

Statue of Liberty and Governors Island National Monuments Air Tour Voluntary Agreements: Frequently Asked Questions

What is the purpose of these air tour voluntary agreements (Agreements)?

These Agreements establish conditions for commercial air tours of Statue of Liberty Governors Island National Monuments. The purpose of each of the Agreements is to protect park resources and visitor use without compromising aviation safety or the air traffic control system. The Agreements specify where tours can fly, altitudes, flight direction, and reporting requirements.

The parks have had commercial air tours for years. Why are you doing this now? Aren't there rules for air tours already, like "Interim Operating Authority"?

Air tours have been flown over these parks since before Congress passed the National Parks Air Tour Management Act of 2000. This law (called NPATMA for short) was created out of concern that impacts from tour aircraft could harm national park resources and visitor experiences. NPATMA required the Federal Aviation Administration (FAA) to grant interim operating authority to operators already conducting tours of Statue of Liberty and Governors Island National Monuments until an air tour management plan or air tour voluntary agreement was developed. The authority issued was based on the number of tours flown annually at the time NPATMA was passed. Interim operating authority does not set routes or operating conditions except for limits on annual number of flights.

Why develop voluntary agreements?

The Agreements were developed under the authority of the National Parks Air Tour Management Act (NPATMA). NPATMA requires that the agencies develop an air tour management plan or voluntary agreements for Statue of Liberty and Governors Island National Monuments. Given the complex airspace which is regulated by the New York Class B Airspace Hudson River and East River Exclusion Special Flight Rules Area (14 CFR 93.350-353), the National Park Service (NPS) and the FAA decided to develop voluntary agreements, rather than an air tour management plan to manage air tours over the two parks. A voluntary agreement must establish operating conditions for commercial air tours that address the management issues necessary to protect the resources and visitor use of the parks without adversely affecting aviation safety or the air traffic control system. FAA, NPS and the operators worked to develop the operating conditions in the Agreements to protect the parks' resources and visitor experience without affecting aviation safety.

What rules or other agreements are in already in place for commercial air tours? There are local rules, agreements, controlled airspace and other restrictions or procedures already in place that affect the operation of commercial air tours in the vicinity of Statue of Liberty and Governors Island National Monuments. These include:

- Class B airspace around the major airports in the New York City area. Class B airspace is controlled airspace surrounding the nation's busiest airports.
- New York Class B Airspace Hudson River and East River Exclusion Special Flight Rules Area (SFRA) (14 CFR 93.350-353). The SFRA defines the "ceiling" for local and transient aircraft operations

conducted over the Hudson River. The SFRA also specifies altitudes for separation of local and transient aircraft operations and helicopter and fixed wing aircraft. The SFRA was implemented for aviation safety reasons.

- Commercial air tour tours as depicted in the New York Helicopter Route Chart. These are designated voluntary routes and include operating zones, altitudes/flight ceilings, and procedural notes; [Helicopter Route Chart Program \(faa.gov\)](#). [SkyVector: Flight Planning / Aeronautical Charts](#), click on charts, then helicopter, then scroll over area of New York City to highlight the chart, click on the highlighted area to download.
- Agreement between the New York City Economic Development Corporation (NYCEDC) and the Helicopter Tourism and Jobs Council. [NYCEDC And Helicopter Tourism & Jobs Council Announce New Measures to Reduce Helicopter Noise And Impacts Across New York City | NYCEDC](#). The agreement reduced days of operation, number of flights and ended flights over Governors Island for helicopter tours to and from the Downtown Manhattan Heliport.
- Operating specifications of some of the commercial air tour operators included avoidances of Statue of Liberty and Governors Island National Monuments.

How were the operating conditions created?

Air tour conditions, described in Section 4.0 of the Agreements, are based on management concerns and visitor use of the parks. These issues were identified in the following ways:

- An internal assessment of impacts;
- Discussions between commercial tour operators and NPS staff;
- Assessment of current air tours of the parks; and
- Consideration of all the existing airspace rules and local agreements already in place by the FAA, the NPS, and the commercial air tour operators in developing the terms of the Agreements.

The proposed lateral setbacks, minimum flight altitudes, flight direction, and a prohibition on circling or hovering were determined not to interfere with management objectives for the parks and to protect visitor experience.

What do the Agreements allow?

Operators can continue flying tours with several new conditions. The Agreements require setbacks that prevent commercial air tours within 1,000 feet (ft.) laterally of the parks. This setback was already in some of the operators operating specifications, so the Agreements make this setback consistent for all operators who sign an agreement. The Agreements also require that air tours, while within ½ mile of the parks, fly in a clockwise direction at an altitude of at least 500 ft. above ground level (aircraft may fly at lower altitudes around Governors Island during arrival or departure from the Downtown Manhattan Heliport). Helicopters would not be allowed to circle or hover within the ½ mile voluntary agreement boundary around Ellis Island, Liberty Island, and Governors Island except as consistent with the general traffic flow around the Islands. The Agreement does not alter the New York Class B Airspace Hudson River and East River Exclusion Special Flight Rules Area (14 CFR 93.350-353) and does not alter or supersede other local agreements.

Do these Agreements establish new routes for air tours or redirect or shift flight paths over Liberty State Park or other communities? The operators currently conduct air tours over the Hudson River on the routes depicted in the New York Helicopter Route Chart. The agreement does not shift flight paths or create new routes. Based on comments received during public review, the draft voluntary agreements were modified to include an avoidance area over that portion of Liberty State Park that is within ½ mile of the parks' boundaries (Liberty State Park Avoidance Area) as depicted in the final Agreements. This did not change existing flight paths since the operators currently do not fly over the Liberty State Park Avoidance Area. The remainder of Liberty State Park is outside the scope of the Agreements.

Do the Agreements regulate takeoffs and landings? Takeoffs and landings do not occur within the area covered by the Agreements (the area over the parks up to ½ mile outside their boundaries) and are not addressed in the Agreements.

Do the Agreements include limits on the number of tours or operating hours? Other local agreements address the number of tours that may be conducted in the area and other operating conditions. The Agreements do not supersede those agreements or preclude other local agreements or further restrictions that may be put in place in the future.

Was there an environmental review for these Agreements?

NPATMA exempts voluntary agreements from environmental compliance requirements under the National Environmental Policy Act, and other statutes. However, while developing the Agreements, the NPS considered possible effects of air tours on visitor experience in the parks. As a result of that process, the agencies and tour operators agreed to establish operating conditions to limit the effects of air tours on visitor experience. The Agreements address management issues including visitor use areas. The draft of the agreements was made available for public review from October 21 – November 21 and December 1 – 30, 2022. The final Agreements are now available on the NPS's Planning, Environment and Public Comment website, [PEPC 112479 \(nps.gov\)](https://www.nps.gov/pepc/112479).

Were Indian tribes consulted during the development of the Agreements?

NPATMA requires the NPS and the FAA to consult with any Indian tribe whose tribal lands are, or may be, flown over by a commercial air tour operator under a voluntary agreement. The parks are not adjacent to tribal lands, nor will air tours authorized by the Agreements fly over tribal lands as defined by NPATMA. Therefore, tribal consultation was not required by NPATMA. However, consistent with policy, the agencies conducted outreach to Indian Tribes and indigenous organizations reasonably believed to have interests in the area subject to the Agreements.

Does this mean there will be less noise from commercial air tours?

Whether a visitor on the ground hears an air tour aircraft depends on several factors, including proximity to aircraft flight paths and other noise sources, time of day, and the surrounding landscape. Visitors near an air tour flight path are more likely to hear the aircraft passing overhead. But other noise sources - vehicles, boats, people, wind and more - can mask aircraft sound. Buildings, vegetation, and terrain that lie between noise sources and visitors may also have an effect. The setbacks that prevent commercial air tours within 1,000 ft. laterally of the parks are intended to protect visitor experience throughout the parks by reducing disturbances caused by commercial air tours.

Would the Agreements apply to other aircraft flying over the parks?

NPATMA only applies to commercial air tour operations and does not apply to general aviation or other overflights. Commercial air tours regulated by NPATMA are defined as:

Any powered aircraft flights for pay or hire that are meant for sightseeing over an NPS park unit and flown within half a mile of the park boundary, below 5,000 ft. above the ground, and less than 1 mile laterally from any geographic feature in the park.

Are air tours a concession at the parks? Do operators pay fees to the NPS?

Air tours at these parks are provided by nonaffiliated operators who pay no fees to the NPS. NPATMA does allow national park units to collect fees for such operations under a voluntary agreement. However, fees are not part of these Agreements.

How many operators are included in the Agreements?

The FAA and the NPS entered into Agreements with four operators; two operators that currently hold interim operating authority for the parks, as well as two new operators that have applied for authority to conduct tours of the parks. The interim operating authority previously issued to the operators for the parks will terminate after their operating specifications are amended.

Would other operators be allowed under these Agreements?

The agencies will consider applications from other part 135 operators who apply for authority to conduct tours of the parks. To apply for authority an air tour operator should submit an application in accordance with Section 11-469 of FAA Order 8900.1 Flight Standards Information Management System, Volume 11 Flight Standards Programs, Chapter 9 Commercial Air Tours, Section 3 Commercial Air Tours Conducted Under 14 CFR Parts 91, 93, 121, 135, and 136 Over National Park Service Units and/or Tribal Lands (<https://drs.faa.gov/browse>). *Note:* Pursuant to FAA's Order 8900.1 (Flight Standards Information Management System) Volume 11 Chapter 9 (<https://drs.faa.gov/browse>) Part 91 operators are not eligible to enter into the Statue of Liberty/ Governors Island voluntary agreement.

How will the NPS and FAA enforce the Agreements?

Compliance is accomplished through continued communication among the FAA, the NPS, and air tour operators. The NPS and the FAA are both responsible for the monitoring and oversight of the Agreements. If the NPS identifies instances of non-compliance, 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 the Agreements to the FSDO. The FSDO will investigate and respond to all written reports consistent with applicable FAA guidance.

Investigative determination of non-compliance with this Agreement may result in loss of authorization to conduct commercial air tours authorized by this Agreement and termination of this Agreement. Any violation of operations specifications (OpSpecs) shall be treated in accordance with FAA Order 2150.3, FAA Compliance and Enforcement Program.

About the National Park Service: More than 20,000 National Park Service employees care for America's 417 national parks and work with communities across the nation to help preserve local history and create close-to-home recreational opportunities. Learn more at the [National Park Service](#) website.