

# National Parks Air Tour Management Program



**Federal Aviation  
Administration**



**National Park  
Service**

# WELCOME – WE WILL BEGIN SHORTLY

April 28, 2021



# National Parks Air Tour Management Program



**Federal Aviation  
Administration**



**National Park  
Service**

**Air Tour Management Plans:  
Introductory Overview for  
SHPOs and THPOs, Tribes,  
NHOs, and Other Consulting  
Parties**

May 2021



# Agency Participant Introductions

## Presenters:

- Cathy Nadals, FAA Cultural Resources Specialist, is the point of contact for all Section 106 correspondence.
- Keith Lusk, FAA Program Manager
- Vicki Ward, NPS Overflights Program Manager
- Derek Manning, Volpe Cultural Resources Specialist

## Additional Pertinent FAA Section 106 Team Members:

- Katherine Andrus, FAA Federal Preservation Officer
- Catherine Basic, FAA Attorney

## Other Section 106 Working Group Team Members:

- Jeffrey Durbin, NPS Deputy Federal Preservation Officer
- Sara Porsia, DOI Attorney
- Dorothy Firecloud, NPS Tribal Liaison



# Agenda

- Meeting Purpose and Participants  
Agency Roles (FAA & NPS)  
(Cathy Nadals, FAA – 10 minutes)
- Introduction to Air Tour Management Plans  
(Keith Lusk, FAA and Vicki Ward, NPS – 25 minutes)
- Next Steps – Section 106 Consultation  
(Cathy Nadals – 5 minutes)
- Questions  
(20 minutes)



# Meeting Purpose and Participants

- Provide an introduction to the National Parks Air Tour Management Act (NPATMA) and current efforts to develop Air Tour Management Plans (ATMPs) to:
  - SHPOs and THPOs
  - Federally-recognized Tribes and Native Hawaiian Organizations
  - Other consulting parties
- Provide an opportunity for you to ask ATMP process-related questions (*via a raised hand or in the chat*)
  - Park-specific questions will be answered in future communications and consultation meetings



# Agency Roles (Keith Lusk)

- The FAA and the NPS are working together to develop ATMPs
  - The FAA is the lead agency overseeing compliance with NEPA and Section 106/Tribal consultation
  - The NPS is a cooperating agency for NEPA
- General agency roles:
  - The FAA has sole authority to control airspace over the U.S. and has the authority to preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of overflights on public and tribal lands.
  - The NPS has responsibility for conserving the scenery, natural and historic objects, and wildlife in national parks and ensuring they remain unimpaired for the enjoyment of future generations.



# NPATMA Overview

- Enacted April 5, 2000
- Requires the FAA, in cooperation with the NPS, to develop an ATMP for those parks and tribal lands where operators have applied to conduct commercial air tours
  - As an alternative to an ATMP, the FAA and NPS may enter into a voluntary agreement with a commercial air tour operator
- Both the FAA and NPS must prepare the environmental documentation and sign the decision document for the ATMP
- The objective of any ATMP is to develop acceptable and effective measures to mitigate or prevent significant adverse impacts, if any, of commercial air tour operations upon natural and cultural resources, visitor experiences, and tribal lands



# NPATMA Overview

- Act applies to commercial air tours:
  - Within ½ mile of park
  - Over tribal lands within or abutting a park
  - 5,000 feet altitude or less above ground level (AGL)
- Parks not covered by NPATMA include:
  - Alaska parks
  - Grand Canyon National Park
  - Rocky Mountain National Park
  - Parks with fewer than 50 reported flights per year, unless this exemption is withdrawn
- If abutting tribal lands are or may be overflowed, tribes must be invited as cooperating agency for NEPA compliance





# NPATMA Overview

- Requires commercial air tour operators to apply for FAA Operating Authority in order to operate over National Park System units and abutting tribal land
- Commercial air tour operators fall into two categories:
  - Existing commercial air tour operator
    - Actively engaged in the business of providing commercial air tour operations over the park during the period 12 months prior to NPATMA
    - Those operators who provided tours prior to passage of NPATMA and have continued to fly air tours under interim operating authority
  - New entrant commercial air tour operator
    - Applies for operating authority over a park and has not been engaged in the business of providing commercial air tour operations over the park
    - May not fly air tours until granted approval by FAA and NPS



# NPATMA Overview

- Established Interim Operating Authority (IOA) for existing commercial air tour operations
  - Based on the number of flights conducted in the 12-month period prior to enactment of NPATMA (or average of three prior years)
  - Granted over 200,000 IOA to 80 operators for over 100 parks in 2003
  - IOA was published in the Federal Register in 2005
- Established the National Parks Overflights Advisory Group (NPOAG) to provide advice and guidance to the agencies from personnel with aviation and environmental interests, and tribal representatives



# Commercial Air Tours

- Commercial air tours, as defined in NPATMA are:
  - Conducted for compensation or hire;
  - In a powered aircraft;
  - For the purpose of sightseeing over a national park, within ½ mile outside the boundary of any national park, or over tribal lands; and
  - Flying below 5,000 feet AGL (except for takeoff/landing or as necessary for safe operation) or < 1 mile laterally from any geographic feature (unless more than ½ mile outside the park boundary)
- Does not include general aviation, commercial airline aircrafts, or military flights



# Operator Reports (Vicki Ward)

- Since 2013, each operator providing a commercial air tour over a national park under IOA authority or in accordance with an ATMP has been required to submit a report to the FAA and NPS regarding the number of operations and other required information
- The FAA and NPS use this reporting to know the number of flights conducted over the parks in recent years
- The operator reports between 2013 and 2019 are available at the NPS Air Tours website under “Air Tour Reports”:  
<https://www.nps.gov/subjects/sound/airtours.htm>



# Air Tour Management Plans

- The objective of any ATMP is to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, resulting from commercial air tour operations upon natural and cultural resources, visitor experiences, and tribal lands.
- An ATMP:
  - A. May prohibit commercial air tour operations in whole or in part
  - B. May establish conditions for the conduct of air tour operations including routes, altitudes, time-of-day restrictions, restrictions for particular events, maximum number of flights, etc.
  - C. Shall apply to all commercial air tour operations within ½ mile outside the boundary of a national park
  - D. Shall include incentives for the adoption of quiet aircraft technology
  - E. Shall provide for the allocation of opportunities to conduct air tours when the ATMP limits the number of operations
  - F. Shall justify and document the need for measures taken pursuant to items (A) through (E), above, and include such justifications in the record of decision



# Recent Developments: 2019 – Present

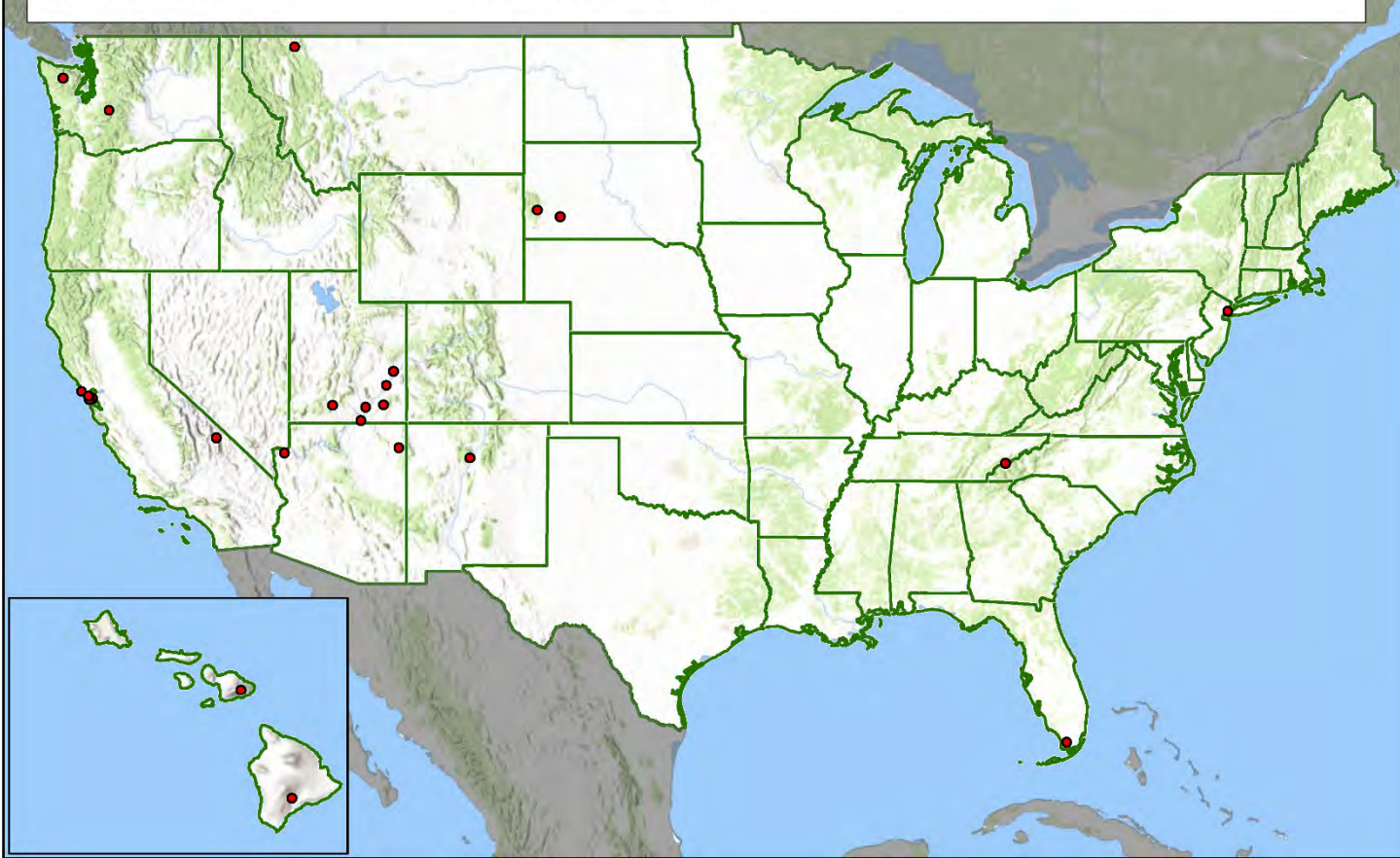
- **February 14, 2019:**
  - Public Employees for Environmental Responsibility and the Hawai'i Coalition Malama Pono filed a petition in the U.S. Court of Appeals for the D.C. Circuit to require the FAA and the NPS to complete ATMPs or VAs for seven parks
- **May 1, 2020:**
  - The Court granted the petition and ordered the FAA and the NPS to file a proposed plan within 120 days to bring all 23 eligible parks (based on reported air tour data from 2018) into compliance with NPATMA within two years
- **August 31, 2020:** The FAA and NPS submitted the Proposed Plan and Schedule to the Court
- **November 20, 2020:** The Court approved the [Proposed Plan and Schedule](#)
- **November 30, 2020:** The FAA and NPS submitted [their first quarterly report](#)
- **March 1, 2021:** The FAA and NPS submitted [their second quarterly report](#)



# ATMP Parks

**24 Parks**

- Mount Rainier National Park (WA)
- Olympic National Park (WA)
- Point Reyes National Seashore (CA)
- San Francisco Maritime National Historical Park (CA)
- Golden Gate National Recreation Area (CA)
- Muir Woods National Monument (CA)
- Death Valley National Park (CA/NV)
- Glacier National Park (MT)
- Bryce Canyon National Park (UT)
- Canyonlands National Park (UT)
- Rainbow Bridge National Monument (UT)
- Natural Bridges National Monument (UT)
- Glen Canyon National Recreation Area (UT)
- Arches National Park (UT)
- Canyon de Chelly National Monument (AZ)
- Lake Mead National Recreation Area (NV/AZ)
- Bandelier National Monument (NM)
- Mount Rushmore National Memorial (SD)
- Badlands National Park (SD)
- Great Smoky Mountains National Park (NC/TN)
- National Parks of New York Harbor (NY)
- Everglades National Park (FL)
- Haleakala National Park (HI)
- Hawai'i Volcanoes National Park (HI)



# Court-Approved Plan and Schedule

- The FAA and the NPS are prioritizing efficiency using an integrated approach to initiate work on all twenty-three ATMPs concurrently
- For each ATMP, the agencies are required to:
  1. Hold at least one public meeting;
  2. Publish proposed ATMPs in the Federal Register;
  3. Comply with NEPA, and other legal requirements; and,
  4. Invite tribes to participate as cooperating agencies for NEPA compliance in cases where tribal lands are, or may be, overflowed.





# Court-Approved Plan and Schedule

- The FAA and the NPS plan to work together in a coordinated fashion to develop ATMPs for each park, including seeking administrative efficiencies wherever possible, in order to complete all ATMPs within two years.
  - The Court ordered that, if the agencies anticipate that it will take them more than two years, the FAA and NPS must offer specific, concrete reasons for why that is so.



# Next Steps for Section 106: Cathy Nadals

Each ATMP will be unique and therefore, each ATMP will be assessed individually under Section 106.

- The FAA and NPS will:
  - Meet with SHPOs/THPOs, Tribes, and other consulting parties (CPs) to discuss the development of ATMPs and the Area of Potential Effect (APE).
  - Work with SHPOs/THPOs, Tribes, and CPs to identify National Register-eligible or listed historic properties (including traditional cultural properties and sacred sites) within the APE.
  - Consult with SHPOs/THPOs, Tribes, and CPs to assess effects of air tours on identified historic properties.
  - Identify ways, as needed, to modify ATMPs to avoid, minimize or mitigate any adverse effects.



# Questions

## For More Information:

[https://www.faa.gov/about/office\\_org/headquarters\\_offices/arc/programs/air\\_tour\\_management\\_plan/](https://www.faa.gov/about/office_org/headquarters_offices/arc/programs/air_tour_management_plan/)

<https://www.nps.gov/subjects/sound/airtours.htm>

## Section 106 Points of Contact:

- Catherine Nadals, FAA: [Catherine.L.Nadals@faa.gov](mailto:Catherine.L.Nadals@faa.gov)
- [ATMPTeam@dot.gov](mailto:ATMPTeam@dot.gov)

