

1 **AIR TOUR**  
2 **MANAGEMENT PLAN**  
3 **DEATH VALLEY NATIONAL PARK**

4 **SUMMARY**

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

8 **1.0 INTRODUCTION**

9 The Act requires that commercial air tour operators conducting or intending to conduct  
10 commercial air tours over a unit of the National Park System apply to the Federal  
11 Aviation Administration (FAA) for authority before engaging in that activity. The Act  
12 further requires that the FAA in cooperation with the National Park Service (NPS)  
13 establish an ATMP for each National Park System unit for which one or more  
14 applications has been submitted, unless that unit is exempt from this requirement.<sup>1</sup> On  
15 September 15, 2015, NPS notified FAA that an air tour management plan was necessary  
16 to protect Park resources and values and withdrew the exemption for the Park.

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

20 **2.0 APPLICABILITY**

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

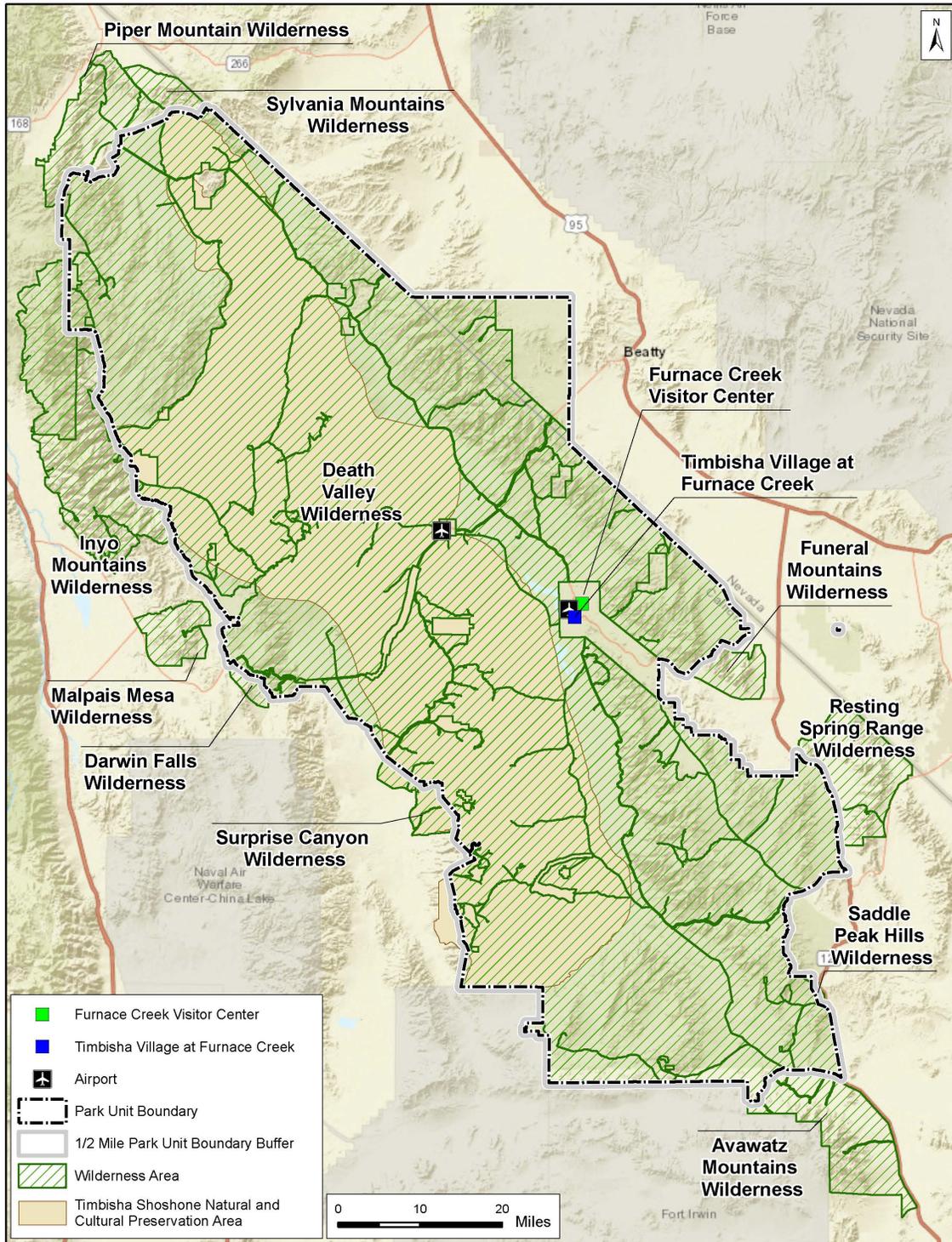
26 (1) Below 5,000 feet above ground level (except solely for the purposes of takeoff  
27 or landing, or necessary for safe operation of an aircraft as determined under the  
28 rules and regulations of the FAA requiring the pilot-in-command to take action to  
29 ensure the safe operation of the aircraft); or

30 (2) Less than one mile laterally from any geographic feature within the Park  
31 (unless more than ½-mile outside the Park boundary).

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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 NPS. See 49 U.S.C. § 40128(a)(5). As an alternative to an ATMP, the agencies also have the option to prepare a voluntary agreement for the Park.

32 See 14 CFR § 136.33(d).



35 2.1 Park Overview

36 Death Valley National Park is the largest U.S. National Park outside of Alaska. The Park  
37 comprises 3,422,024 acres, 93% of which is protected as officially designated wilderness.  
38 Wilderness areas within the Park include low valley floors crusted with barren salt flats,  
39 rugged mountains rising as much as 11,000 feet, deep and winding canyons, rolling sand  
40 dunes, and spring-fed oases. These climactic and topographic extremes collectively  
41 result in exceptional biodiversity and a wide range of resilient desert ecosystems, many of  
42 which serve as habitat for federally threatened and endangered species. Numerous  
43 cultural resources are present within the Park, including archaeological sites,  
44 ethnographic resources, historic structures, and museum collections.

45 The Timbisha Shoshone Tribe has tribal lands inside and abutting the Park and a  
46 management interest in the Timbisha Shoshone Natural and Cultural Preservation Area  
47 within the Park. The Timbisha Shoshone Homeland Act (P.L. 106-423) specifies the  
48 “Timbisha Shoshone Natural and Cultural Preservation Area” as an area to be managed  
49 with special considerations for the Timbisha Shoshone Tribe. Several other tribes also  
50 attach religious or cultural significance to areas within the Park.

51 Visitor points of interest include campgrounds, visitor centers, and hiking trails. Visitor  
52 attractions include Zabriskie Point, Telescope Peak, Dantes View, Furnace Creek,  
53 Badwater, the Racetrack, Scotty’s Castle, Stovepipe Wells Village, and Saline Valley  
54 Warm Springs. Visitor use is generally most concentrated along major roadways within  
55 the Park.

56 The Park is located below the R-2508 Airspace Complex. The military conducts  
57 numerous operations in this airspace above the Park.

58 The Park’s purposes include preserving the unrivaled scenic, geologic, and natural  
59 resources of these unique natural landscapes, while perpetuating significant and diverse  
60 ecosystems of the California desert in their natural state, and ensuring the maximum  
61 protection of wilderness values provided by law. The following Park management  
62 objectives relate to the development of this ATMP:

- 63 • The Park acoustic environment (i.e., sounds within the Park) supports an  
64 outstanding visitor experience and opportunities to hear and enjoy natural sounds  
65 and quiet.
- 66 • Acoustic resources of the Park are maintained in an appropriate  
67 wilderness/backcountry condition and wilderness qualities are preserved  
68 including, solitude or primitive and unconfined recreation, remoteness from sights  
69 and sounds, naturalness, and other features or values that remain undeveloped.
- 70 • Park staff are able to conduct, and visitors are able to experience, interpretive  
71 programming with minimal interference due to noise.
- 72 • Natural sounds are protected to conserve healthy and robust wildlife populations.  
73 Natural biological and ecological processes should dominate the sounds within  
74 the Park.

- 75       • Inappropriate or excessive types and levels of noise can unacceptably impact  
76       cultural and historic resource sounds, as well as the visitors' experience of those  
77       resources.  
78

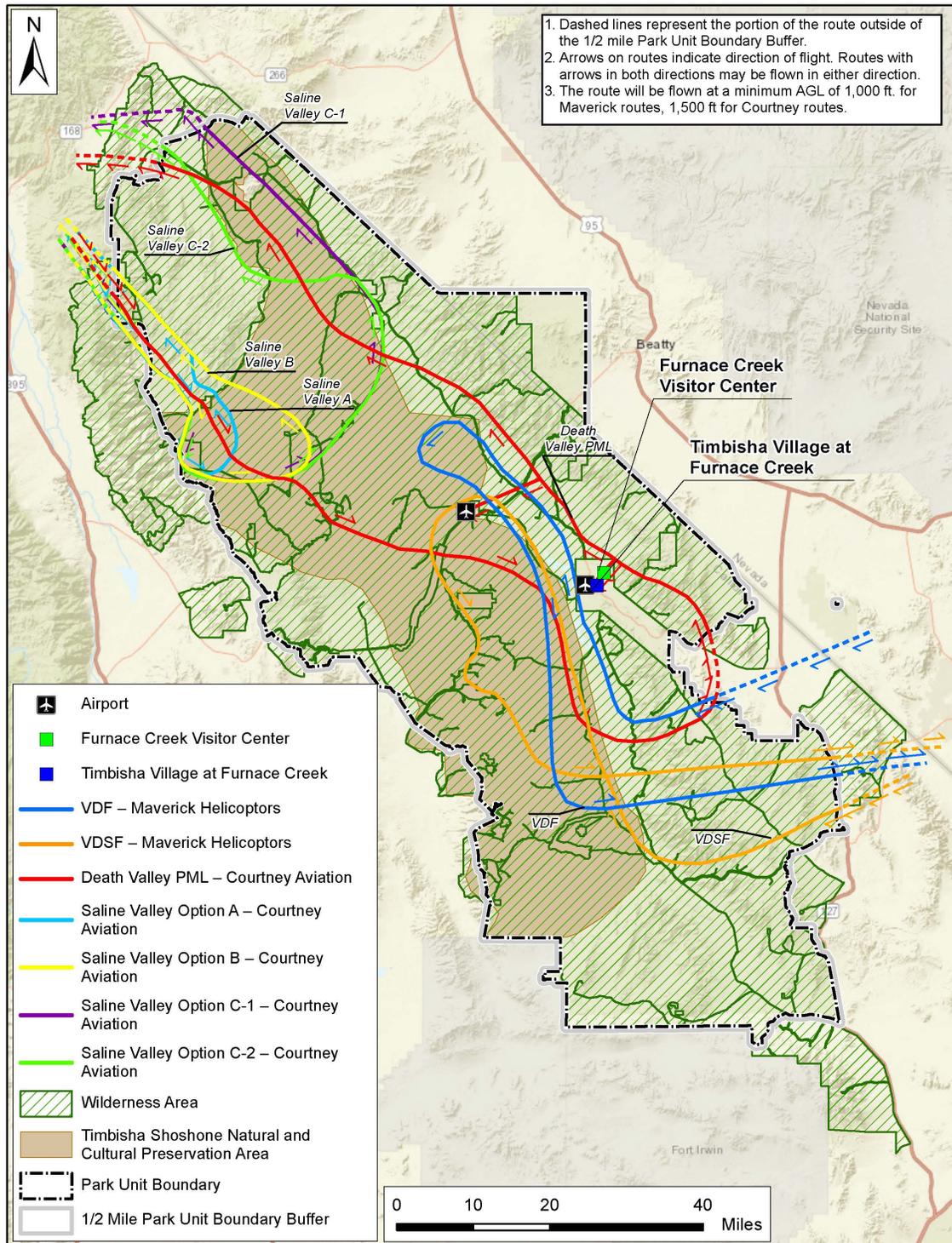
79       **3.0 CONDITIONS FOR THE MANAGEMENT OF COMMERCIAL AIR TOUR**  
80       **OPERATIONS AT THE PARK**

81       3.1 Annual Commercial Air Tours Authorized

82       Under this ATMP, two annual commercial air tours are authorized. Appendix A  
83       identifies the operators authorized to conduct commercial air tours and annual flight  
84       allocations.

85       3.2 Commercial Air Tour Routes and Altitudes

86       Commercial air tours authorized under this ATMP shall be conducted on the routes and  
87       altitudes in Figure 2 below for each operator (Appendix B contains an enlarged Figure 2).  
88       Altitude expressed in units above ground level (AGL) is a measurement of the distance  
89       between the ground surface and the aircraft. At the Park, helicopter air tours will fly no  
90       lower than 1,000 feet (ft.), while fixed wing aircraft will fly no lower than 1,500 ft. AGL  
91       (see Figure 2 for details). At the Park, air tours will fly at least one mile laterally from  
92       the Timbisha Village at Furnace Creek, except as necessary for takeoff and landing at  
93       Furnace Creek Airport. Except in an emergency or to avoid unsafe conditions, or unless  
94       otherwise authorized for a specified purpose, operators may not deviate from these routes  
95       and altitudes.



96

97 **Figure 2.** Commercial air tour routes at Death Valley National Park

98 3.3 Aircraft Type

99 The aircraft types authorized to be used for commercial air tours are identified in  
100 Appendix A. Any new or replacement aircraft must not exceed the noise level produced  
101 by the aircraft being replaced. In addition to any other applicable notification  
102 requirements, operators will notify the FAA and the NPS in writing of any prospective  
103 new or replacement aircraft and obtain concurrence before initiating air tours with the  
104 new or replacement aircraft.

105 3.4 Day/Time

106 Except as provided in the section below entitled “Quiet Technology Incentives,”  
107 commercial air tours may operate two hours after sunrise until two hours before sunset,  
108 as defined by National Oceanic and Atmospheric Administration (NOAA).<sup>2</sup> Air tours  
109 may operate any day of the year, except under circumstances provided in the following  
110 section entitled “Restrictions for Particular Events.”

111 3.5 Restrictions for Particular Events

112 The NPS can establish temporary no-fly periods that apply to air tours for special events  
113 or planned Park management. Absent exigent circumstances or emergency operations,  
114 the NPS will provide a minimum of one week notice to the operators in writing in  
115 advance of the no-fly period. Events may include tribal ceremonies or other similar  
116 events.

117 3.6 Required Reporting

118 Operators will submit to the FAA and the NPS semi-annual reports regarding the number  
119 of commercial air tours over the Park that are conducted by the operator. These reports  
120 will also include the flight monitoring data required under Section 5.1 of this ATMP and  
121 such other information as the FAA and the NPS may request. Reports are due to both the  
122 FAA and the NPS no later than 30 days after the close of each reporting period.  
123 Reporting periods are January 1 through June 30 and July 1 through December 31.  
124 Operators shall adhere to the requirements of any reporting template provided by the  
125 agencies.

126 3.7 Additional Requirements

127 3.7A Operator Training and Education: Park staff will provide interpretive and  
128 education materials at the request of operators. Any materials provided by the  
129 Park will include information that operators can use to further their own  
130 understanding of Park priorities and management objectives as well as enhance

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<sup>2</sup> Sunrise and sunset data is available from the NOAA Solar Calculator,  
<https://www.esrl.noaa.gov/gmd/grad/solcalc/>

131 the interpretive narrative for air tour clients and increase understanding of parks  
132 by air tour clients.

133 3.7B Meeting: At the request of either of the agencies, the Park staff, the local  
134 FAA Flight Standards District Office (FSDO), and all operators will meet to  
135 discuss the implementation of this ATMP and any amendments or other changes  
136 to the ATMP.

137 3.7C In-Flight Communication: For situational awareness when conducting tours  
138 of the Park, the operators will utilize frequency 122.9 and report when they enter  
139 and depart a route. The pilot should identify their company, aircraft, and route to  
140 make any other aircraft in the vicinity aware of their position.

### 141 3.8 Quiet Technology Incentives

142 This ATMP incentivizes the adoption of quiet technology aircraft by commercial air tour  
143 operators conducting commercial air tours over the Park. Operators that have converted  
144 to quiet technology aircraft will be allowed to conduct tours beginning at sunrise or  
145 ending at sunset on all days that flights are authorized. If implementation of this  
146 incentive results in a change in existing conditions or a change in the effects of air tour  
147 noise on Park resources or visitor enjoyment, additional analysis may be required in order  
148 to ensure the continued effectiveness of the incentive.

## 149 **4.0 JUSTIFICATION FOR MEASURES TAKEN**

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

153 Under the Act, the FAA granted Interim Operating Authority (IOA) for air tours over the  
154 Park. IOA does not provide any operating conditions (e.g., routes, altitudes, time of day,  
155 etc.) for air tours other than an annual limit.

156 The total number of air tours authorized under this ATMP is consistent with the existing  
157 air tours reported over the Park. The annual flight limits in this ATMP are intended to  
158 protect visitor experience (including interpretive programs), cultural resources, tribal use,  
159 sensitive species, and wilderness areas throughout the Park by limiting the number of  
160 potential disturbances caused by commercial air tours.

161 The condition that helicopter air tours may fly no lower than 1,000 ft., while fixed wing  
162 aircraft may fly no lower than 1,500 ft. AGL under this ATMP, is intended to protect the  
163 acoustic environment and visitor experience of the Park. These conditions will protect  
164 visitor experience and wilderness character by reducing the amount of air tour noise  
165 visitors on the ground are exposed to. The minimum altitudes included in this ATMP,  
166 which vary by aircraft type (as described above), also provide traffic separation between  
167 commercial air tours. The condition that commercial air tours will fly at least one mile  
168 from the Timbisha Village at Furnace Creek is intended to protect tribal use of this area  
169 by reducing the amount of noise in the areas nearest the routes.

170 Sunrise and sunset are important times of the day for wildlife and visitor use and  
171 experience. Biologically important behaviors for many species occur during this time,  
172 such as foraging and communication. Wildlife viewing by Park visitors on the ground is  
173 often done during this time of day as well. The day/time restrictions have been included  
174 in this ATMP to protect these Park resources. Restrictions for particular events are  
175 intended to prevent noise interruptions of Park events or tribal practices.

## 176 **5.0 COMPLIANCE**

177 On the effective date of this ATMP, all commercial air tours over the Park must comply  
178 with the terms of this ATMP in all respects, except that operators may continue to  
179 conduct the number of air tour operations authorized under IOA as reflected in their  
180 existing Operations Specifications (OpSpecs) until such OpSpecs are modified to require  
181 compliance with this ATMP. The NPS and the FAA are both responsible for the  
182 monitoring and oversight of the ATMP. If the NPS identifies instances of non-  
183 compliance, the NPS will report such findings to the FAA's FSDO having geographic  
184 oversight for the Park. The FSDO will investigate all reports of noncompliance. The  
185 public may also report allegations of non-compliance with this ATMP to the FSDO  
186 which may result in an investigation by the FAA.

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

### 191 5.1 Aircraft Monitoring Technology

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

- 198 • Unique flight identifier
- 199 • Latitude
- 200 • Longitude
- 201 • Geometric altitude
- 202 • Tail number
- 203 • Date
- 204 • Time stamp
- 205 • Operator and Doing Business As (DBA), if different
- 206 • Aircraft type
- 207 • Aircraft model

208 The ping rate should be set to a maximum of 15 seconds. Operators already using  
209 aircraft equipped with flight monitoring technology shall ensure it meets the performance

210 standards listed above or acquire and install acceptable flight monitoring technology  
211 within 180 days of the effective date of this ATMP. For aircraft not already equipped  
212 with flight monitoring technology, within 180 days of the effective date of this ATMP,  
213 operators shall equip those aircraft with suitable flight monitoring technology.

214 **6.0 NEW ENTRANTS**

215 New entrants must apply for and be granted operating authority before conducting  
216 commercial air tours over the lands and waters covered by this ATMP. For the purposes  
217 of this ATMP, a “new entrant” is a commercial air tour operator that has not been granted  
218 any operations under this ATMP or that no longer holds operations under this ATMP at  
219 the time of the application.

220 The FAA and the NPS will publish additional information for interested parties about the  
221 form and required content of a new entrant application. The FAA and the NPS will  
222 jointly review new entrant applications. Review of applications submitted prior to the  
223 effective date of this ATMP will commence within six months of the effective date.  
224 Applications submitted after that time will be considered no less frequently than every  
225 three years from the effective date of this ATMP.

226 The FAA will issue OpSpecs to any new entrant granted operating authority under this  
227 ATMP (and, if necessary, will revise OpSpecs to operators whose allocation of operating  
228 authority change due to accommodation of a new entrant) within 90 days of the  
229 publication of an amended ATMP or of the effective date of ATMP changes  
230 implemented through the adaptive management process.

231 **7.0 COMPETITIVE BIDDING**

232 When appropriate, the FAA and the NPS will conduct a competitive bidding process  
233 pursuant to the criteria set forth in 49 U.S.C. § 40128(a)(2)(B) and other criteria  
234 developed by the agencies. Competitive bidding may also be appropriate to address: a  
235 new entrant application; a request by an existing operator for additional operating  
236 authority; consideration by the agencies of Park-specific resources, impacts, or safety  
237 concerns; or for other reasons.

238 The agencies will request information necessary for them to undertake the competitive  
239 bidding process from existing operators. Failure to provide such information in a timely  
240 manner may result in the disqualification of any such operator.

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

245 **8.0 ADAPTIVE MANAGEMENT**

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

258 **9.0 AMENDMENT**

259 This ATMP may be amended at any time: if the NPS, by notification to the FAA and the  
260 operator(s), determines that the ATMP is not adequately protecting Park resources and/or  
261 visitor enjoyment; if the FAA, by notification to the NPS and the operator(s), determines  
262 that the ATMP is adversely affecting aviation safety and/or the national aviation system;  
263 or, if the agencies determine that appropriate changes to this ATMP are necessary to  
264 address new information or changed circumstances that cannot be addressed through  
265 adaptive management.

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

274 Increases to the total number of annual air tours authorized under this ATMP resulting  
275 from accommodation of a new entrant application or a request by an existing operator  
276 will require an amendment to this ATMP.

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

279 **10.0 CONFORMANCE OF OPERATIONS SPECIFICATIONS**

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

282 **11.0 EFFECTIVE DATE**

283 This ATMP is effective [date].

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<INSERT name>, Superintendent  
Death Valley National Park  
National Park Service

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<INSERT name>, <INSERT title>  
<INSERT name of FAA office>  
Federal Aviation Administration

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<INSERT name>, Regional  
Director  
Unified Interior Region 10:  
California – Great Basin  
National Park Service

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<INSERT name>, Associate  
Director  
Natural Resource Stewardship and  
Science Directorate  
National Park Service

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**APPENDIX A**

289

**1.0 COMMERCIAL AIR TOUR ALLOCATIONS**

290

Table 1 provides allocations of the annual operations along with authorized aircraft type by operator.

292

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

Air Tour Operator	Annual Operations	Daily Operations	Aircraft Type
Courtney Aviation, Inc. (Courtney Aviation, Yosemite Flight Tours)	1	1	GA-690-A, GA-690-D
Maverick Helicopters, Inc.	1	1	AS350, EC-130

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294

**2.0 DAY/TIME RESTRICTIONS**

295

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

296

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

Air Tour Operator	Time-of-Day	Day-of-Week
Courtney Aviation, Inc. (Courtney Aviation, Yosemite Flight Tours)	Two hours after sunrise until two hours before sunset	The NPS can establish temporary no-fly periods that apply to air tours for special events or planned Park management.
Maverick Helicopters, Inc.	Two hours after sunrise until two hours before sunset	The NPS can establish temporary no-fly periods that apply to air tours for special events or planned Park management.

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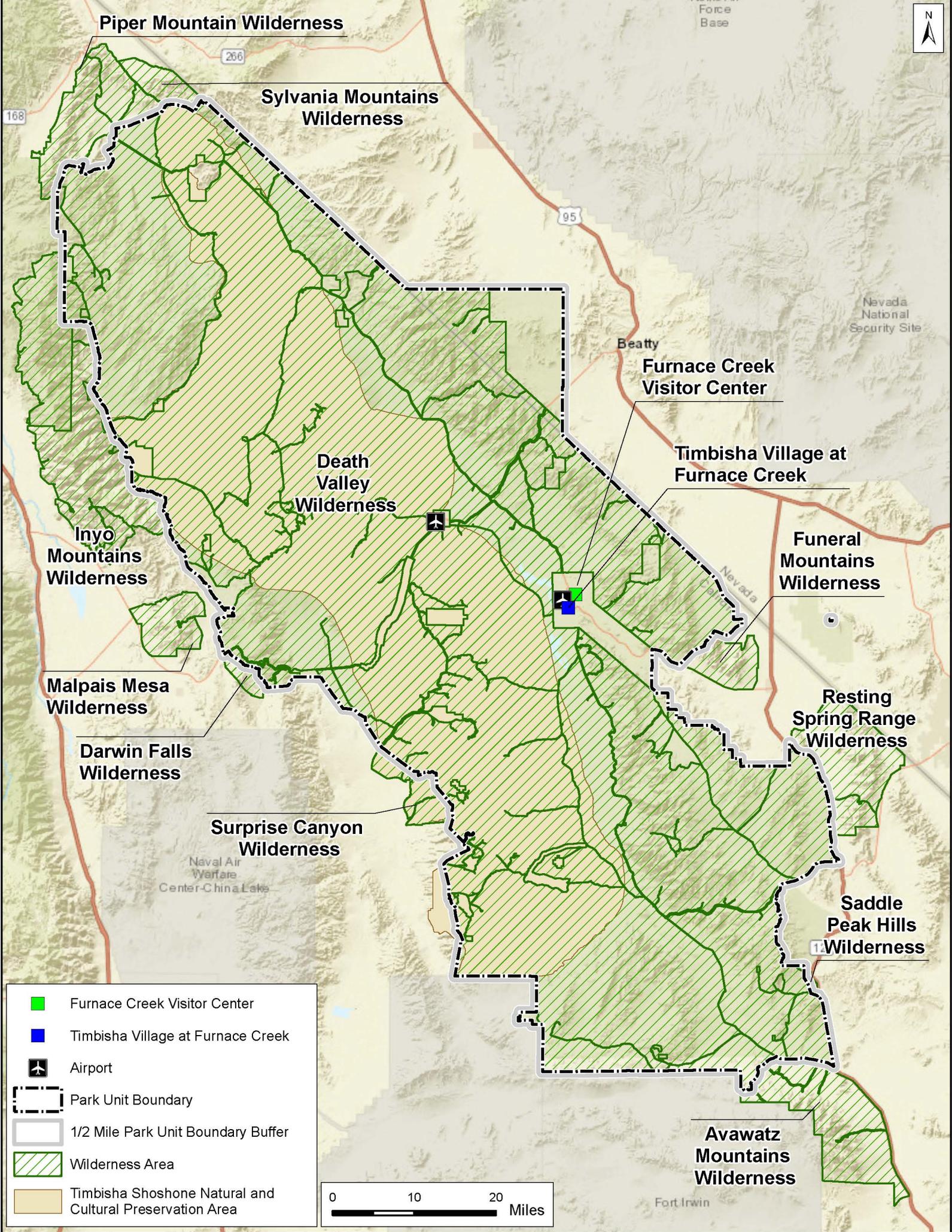
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**APPENDIX B**

304 Enlarged Figure 1 and 2



Piper Mountain Wilderness

Sylvania Mountains Wilderness

Death Valley Wilderness

Inyo Mountains Wilderness

Malpais Mesa Wilderness

Darwin Falls Wilderness

Surprise Canyon Wilderness

Furnace Creek Visitor Center

Timbisha Village at Furnace Creek

Funeral Mountains Wilderness

Resting Spring Range Wilderness

Saddle Peak Hills Wilderness

Avawatz Mountains Wilderness

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Beatty

Force Base

Nevada National Security Site

Naval Air Warfare Center-China Lake

Fort Irwin

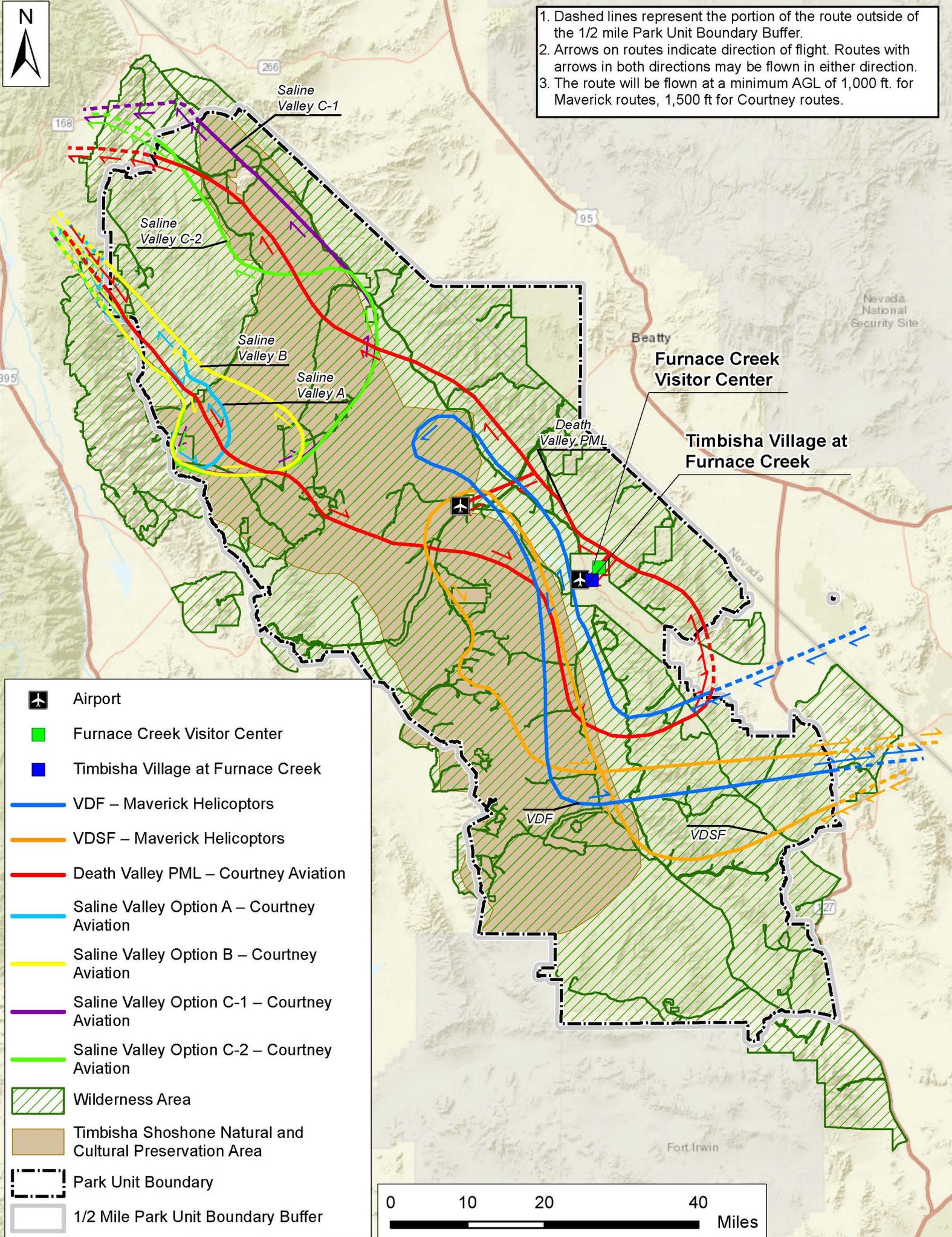


- Furnace Creek Visitor Center
- Timbisha Village at Furnace Creek
- Airport
- Park Unit Boundary
- 1/2 Mile Park Unit Boundary Buffer
- Wilderness Area
- Timbisha Shoshone Natural and Cultural Preservation Area





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. Routes with arrows in both directions may be flown in either direction.
3. The route will be flown at a minimum AGL of 1,000 ft. for Maverick routes, 1,500 ft. for Courtney routes.



-  Airport
-  Furnace Creek Visitor Center
-  Timbisha Village at Furnace Creek
-  VDF – Maverick Helicopters
-  VDSF – Maverick Helicopters
-  Death Valley PML – Courtney Aviation
-  Saline Valley Option A – Courtney Aviation
-  Saline Valley Option B – Courtney Aviation
-  Saline Valley Option C-1 – Courtney Aviation
-  Saline Valley Option C-2 – Courtney Aviation
-  Wilderness Area
-  Timbisha Shoshone Natural and Cultural Preservation Area
-  Park Unit Boundary
-  1/2 Mile Park Unit Boundary Buffer

