified during consultation with Native American Tribes under Section 106 of the National Historic Preservation Act, including protections for tribal lands outside the park but within ½ mile outside of the Park.

• How is an ATMP implemented?
  o On the effective date of an ATMP, all commercial air tours over the Park must comply with the terms and conditions of the ATMP in all respects, except that operators may continue to conduct the number of air tour operations authorized under interim operating authority as reflected in their existing operations specifications for 180 days or until FAA, in cooperation with NPS, issues new operations specifications that incorporate the operating parameters set forth in the ATMP, whichever occurs first. The new operations specifications will be issued within 90 days of the effective date of the ATMP.

• How is an ATMP enforced?
  o 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. 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 Flight Standards District Office (FSDO) having geographic oversight for the Park. The FSDO will investigate all reports of noncompliance. The public may also report allegations of non-compliance with this ATMP to the FSDO which may result in an investigation by the FAA.

• What are the consequences of violating the ATMP?
  o Investigative determination of non-compliance may result in partial or total loss of authorization to conduct commercial air tours authorized by an ATMP. Any violation of operations specifications shall be treated in accordance with FAA Order 2150.3, FAA Compliance and Enforcement Program.