

Establishing Voluntary Agreements and Air Tour Management Plans
Under the National Parks Air Tour Management Act

Implementation Plan & Schedule
September 30, 2019

As announced on August 9, 2019, the Federal Aviation Administration (FAA) and the National Park Service (NPS) will establish Voluntary Agreements (“Agreements”) or Air Tour Management Plans (“Plans”) for seven National Park System units in the near term. These actions by the two agencies will build on the Agreements already in place in four National Park System units, and will pave the way for the agencies to complete Agreements or Plans at all covered parks.

In addition to identifying the seven parks and setting out the key milestones for each park, this fact sheet provides important information and addresses key questions about these upcoming activities, such as how these parks were selected, how additional parks will be prioritized, and how the agencies will determine whether to pursue an Agreement or Plan at a particular park. This overall schedule sets out actions under the National Parks Air Tour Management Act (“NPATMA”) by the FAA and the NPS during the next two and a half years and will be supplemented by more detailed, park-specific implementation plans. Finally, the agencies will review and update this schedule on an ongoing basis, as appropriate, with a goal of identifying opportunities to accelerate the current schedule.

Schedule

	Park	Key Milestones – Targeted Dates
1	Badlands National Park	<ul style="list-style-type: none"> • Publish notice of a draft fixed wing operator Agreement for public comment on the agencies’ websites by 10/31/2019; • Address public comments and publish the final fixed wing operator Agreement on the agencies’ websites by 1/31/2020. • Continue ongoing preparatory work for an Agreement with the helicopter operator, prepare a draft Agreement with the helicopter operator by 11/30/2019; • Publish public notice of draft helicopter operator Agreement on the agencies’ websites by 2/1/2020; • Address public comments and publish the final helicopter operator Agreement on the agencies’ websites by 4/30/2020.
2	Mt. Rushmore National Memorial	<ul style="list-style-type: none"> • Publish public notice of fixed wing operator Agreement for public comment on the agencies’ websites by 10/31/2019; • Address public comments and publish the final fixed wing operator Agreement on the agencies’ websites by 1/31/2020. • Finish ongoing preparatory work for an Agreement with the helicopter operator, to be completed by 11/30/2019; • Formally initiate an Agreement process with the helicopter operator by 12/1/2019;

		<ul style="list-style-type: none"> • Complete preparatory work and begin drafting an Agreement with the helicopter operator(s) by 4/1/2020; • Publish public notice and the draft Agreement with the helicopter operator(s) on the agencies' websites for public comment by 9/1/2020; • Address public comments and publish a final Agreement with the helicopter operator(s) on the agencies' websites by 11/30/2020.
3	Death Valley National Park	<ul style="list-style-type: none"> • Begin preparatory work necessary for a Plan process by 3/1/2020; • Complete preparatory work and formally initiate a Plan process by 5/1/2020; • Complete work related to initiating a Plan process and publish a Notice of Intent to prepare a Plan on the agencies' websites by 12/1/2020; • Complete a draft Plan and publish the draft Plan on the agencies' websites for public comment by 6/1/2021; • Address public comments and publish a final Plan on the agencies' websites by 12/31/2021.
4	Great Smoky Mountains National Park	<ul style="list-style-type: none"> • Begin necessary preparatory work for an Agreement process by 10/1/2020; • Formally initiate an Agreement process and begin drafting an Agreement by 8/1/2021; • Publish a public notice and the draft Agreement on the agencies' websites for public comment by 1/1/2022; • Address public comments and publish a final Agreement on the agencies' websites by 3/31/2022.
5	Mt. Rainier National Park	<ul style="list-style-type: none"> • Begin necessary preparatory work for an Agreement process by 11/1/2020; • Complete preparatory work and formally initiate an Agreement process by 1/1/2021; • Complete a draft Agreement and publish the draft Agreement on the agencies' websites by 11/1/2021; • Address public comments and publish a final Agreement on the agencies' websites by 1/31/2022.
6	Glen Canyon National Recreation Area	<ul style="list-style-type: none"> • Transition to a Plan process and begin necessary preparatory work by 11/1/2020; • Complete preparatory work and formally initiate a Plan process by 1/1/2021; • Complete work related to initiating a Plan process and publish a Notice of Intent to Prepare a Plan on the agencies' websites by 5/1/2021; • Complete a draft Plan and publish the draft Plan on the agencies' websites for public comment by 10/1/2021;
7	Rainbow Bridge National Monument	<ul style="list-style-type: none"> • Complete a draft Plan and publish the draft Plan on the agencies' websites for public comment by 10/1/2021;

		<ul style="list-style-type: none">• Address public comments and publish a final Plan on the agencies' websites by 5/31/2022.
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Q&A

Why did the agencies select these particular parks?

The agencies considered a variety of factors in selecting seven parks for near term action, including level of air tour activity, ongoing efforts and activity, the capacity and capabilities of the parks to undertake the NPATMA process given other on-going issues at a specific park, and the likely overall complexity of the Agreement/Plan. In addition, the selected parks are representative of the various issues and factors the agencies must address at other parks subject to NPATMA. For example, Death Valley National Park has very low air tour activity and designated Wilderness areas. Great Smoky Mountains National Park has a moderate number of air tours and comprises a wide range of vegetation from primarily deciduous forests in some areas and evergreens at higher elevations, both of which affect noise attenuation. Mount Rushmore National Memorial has high levels of air tour activity over a very small geographic area with high visitation. Mount Rainier National Park was chosen because it was exempt and then withdrawn from exemption, which will likely affect the range of alternatives developed for the Plan. Glen Canyon National Recreation Area was chosen because Agreements exist for some but, not all, of the operators conducting air tours. Finally, Rainbow Bridge National Monument is a small cultural park with many tribal issues including designation as a Traditional Cultural Property for which tribal consultation is necessary.

The agencies believe that this diverse mix of parks will require different techniques and provide the viability of a range of approaches in completing Agreements and Plans. It is emphasized that the agencies will work to complete these parks as expeditiously as possible and will begin work in additional parks on a rolling basis as work is completed and resources are available.

What about other parks with significant air tour activity?

The FAA and the NPS are committed to implementing Agreements or Plans, as required by NPATMA. As work progresses or is completed in one park, work will begin on additional parks on a rolling basis. The agencies will apply lessons learned from the initial seven parks to subsequent parks. While the agencies are not yet in a position to specify with certainty the next group of parks, they will consider the selection factors identified above and apply lessons learned from the seven initial parks to inform which parks will be addressed next.

How will the agencies determine whether to implement a Voluntary Agreement or Air Tour Management Plan?

The FAA and the NPS prefer to work collaboratively with all stakeholders through the Agreement process and view Agreements with high compliance as the preferred means of implementing NPATMA. Agreements can take into account the impacts of air tours on national parks, while also taking into account opportunities for small businesses, visitor experience, and public demand. Agreements provide the agencies with more flexibility and are often more expedient than Plans. However, if operators are unwilling to enter into Agreements or negotiate terms that are acceptable to the agencies, the FAA and the NPS will develop Plans. If the agencies initiate work on an Agreement, but are unable to reach agreement with operators in a reasonable timeframe, the agencies will transition to a Plan process and complete a Plan instead. If parties are not able to reach concurrence on a draft agreement no later than 18 months after formal initiation, the agencies will complete the process as a Plan, absent extraordinary circumstances. In these situations, the agencies will be well poised to expedite the timeframe for completion of the Plan because much of the work that will have been done for the Agreement can be incorporated directly into the Plan or used to inform various sections of the Plan.

What accounts for the time it takes to complete an Agreement or Plan, why up to two years?

Depending on the level of complexity, Agreements and Plans can take from 18 to 34 months to complete based on the number of steps in the process and the required consultations between agencies, operators, tribal governments, and the public. There are some opportunities to accelerate the timeline, as well as situations that will require additional time. In general, the process includes data collection, modeling and analysis, preparation and negotiation of Plan and Agreement substance and text, public review and comment, and completion. More detailed information on the process can be found in the Agreement and Plan flowchart (attached). It is also likely that as the agencies gain more experience over time, the overall timeframe for completion will be reduced.

Why is this schedule credible?

While implementing the provisions of NPATMA has proven challenging, the NPS and the FAA are working closely together and dedicating the necessary resources to ensure that Agreements or Plans are established at covered parks. As an example, the establishment of Agreements at Glen Canyon National Recreation Area and Rainbow Bridge National Monument in 2018 was an important milestone because they covered two parks with significant air tour activity by a number of operators over a large area with a number of park-specific features to consider. It also involved extensive tribal consultation, which is a significant factor to address in completing Agreements and Plans.

The FAA and the NPS are building on the experience from the Glen Canyon/Rainbow Bridge Agreements as well as the Agreements completed at Big Cypress National Preserve and Biscayne National Park to establish an ambitious, but achievable timeline for completing Agreements or Plans at seven parks over the next two and a half years. This effort will require additional resources and commitment by the agencies and stakeholders, and will serve to create a track record and establish practices and procedures to enable system wide implementation. Additionally, the agencies are working to improve the efficiency and effectiveness of our enforcement regarding Agreements, Plans, reporting requirements, and Interim Operating Authority (IOA) to ensure the process is successful.