

Correspondence/Demographics Report

Project: National Park Service Bay Area Commercial Air Tour Voluntary Agreement

Project ID: 133164

Document: Draft Commercial Air Tour Voluntary Agreement for Golden Gate National Recreation Area, Muir Woods National Monument, San Francisco Maritime National Historical Park, Point Reyes National Seashore

Document ID: 147892

Correspondence ID: 1

Correspondence:

Am opposed to this. Parks are supposed to be peaceful as possible. Planes buzzing around is disruptive to my enjoyment of the parks and to wildlife. Also, we are being bombarded with excess building in the area and need our parks more than ever. Stop it...please!

Correspondence ID: 2

Correspondence:

Keep the voluntary agreement going and keep air tours over Muir Woods very limited. The soundscape is truly essential to the park experience as a visitor and to the animals that live there that are sensitive to sound. My time in Muir Woods would not have been as enjoyable if I didn't have the opportunity to experience quietness.

Correspondence ID: 3

Correspondence:

Aircrafts that emit noise should not be allowed over any green spaces. We must preserve the natural soundscape.

Correspondence ID: 4

Correspondence:

I live in Mill Valley, near Muir Woods, and I object to any change to the proposed agreement

that would allow overflights of Muir Woods. The Draft Agreement at pp. 8-9 indicates that commercial tours would not be permitted over Muir Woods, and that aspect of the Agreement should not be changed. It would be extremely disruptive to my community to have helicopters flying over our neighborhood so frequently. It is also unnecessary, because Muir Woods is readily accessible by car or public transport, and visitors can better enjoy its features up close and in person, rather than flying overhead. More generally, if any commercial helicopter tours are going to be allowed over Golden Gate National Recreation Area, Muir Woods National Monument, San Francisco Maritime National Historical Park or Point Reyes National Seashore, they should be restricted to electric helicopters only. <https://www.faa.gov/air-taxis> Use of these modern, electric helicopters would at least minimize the noise and pollution in these environmentally sensitive areas. Thank you for considering my comments.

Correspondence ID: 5

Correspondence:

There are some people just need these flights including some disability, or just aged people. One scenario is.. parents visiting this area for family gathering while cannot really have a physical stamina to tour around ground traffic, while flights can be ok.

Correspondence ID: 6

Correspondence:

As a disabled veteran, I highly suggest not limiting my access to the skies over national parks. In this Trump era of deregulation, I cannot even believe this is a regulation being considered. In fact, I will be writing the president to voice my dissatisfaction in this regulation. Air tours are. It harmful at all to these parks. Their safety records are among the highest, and the environmental damage is likely less than walking through these parks. In fact, maybe even helpful by adding carbon to naturally feed the trees in these parks. Please, reconsider this.

Correspondence ID: 7

Correspondence:

Hello, I am writing to encourage that more restrictions not be put on air tours over our public lands. These areas should be enjoyed by all in many forms, including from the air. Restricting access to view the parks from the air greatly impacts those who have limited mobility and may not be able to enjoy the parks on the ground. Restricting access from the air is also a violation of everyone's rights to have public access to air tours. Being able to take a flight over our public lands is a special and sometimes once-in-a-lifetime opportunity. Please do not rob others of their freedoms.

Correspondence ID: 8

Correspondence:

January 2025 my partner and I had such a wonderful flight experience with a helicopter. We flew during sunset over the Bay Area. The pilot, a young woman, was very calm and educated us in everything she did. It was so interesting.

Correspondence ID: 9

Correspondence:

I am learning how to fly a helicopter because I want to be able to visit places like Golden Gate Park. We flew next to it last year and was one of the most memorable experiences in my life. We followed all of the rules and got magnificent views.

Correspondence ID: 10

Correspondence:

All parks and open spaces should be available to visit whether arrived at on foot ,bicycle, automobile or airplane.

Correspondence ID: 11

Correspondence:

Maintaining access to our area parks for air tours is a culturally, economically, parks mission-centered necessity. There is no better way to appreciate the grandeur of our coastline and it's wonderful treasures, including the Golden Gate Bridge, then to see it from the air Please do not take this away from us!

Correspondence ID: 12

Correspondence:

As a caretaker of seniors, I would find restricting air tours to be a great loss to seniors, mobility-challenged, and disabled people who want to experience californias parks. With the long history of air tours being safe and enjoyable for those in the air, as well as visitors on the ground who

appreciate aircraft, I urge the NPS and FAA to protect this valuable unique and valuable form of tourism. A helicopter tour of Golden Gate Park or Muir Woods is an unforgettable experience that allows nature lovers to experience the parks from a vast perspective, and see how truly special these parks are as they fit within the developed landscape of the Bay Area. It is in the interest of the NPS to keep tours active to instill a sense of natural wonder in America's people. I hope the elderly and mobility challenged people are considered as a decision is made. David

Correspondence ID: 13

Correspondence:

For one, The tours do not impact anything adversely and haven't provided safety concerns. The legal practice of flying over the Golden Gate Bridge and various parks in the vicinity hasn't impeded a single individual, group, or disturbed local ecosystems. Hindering the right of the American people isn't anything I support and I'd argue , creates an issue of compliance enforcement for those that would venture in these areas as closely as they dare allow to remain compliant with rules that inhibit the practice. I for one have yet to fly over these areas in GA aircraft but would appreciate the ability to be able to operate freely and safely over these areas without repercussions looming.. Do not destroy the freedoms that so many enjoy since there's no just cause. It would harm the general public in more ways than help any one individual that would find it a nuisance.

Correspondence ID: 14

Correspondence:

I have lived in Northern California for 65 years now and I'm a pilot. I can't think of one instance where there was any issue flying over any park or around the bridges, where I have flown myself. These views are amazing and I can tell you first hand, they make you feel alive. Flying safely is something I promote. Flying with courtesy and consideration is something I promote. But continuing to make up rules simply because of politics or bored people complaining, has already gone way too far. We are only locking ourselves down further and removing freedoms, more and more and more. In one hand you say these places are beautiful, while in the other hand you want to block people from seeing them. Isn't seeing them what makes them beautiful? (by the way, have you been on the Golden Gate Bridge at night lately?, might want to fix that if you really need something to do) We can continue to use the "what if" factor, and apply it to everything eventually, what kind of world is that creating? Take a look around and anyone can see, not beauty, but removal of freedoms. I shouldn't have to put these simple truths in writing, but we have also removed common sense. How about if, on this one, we don't try to fix something that's not broken. When will it ever be enough laws, enough rules, enough restrictions? No need to answer that. David Loureiro

Correspondence ID: 15

Correspondence:

As an experienced pilot in the SF Bay area for over 20 years now, this "voluntary agreement" is pointless. There is really only one commercial air tour operator in the SF bay area, and the vast majority of flights conducted by this operator are around the golden gate bridge and downtown S.F. The rest of flights that traverse this area of private operators, and this agreement wouldn't even apply to them. The only thing this "voluntary agreement" does is create a stepping stone to possibly later ban flights in these areas. There is no good reason for this as the vast majority of aircraft that do sight see in these areas are operating at very high altitudes with very minimum noise levels. But if there is an attempt to push aircraft to higher altitudes, the pilots of these aircraft are going to want to fly at lower altitudes in retaliation for this overreach. Which will worsen what little problem there is now, if there even is a problem. It's also not enforceable. But attempting to have some of these aircraft climb also puts them in greater danger for air to air collisions for commercial traffic arriving and departing San Francisco and Oakland International Airports. A little aircraft noise never hurt anyone except the feelings of a few entitled people who will never stop complaining.

Correspondence ID: 16

Correspondence:

Hi, We are travelling to the Super Bowl and due to the limited time, we have to explore your great country we have booked Specialized Helicopter's to help us get around. Thank You, Tom

Correspondence ID: 17

Correspondence:

this proposal is government overreach, these restrictions would cause undue harm for commercial air tour operators and will have negligible desired affect for reducing impact to the wildlife areas.

Correspondence ID: 18

Correspondence:

I don't see why as a pilot I should have fewer privileges than a person in a car to see and appreciate the beauty of our National Parks. Especially in that I am too old and handicapped to walk or hike through park trails (which I did extensively as a young man). I can however fly over the beautiful vistas and enjoy them from the unique perspective of aloft, an entirely different view than⁹ when I am earthbound. Please do not remove my rights to enjoy the national parks.

We already have enough regulation, don't strangle us with more unnecessary rules, all should have the privilege of enjoying the parks from whatever perspective they can. Respectfully, Chris Clark

Correspondence ID: 19

Correspondence:

I did an air tour over the SF bay with my partners 93 year old grandpa who trained on the texan T6 in WW2 and hadnt been in a plane since over 70 years). He had an incredible time and wouldnt have been able to experience SFs coastline in any other way as meaningful as that. The last thing we need is more regulation and red tape over the SF bay. We have significantly less air traffic over the coast than many cities and i really dpnt think we need to further dissuade people from experiencing the joy of flying over the incredible coastline.

Correspondence ID: 20

Correspondence:

The proposal to restrict air tours over the San Francisco Bay risks silencing a profound form of connection to our national heritage. While the goal of reducing noise is understandable, it overlooks the unique role aviation plays in making these landmarks accessible to those who can no longer reach them by land. Recently, I witnessed this firsthand when my boyfriend flew my grandfather, a 93 year old World War II Naval aviator who trained on the T-6 Texan, from Napa to San Carlos. Having not been in an aircraft for over 70 years, this flight was more than a tour; it was a bridge to his past. From the cockpit, he could see the Golden Gate and the Bay in a way his physical mobility would never allow on the ground. For a veteran who spent his youth in the sky defending our country, being denied this perspective would be a tragic erasure of his history. Restricting this airspace doesn't just limit tourism; it excludes our elders and veterans from experiencing the beauty of the Bay by creating even more barriers to entry. We must preserve the right to fly over these icons so that heroes like my grandfather can continue to witness the land they served.

Correspondence ID: 21

Correspondence:

I am a private helicopter pilot flying with family and friends over CA parks in the San Francisco, Oakland, Alameda and Napa etc area. I do this respectfully and with preservation/conservation in mind as these parks are tremendously beautiful and valuable to me. All of my family and friends were/are astonished and captured by the beauty of these parks, which from an aerial view, cannot be compared to walking through them. It gives people a unique perspective of what needs to be

preserved and kept in tact. The vast space that needs to be taken care of, the impact of wild fires on the land, construction and pollution can easily be seen from a birds eye view and there is no other perspective that can capture its impact better than a helicopter flight. I fully understand that flying itself impacts the environment (incl. our parks) and that it should be done with great care. However, depriving people of this unique experience gets them in my opinion more detached than attached to the cause of preservation and I don't think that the current frequency and duration of flights over our parks causes more harm than good (but I also admit that I do not have any scientific data to argue the opposite). At any rate, I hope that these flights create awareness to the general public that parks need preservation, give people with disabilities access to nature that otherwise would remain off limits to them, and show as many people as possible how beautiful these parks are and how impactful we all are on our environment. I hope that our flight cause more good than harm but from all of my experiences, I can guarantee you that every person that I ever flew with is greatly appreciative of this experience and it opens their eyes for another world. I hope we can keep doing it. Respectfully. Maik Klasen

Correspondence ID: 22

Correspondence:

I've flown with each of our four children over the Golden Gate Bridge on Bay tours, and it has unlocked the joy of flying in all of them. One of them is motivated to pursue a career in nature and wildlife as a result. It's important to keep beautiful America accessible to the greatest extent practical. Especially over areas that aren't even noise-sensitive, for example a bridge with busy traffic.

Correspondence ID: 23

Correspondence:

Hello It has come to my understanding that the NPS wants to restrict flight tours in and around the San Francisco region even more so than it already does. Why weren't the rules in place prior to a decade ago suffice is my first questions? What has changed? I believe we NPS should be less restrictive. Has there ever been an accident? 1. People with disabilities can enjoy the surrounds via helicopter where they may never have due to physical limitations. 2. Local business, like helicopter tour companies, already strapped for cash, need the revenue. In addition to providing tours these small helicopter schools provide valuable training, especially for young pilots to gain experience so they can get a job with, the sheriff dept. CHP, Search & rescue. Who else will train them unless they went through the US military. This is vital for the entire bay area. Their tours are a significant part of keeping the business afloat. Our pilots are already severely underpaid and under trained. We need these small schools. 3. What about fleet week? That week alone is way more disturbing to the natural environment than a years worth of tours. 4. How may tours per day are there? Im guessing not much. Thank you

Correspondence ID: 24

Correspondence:

To Whom it May concern, My name is Kevin McKenzie and I am a life long resident of the SF Bay Area. The most spectacular experiences of my life in the Bay have been the areal views of our beautiful bridges and parks. It's something that I hope our community and tourists will have the opportunity to experience. In 54 years I have never heard of anyone or witnessed someone disrupting the air space and beauty of our parks in bridges while flying. Please, please do not restrict others from experiencing this beauty. There are bigger issues on the ground versus the air that disrupt our Bay Area parks and bridges. Let's put energy on the ground instead of restricting the views from the air. Best Regards, Kevin McKenzie

Correspondence ID: 25

Correspondence:

On December 17th, 1903, the Wright brothers made the first controlled, powered, heavier than air, flight. Shortly after, their first use of the aircraft was for sightseeing flights. For many years the only way people could fly was with a barnstormer, taking them on a sightseeing flight. Sightseeing flights built the aviation industry. Our nation's airlines are in need of pilots and they come from a robust general aviation industry. One of the backbones of the general aviation industry is sightseeing flights. This activity along with the early airmail flights built the commercial aviation industry. Flying people over the Golden Gate Bridge and the parklands around it, are a way for people from all walks of life to see the magnificent landscape we have here. It brings in a tremendous amount of tourist revenue. Last year my girlfriend and I took a seaplane flight over the Golden Gate Bridge and the coastline. We spent a lot of money on the flight in a beautiful aircraft and also a bed and breakfast in Mill Valley and restaurants in the area as well. All of that economic activity directly benefited the local economy. It is important for tourists to the San Francisco area to see the beauty of it rather than just watching folks defecate on the sidewalks. Sightseeing flights need far less infrastructure than sightseeing by tour buses that need roads etc., and have a much smaller carbon footprint. Scenic flights benefit those with mobility issues and are far better for the environment. Please do not restrict scenic flights over the Golden Gate bridge or the surrounding parklands.

Correspondence ID: 26

Correspondence:

I am the co-author of the widely used website, <https://www.californiacoastline.org/>, that has been viewed over ten million times and used by hundreds of groups, including the California Coastal Commission. I also have given many tours over this same coastline, both for

environmental groups such as LightHawk, and in support of many charitable causes. This airspace is under the sole jurisdiction of the FAA and is the property of every person on this planet, to enjoy either directly or vicariously. To restrict it as proposed is neither legal, fair, safe, nor in the best interests of the public and the policymakers who would preserve these various preserved and precious lands. If no one can see them, then no one will care to protect them. Thank you for your attention.

Correspondence ID: 27

Correspondence:

COALITION TO PROTECT AMERICA'S NATIONAL PARKS MARIN AUDUBON SOCIETY, PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY, WATERSHED ALLIANCE OF MARIN December 30, 2025 Sandra Fox, Environmental Protection Specialist Federal Aviation Administration Submitted to: NPS Planning, Environment and Public Comment System, <https://parkplanning.nps.gov/commentForm.cfm?documentID=147892> PUBLIC COMMENT - Notice of Availability of Proposed Voluntary Agreement Dear Ms. Fox, The Coalition to Protect America's National Parks, Marin Audubon Society, Public Employees for Environmental Responsibility (PEER), and Watershed Alliance of Marin submit this comment on the above-referenced proposed Voluntary Agreement (V.A.) for Golden Gate National Recreation Area, San Francisco Maritime National Historical Park, Point Reyes National Seashore, and Muir Woods National Monument (Federal Register 90:229, Tuesday, Dec. 2, 2025, pp. 55328-329). This comment addresses the failure of the National Park Service (NPS) and Federal Aviation Administration (FAA) to comply with the National Parks Air Tours Management Act (NPATMA) and other applicable laws and rulings. We are concerned that the terms of the V.A. do not adequately protect park resources and the visitor experience. In addition, the mechanisms for ensuring compliance with the terms of the V.A. are inadequate. Our specific concerns are as follows: Violation of D.C. Circuit Court of Appeals Stay Order: The proposed V.A. template does not comply with the D.C. Circuit Court of Appeals' decision on the merits in the *Marin Audubon et al. v. FAA et al.* decision, 121 F. 4th 902 (D.C. Cir. 2024), nor with its Order filed on February 28, 2025, on the Joint Unopposed Motion to Stay Issuance of the Mandate (Document #2103298). For example, the latter Order states, referring to the Court's decision on the merits (p. 2): "We agreed with a group of organizations and one area resident (Petitioners) that the Agencies' NEPA analysis was arbitrary and capricious. See *id.* at 917. In so holding we stated that, '[i]f the Agencies and Petitioners desire to keep the current Plan in place while the Agencies restart their NEPA review, the parties may move for a stay of our mandate.' *Id.* at 918" Because the proposed V.A. does not involve any National Environmental Policy Act (NEPA) review whatsoever it plainly does not meet the fundamental point of the Court's Order, which was to allow the agencies to "restart" their review because their previous "NEPA analysis was arbitrary and capricious". Other Court language supports our position as well. The Order makes clear that the 12-month length of the stay of the mandate was based on the Court's understanding that the NPS and FAA would need, and use, the intervening time to comply with the newly evolving NEPA regulations (p. 5, and fn 2). But they have not done so. Violation of NPATMA: Going back to the D.C. Circuit's unanimous decision on the merits, what the NPS and FAA

propose here is not just a detour around NEPA, it is contrary to the fundamental reasoning of that decision with regard to NPATMA. As the Court stated, 121 F. 4th, at 917 (emphasis added): "In preparing the Bay Area Parks Plan, the Agencies treated the existing air tours in the Parks as the status quo for purposes of conducting their NEPA analysis. Those tours were conducted under interim operating authority. With the thousands of air tours conducted pursuant to interim operating authority serving as the baseline for comparison, the Agencies concluded that the Plan would have "no or minimal" environmental impacts. Record of Decision, supra, at 8-9. But by treating interim operating authority as the baseline, the Agencies enshrined the status quo without evaluating the environmental impacts of the existing flights. That outcome stands at odds with the Agencies' duties under the Act and NEPA. Under the Act, "[t]he objective of any air tour management plan shall be to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural and cultural resources, visitor experiences, and tribal lands." 49 U.S.C. § 40128(b)(1)(B). The Act thereby confers a duty upon the Agencies to develop "acceptable and effective" Plans that "mitigate or prevent" significant environmental harms. The Agencies cannot sidestep those obligations by tilting the scales in a way that obscures the true environmental effects of a Plan. That, though, is effectively what the Agencies have done here. The Agencies "decided to implement the existing condition"--that is, existing tours conducted under interim operating authority-- in the Plan "because the impacts associated with the existing condition, together with reasonable mitigation measures included in the Plan, would not result in significant adverse impacts of commercial air tour operations upon the natural and cultural resources of any of the Parks or visitor experience in any of the Parks." Record of Decision, supra, at 14. But the "the impacts associated with the existing condition" along with the "mitigation measures" in the Plan would "not result in significant adverse impacts" only because they were compared to the existing condition itself. It was unreasonable for the Agencies to avoid fully treating the environmental effects of the Bay Area Parks Plan on the ground that those effects would minimally alter a status quo that itself has never been adequately assessed. See *id.* at 21 ("The agencies acknowledge that no previous NEPA analysis of [interim operating authority] occurred."). The Agencies insist that Congress set interim operating authority as the status quo and that their choice of interim operating authority as the baseline thus was reasonable. True, Congress provided for granting interim operating authority as a means of smoothing the transition between the pre- and post-Air Tour Management Act worlds. But Congress did not intend for the Agencies to treat the level of pre-Act air tours as a legal status quo against which to compare all potential Plans. Under such an approach, the Agencies could grandfather in all pre-Act air tours without ever conducting a NEPA analysis. Congress, though, enacted the Act to "preserve, protect, and enhance the environment by minimizing, mitigating, or preventing the adverse effects of aircraft overflights" on national parks. Pub. L. No. 106-181, § 802(2), 114 Stat. at 186..... But by treating interim operating authority as the baseline for assessment of a Plan, the Agencies effectively transform a stopgap into a permanent part of a Plan that never undergoes NEPA analysis." And this statement (p. 916): "The agency's choice of the baseline for comparison matters a great deal. If the baseline is artificially high, the agency might erroneously conclude that even highly disruptive actions will have minimal incremental environmental effects." The NPS and FAA here propose a detour by way of a V.A. approach with the individual operators so as to further and permanently avoid NEPA. But the harmful environmental effects of the baseline levels that the agencies propose to continue with via the V.A.s are not swept away by their legal hair-splitting. The V.A. template under consideration would, on its face, approve

basically the "same level of pre-Act air tours as a legal status quo" as the Court ruled was an invalid level to start from and contrary to Congress's intent, above. In terms of impacts on the resources that the NPS and FAA are duty-bound to protect, it makes no difference that the baseline flight level previously was adopted for an ATMP and now the agencies are proposing it for V.A.s. The ATMP authorized 2,548 flights per year while the V.A. would authorize slightly more - 2,727 flights (see NPS. 2025. "Air Tour Voluntary Agreement - Frequently Asked Questions," online at: <https://parkplanning.nps.gov/documentsList.cfm?projectID=133164>). In both situations, NPATMA is violated by the agencies' failure to fully analyze and justify their decision about the allowed flight numbers that serve to "minimize[e], mitigate[e], or prevent[] adverse effects" on the Parks, as required by § 802(2) of NPATMA, cited above. Congress plainly intended those protective duties to apply equally for approving ATMPs and V.A.s. Because full compliance with the Court's order is due by February 28, 2026, the NPS and FAA should take the remaining time to initiate at least an Environmental Assessment (EA) that addresses the appropriate baseline of no air tour overflights and then fully assess the impacts of various alternative flight numbers above that base. Only then can they justify the ultimate flight numbers chosen as being protective under NPATMA. The irregular and novel scenario proposed here would not comply with the 2020 ruling of the D.C. Circuit Court of appeals in *In Re Public Employees for Environmental Responsibility (Writ of Mandamus)*, 957 F.3d 267 (D.C. Cir. 2020), which has driven the whole process to complete the agencies' severely delayed compliance with the Act. Not only did PEER bring that case, it has been involved in almost all the litigation that has occurred under NPATMA since and it has reviewed the various resulting ATMPs and V.A.s. (See, December 20, 2024 - FAA/NPS Air Tours Progress Update, at: www.nps.gov/subjects/sound/upload/2024-12-20-Agencies-Final-ProgressUpdate.pdf.) What the agencies propose here is unprecedented. Never have the NPS and FAA proposed to convert from a fully implemented ATMP that was subject to a judicial order directing full NEPA compliance to a new V.A. with no NEPA whatsoever. And since the ATMP remains in force now, the new proposal from the agencies improperly fails to describe any process under NPATMA by which they will officially rescind it and switch to the V.A. approach. At a minimum, rescission should include notice-and-comment on a proposal to do so as is required for adoption of ATMPs initially, 49 U.S. Code § 40128. That has not occurred here. Violation of the Endangered Species Act: Section 7(a)(2) of the ESA requires the NPS and FAA to ensure that any action they authorize is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of critical habitat. The agencies must consult with either the Fish and Wildlife Service or NOAA Fisheries to ensure that a proposed agency action is not likely to jeopardize ESA-protected species or habitat. *Defenders of Wildlife v. Gutierrez*, 532 F.3d 913 (D.C. Cir. 2008) The consultation requirement is clearly triggered here because the proposed V.A. template itself documents that numerous endangered or threatened species are present in the area affected by the agency-authorized overflights, and implementation of such action will likely affect such species. While V.A.s under NPATMA may provide a detour around NEPA procedural requirements, they cannot also detour around the ESA Section 7 duties. Note too that the "agency action" standard under the ESA is more liberal than the "major federal action" standard under NEPA; a federal agency action does not need to be "major" to trigger the Section 7 consultation duty. *Karuk Tribe of Cal. v. United States Forest Serv.*, 681 F.3d 1006 (9th Cir. 2012). Yet here there is no indication that the agencies have complied despite clear potential impacts on listed species. The V.A. document

states, without any analysis: (p. 3-4) "Golden Gate National Recreation Area... It is also home to more than 1,250 plant and animal species, including 39 threatened and endangered species such as the threatened northern spotted owl (*Strix occidentalis caurina*). It provides sanctuary for nesting seabirds such as Brandt's cormorants (*Phalacrocorax penicillatus*) and common murrelets (*Uria aalge*), as well as peregrine falcons (*Falco peregrinus*), which are gradually recovering in the San Francisco Bay Area. It also provides protection for marine mammals under the Marine Mammal Protection Act. (p. 5) "Point Reyes National Seashore Twenty-eight threatened and endangered species are present within the park's boundary, including the threatened northern spotted owl. The park provides sanctuary for marine mammals such as the harbor seal (*Phoca vitulina*)...." While NPATMA may suggest that no "further environmental process" is needed, 49 U.S. Code § 40128(b)(7)(C), the sweeping duty for Section 7 compliance under the ESA overrides that provision. As the Supreme Court has said, Section 7 takes precedence over other statutes that may allow unfettered agency actions by subjecting such actions, if they are discretionary such as issuing the proposed V.A. here, to the additional condition that they pose no jeopardy to endangered species. *TVA v. Hill*, 437 U.S. 153 (1978) (Section 7 "reveals a conscious decision by Congress to give endangered species priority over the 'primary missions' of federal agencies," *id.*, at 185; Section 7 "admits of no exception." *id.*, at 173). Nevertheless, while conceding potential adverse impacts on listed species, the V.A. does not disclose whether the agencies have engaged in any Section 7 consultation with FWS or NOAA.

Violation of the Migratory Bird Treaty Act: In addition to the ESA violation, the documentation provided does not indicate compliance with the Migratory Bird Treaty Act (MBTA). The area affected by the V.A. transects the Pacific Flyway, yet it makes only perfunctory mentions of protected species and the very sketchy claims of protections for a few species in the V.A. under "3.1. Management Issues" are inadequate. The V.A. also concedes that migratory bird strikes with aircraft are a possibility, but it provides only for after-the-fact reporting. MBTA compliance requires detailed biological analysis, which the NPS and FAA have not provided. Moreover, while conceding that nesting times may be of sensitivity the V.A. makes no provision for minimizing disturbances of nesting, other than limiting overflights to dawn to dusk flights. No consideration is given to avoiding certain critical areas during mating or nesting periods.

Violation of the Marine Mammal Protection Act: Similarly, the V.A. concedes that the affected park areas host sizeable populations of marine mammals, such as the "significant haul out and pupping area in Bonita Cove" While noting that for harbor seals are "sensitive to visual and noise disturbance", the V.A. itself makes no specific provision for protecting marine mammal habitat from disturbance beyond its overall vertical and lateral space requirements for flights. The sole protection that the V.A. offers is the vertical and lateral buffers over all areas within the affected parks. This perfunctory approach is inadequate to meet the species protection and requirements of the Marine Mammal Protection Act.

Degradation of Designated Wilderness: The V.A. notes that one area affected is the Phillip Burton Wilderness, which it describes as offering "an extraordinary opportunity for solitude and unconfined recreation in untrammelled terrestrial and marine environments and includes one of only two marine wilderness areas in the National Parks." The V.A. provides for higher flight altitudes over this designated wilderness rather than providing that this 33,000-acre wilderness be avoided altogether. In a myopic passage, the V.A. states -- "The minimum altitudes required in this Agreement over land-based wilderness in Point Reyes National Seashore will improve preservation of wilderness character and visitor experiences on the ground by reducing the intensity of air tour noise to visitors..." Less noise is still noise, and an intrusion on the peace and quiet many visitors seek. The agencies did not give detailed

consideration to the fact that aircraft noise disturbance is antithetical to the wilderness experience. Inadequate Noise Minimization: The V.A. points out that the Golden Gate Recreation Area "is one of the highest visitation parks in the National Park System" while Muir Woods National Monument is "one of the last remaining ancient redwood forests in the San Francisco Bay Area" visited by more than one million visitors per year. Meanwhile, Point Reyes National Seashore regularly draws more than 2 million visitors a year. Despite all these visitors, the agencies preparing the V.A. did not do a survey of visitors to ascertain their perception of aircraft noise levels or their preferences on the topic. In addition, on the topic of quieter aircraft technology, the V.A. does not require that operators use quieter technology, Instead, it extends a paradoxical incentive to quieter operators, allowing them to "conduct air tours during extended hours." This in essence means quieter operators will be able to create aircraft noise over the parks for longer each day, Lax Enforcement: One key safeguard in the V.A. is a ban on "hovering". The term, however, is not defined. Thus, it remains unclear how long a helicopter may remain in place, especially over especially sensitive areas. In addition, the V.A. lacks fixed penalties for violations. Instead, the operator is largely responsible for self-policing, an arrangement conducive to abuse. Finally, the V.A. provisions on "adaptive management" means, in effect, that the development of safeguards for operators is shielded from public scrutiny. The Agencies Should Not Finalize a Voluntary Agreement with Helicopter Operators in the Region: Hard experience by local citizens has revealed that helicopter tour operators San Francisco Helicopters LLC and Specialized Helicopters which are controlled by the same person, Chris Gularte, have not respected past restrictions. They have violated past Interim Operating Authority and the existing ATMP through frequent unauthorized flights, including flying too low. Numerous complaints have been filed with FAA about this and it's investigation and follow-up have been non-existent. Documentation has been sent to the NPS also. Rewarding these violators now with a V.A. to conduct air tours over the very parks they illegally overflew would be highly unjustified in view of the past violations. The proposed V.A. has nothing but boilerplate language about enforcement with no recognition that similar generic language, and the FAA itself, have been toothless to date. CONCLUSION As with the earlier detour around NEPA through the Categorical Exclusion decision for the ATMP that the D.C. Circuit struck down, the agencies again are showing an allergy to public review and involvement in the environmental protections chosen for the San Francisco region air tours before they are cast in stone in V.A.s. The public must have a chance to review the agencies' ESA Section 7 analysis and it compliance with the other species protection laws. The proposed V.A. approach must be discarded in favor of a revised proposed ATMP for the Parks accompanied by at least a draft EA and a public comment period on it. That was the entire point of the Marin Audubon decision; the agencies should not try to escape it. /s/ Peter T. Jenkins, Senior Counsel Public Employees for Environmental Responsibility (PEER) 962 Wayne Ave., Suite 610 · Silver Spring, MD 20910 Tel: 202.265.4189 (direct) | 202.265.7337 (main) pjenkins@peer.org | www.peer.org

Correspondence ID: 28

Correspondence:

A new Federal proposal to regulate tourist overflights across San Francisco Bay Area national parks is legally deficient and fails to reduce noisy disruptive air traffic, according to comments

filed today by environmental groups led by Public Employees for Environmental Responsibility (PEER). At issue are the number, timing, and routes of helicopters and fixed wing tours over four Bay Area parks: Golden Gate National Recreation Area, Point Reyes National Seashore, Muir Woods National Monument, and the San Francisco Maritime National Historical Park. The National Parks Air Tour Management Act of 2000 (NPATMA) requires that the National Park Service (NPS) and Federal Aviation Administration (FAA) jointly adopt air tour management plans for all parks with more than 50 tourist overflights a year (except for Grand Canyon, which has its own statute). For two decades, the two agencies failed to adopt a single management plan until a 2020 PEER-led suit put the NPS and FAA on a court-supervised schedule to adopt plans. For the four SF Bay Area parks, rather than conducting detailed assessments of the impacts of tourist overflights on wildlife and the visitor experience, as well as assessing alternatives, as required by the National Environmental Policy Act (NEPA), the two agencies simply calculated the three-year average of such flights and adopted that number (around 2,400 flights per year) as their air tour management plan baseline. This prompted PEER to file a second suit in 2023, charging that the SF plan violated NEPA and NPATMA. This past March, the Court of Appeals for the DC Circuit agreed, ordering the two agencies to comply with NEPA and NPATMA in formulating a new plan by February 2026. However, rather than following the court order, the agencies instead have proposed "voluntary agreements" with the tour operators, an alternative to a formal management plan under NPATMA. Notably, the maximum number of flights under the new voluntary proposal is higher than under the current management plan, upping allowable flights over the four parks to more than 2,700 per year. While the agencies could have entered into voluntary agreements in prior years, doing so after a specific court order that focused on remedying their past NEPA failures is a legal evasion. Note that voluntary agreements are not subject to NEPA. This 'end around' maneuver shows the agencies want to continue to ignore public concerns over the cumulative impacts of thousands of overflights, even adding a few hundred more. In addition, the groups' comments challenge the proposal's - failure to comply with the Endangered Species, Migratory Bird Treaty, and Marine Mammal Protection Acts, as several parks host scores of sensitive species; absence of specific protections for nesting periods, mating seasons, and other times when wildlife are more vulnerable to disturbances; and weak enforcement approach, for example, relying on the FAA to police the prohibition against "hovering," a term the proposed agreement does not define. The role of the FAA is promoting civilian aviation, not protecting park visitors and wildlife from harassment. The net effect of this proposal would be decreased protection and increased noise in parks whose very purpose is to offer natural respites in this major urban center. Joining PEER in filing public comment are the Coalition to Protect America's National Parks, Marin Audubon Society, and Watershed Alliance of Marin; the comment encompasses all the plaintiffs in the DC Circuit lawsuit. The comment period ends January 2nd. Filing: https://peer.org/wp-content/uploads/2025/12/12_30_25-corrected-PEER-et-al-public-comment-on-VA.pdf

Correspondence ID: 29

Correspondence:

I am senior citizen who has visited national parks for over 50 years. I am a regular visitor to and am strongly opposed to commercial air tour flights over the Golden Gate National Recreation

Area (GGNRA), San Francisco Maritime National Historical Site, Muir Woods National Monument, and Point Reyes National Seashore. I am especially concerned about public and environmental impacts of commercial air tour flights because of managing noisy flights, protecting endangered species and wildlife, preserving the quiet visitor experience, and compliance with NEPA and ESA. In summary, please analyze and oppose the negative impacts of flights in the world's largest urban national parks on millions of visitors to these special places every year. Thank you.

Correspondence ID: 30

Correspondence:

I am writing in opposition to the proposed air tour flights because there has been no environmental assessment! And no effective penalties for violations. Kathy Armbruster

Correspondence ID: 31

Correspondence:

I am writing to OPPOSE the proposed Voluntary Agreement (VA), which is wholly inadequate for protection of wildlife in our national parks of the Bay Area. This VA proposal would represent a failure of the National Park Service (NPS) and Federal Aviation Administration (FAA) - "the Agencies" - to comply with the National Parks Air Tours Management Act (NPATMA) and other applicable laws and rulings. The terms of the Agreement do not adequately protect park resources, including birds and marine mammals. In addition, it is inadequate for ensuring compliance with the terms of the agreement. In effect, these agencies are attempting an end run around NEPA - the National Environmental Policy Act, and be in violation of D.C. Circuit Court of Appeals Stay Order of the D.C. Circuit Court of Appeals' decision on the merits of Marin Audubon et al. v. FAA et al. The VA would potentially lead to violations of the Marine Mammal Protection Act, the Endangered Species Act, the Migratory Bird Treaty Act, and other conservation legislation. The federal lawsuit by The Marin Audubon Society and partners against the FAA, NPS, et al. laid out specific requirements to ensure that all steps would be taken to protect wildlife. This is not what the VA represents. Given the above, and that the agencies noted above have already failed to take effective enforcement measures against repeated violations of airspace by known tour operators who have ignored past Interim Operating Authority and the existing ATMP through frequent unauthorized flights, this proposal should be rejected. Instead, a revised proposed ATMP for the Parks should be drafted, accompanied by, at minimum, a draft Environmental Assessment with an appropriate public comment period. Thank you for your consideration.

Correspondence ID: 32

Correspondence:

I submit this comment on the Voluntary Agreement (V.A.) for Golden Gate National Recreation Area, San Francisco Maritime National Historical Park, Point Reyes National Seashore, and Muir Woods National Monument. This comment addresses the violation by the proposed V.A. of the primary objective of the National Parks Air Tours Management Act (NPATMA) as well as its effective negation of the stated intent of the V.A.'s conditions for the management of commercial air tour operations by National Park Service (NPS) and Federal Aviation Administration (FAA).

1. Violation of the National Parks Air Tours Management Act's primary objective The current baseline level of noise from sightseeing helicopters legally overflying Bay Area National Park properties is ZERO. Any reintroduction of sightseeing helicopter overflights would violate the NPATMA's primary objective to mitigate (alleviate, lessen, diminish, abate, etc.) the adverse impact of commercial air tours as it would dramatically increase sightseeing helicopter noise from the current level of ZERO. In September/October 2022 San Francisco Helicopters, John McClelland, the sole holder of an IOA permitting helicopter sightseeing flights over Bay Area NPS properties ceased operations. Consequently, there have been no legal helicopter sightseeing overflights of Bay Area National Park properties for over 3 years. As a result, there has been no noise caused by legal helicopter sightseeing overflights of Bay Area National Park properties for over 3 years Numerous illegal helicopter sightseeing overflights of Bay Area NPS properties were conducted by Specialized Helicopters and others in violation of 14 CFR Part 136. These flights ended in February/March 2023. Since there have been no documented illegal overflights since then, there likely has been no noise caused by illegal helicopter sightseeing overflights of Bay Area National Park properties for at least 2 ½ years

2. Negation of the stated intent of the V.A. to reduce effects of noise to the natural acoustic environment from commercial air tours Reintroducing sightseeing helicopters conflicts with Section 3.1 of the proposed V.A. It would clearly increase the effects of sightseeing helicopter noise to the natural acoustic environment as the current baseline noise level for sightseeing helicopters is ZERO. As well, reintroducing sightseeing helicopters would increase impacts to wilderness, wildlife, cultural resources, and visitor experience in Bay Area National Park properties which have been free from sightseeing helicopter noise for more than 2 ½ years.

3. The proposed V.A. permits helicopter types that are noisier than those flown by the previous IOA holder The vast majority (1,125) of flights allowed under the proposed V.A. would utilize a helicopter model/type BHT-206B which a 2007 NPS report on helicopter noise found was noisier than the Bell 407 type flown by John McClelland's company, the sole previous IOA holder. Rather than encouraging the use of "quiet technology" helicopters the V.A. permits the use of helicopters that are noisier than those used by the previous IOA holder. Allowing "noisy technology" helicopters to operate air tours violates both the prime objective of the NPATMA to minimize the impact of commercial air tours and the stated intent of the V.A. to reduce effects of noise to the natural acoustic environment from commercial air tours. It clearly shows that there is no commitment by the FAA and NPS to minimizing helicopter noise. Section 5.0 of the V.A., Quiet Technology Incentives, is merely window dressing with no likelihood of ever being implemented. Quiet technology helicopters are available now. The previous IOA holder operated the quieter Bell 407. If the FAA and NPS were serious about minimizing the impact of helicopter noise, quiet technology helicopters would have been mandated by the proposed V.A.

4. The proposed V.A. increases the number of allowed annual helicopter tours When compared to the

2023 ATMP, the proposed 2025 V.A. increases the total number of allowed annual helicopter tour flights from 1280 to 1459 (+14%). Further, the V.A. increases the number of approved helicopter tour operators from one to two. Reducing effects of noise to the natural acoustic environment from commercial air tours by increasing the number of allowed helicopter flights and doubling the number of operators defies logic. 5. The proposed Operator of helicopter tours is not suitable given past illegal behavior As you know, Specialized Helicopters and San Francisco Helicopters are controlled by the same person. Effectively, they are the same operator. Both entities share the same website, <https://specializedheli.com>. During 2022 and 2023 Specialized Helicopters repeatedly and knowingly violated 14 CFR Part 136 and overflew Bay Area National Park properties on numerous occasions without an IOA. Both the FAA and the NPS were aware of these illegal overflights. How can the FAA/NPS have any confidence that Specialized/San Francisco Helicopters would adhere to the terms of the V.A., considering its flagrant and frequent violations of 14 CFR Part 136? Rewarding this blatant violator now with a grant of operating authority to conduct air tours over the very parks they illegally overflew is both unjustified and absurd. Reauthorization of helicopter air tours at increased levels with noisy technology helicopters by more operators would dramatically increase helicopter noise at Bay Area NPS properties over the current baseline helicopter noise level of ZERO. Rewarding a serial violator of 14 CFR Part 136 with operating authority to conduct air tours over the Bay Area NPS properties is ludicrous. Given these facts, no reauthorization of any helicopter tours can be justified. Bill Schneider

Correspondence ID: 33

Correspondence:

I am opposed to the proposed Voluntary Agreement Between the National Park Service and Federal Aviation Administration regarding the national parks in the San Francisco Bay Area. This Voluntary Agreement is likely to result in violations of the National Parks Air Tours Management Act. Marine mammals and terrestrial wildlife, including birds, would likely experience harm from the implementation of the Voluntary Agreement. As such the Voluntary Agreement would be in violation of D.C. Circuit Court of Appeals Stay Order of the D.C. Circuit Court of Appeals' decision on the merits of *Marin Audubon et al. v. FAA et al.* In addition to violating the National Parks Air Tours Management Act, the voluntary agreement is likely to harm Federally-listed species and result in violations of the Federal Endangered Species Act. Harm to marine mammals would violate the Marine Mammal Protection Act and harm to birds would violate the Migratory Bird Treaty Act. In addition, the Voluntary Agreement would likely violate the Greater Farallones National Marine Sanctuary overflight regulations. A revised Air Tour Management Plan should be developed that includes measures to protect marine mammals and terrestrial wildlife. The federal lawsuit by the Marin Audubon Society and partners against the Federal Aviation Administration, National Park Service, et al. included measures that would protect wildlife and can be included in the revised Air Tour Management Plan. The revised Air Tour Management Plan should be subjected to an Environmental Impact Statement or Environmental Assessment to ensure that it protects marine mammals and terrestrial wildlife.

Correspondence ID: 34

Correspondence:

Thanks for our national and state park systems and preservers, the San Francisco Bay Area is one of the few places in the world where millions of people are surrounded by nature. Birds, animals and insects thrive in these untouched locations. The federal government is required to protect these places from private sector development. These include all forms of human interaction: cars, motorcycles and certainly any type of aircraft flying at lower elevations. Our open spaces are treasures for children, families, athletes, hikers, equestrians, bikers, students and the elderly. The federal government owns thousands of square miles land available to Americans and the commercial sector. For example, commercial use is permitted in our National Forests and Bureau of Land Management I am writing to OPPOSE the proposed Voluntary Agreement (VA, Agreement), which is wholly inadequate for protection of wildlife in the national parks of the San Francisco Bay Area. This VA proposal would represent a failure of the National Park Service (NPS) and Federal Aviation Administration (FAA) - "the Agencies" - to comply with the National Parks Air Tours Management Act (NPATMA) and other applicable laws and rulings. The terms of the proposed Agreement do not adequately protect park resources, including birds and marine mammals. In addition, the VA is insufficient for ensuring compliance with the terms of the agreement. In effect, these agencies are attempting an end run around the National Environmental Policy Act (NEPA) and would be in violation of D.C. Circuit Court of Appeals Stay Order of the D.C. Circuit Court of Appeals' decision on the merits of Marin Audubon et al. v. FAA et al. The VA would potentially lead to violations of the Marine Mammal Protection Act, the Endangered Species Act, the Migratory Bird Treaty Act, Greater Farallones National Marine Sanctuary overflight regulations, and other conservation legislation. The federal lawsuit by the Marin Audubon Society and partners against the FAA, NPS, et al. laid out specific requirements to ensure that all steps would be taken to protect wildlife. This is not what the VA represents. Given the above, and that the Agencies noted have failed to take effective enforcement measures against repeated violations by known tour operators who have ignored past Interim Operating Authority and the existing Air Tour Management Plan (ATMP), this proposal should be rejected. Instead, a revised proposed ATMP for the Parks should be drafted, accompanied by, at minimum, a draft Environmental Assessment, with an appropriate public comment period. Thank you for your consideration.

Correspondence ID: 35

Correspondence:

Thanks for our national and state park systems and preservers, the San Francisco Bay Area is one of the few places in the world where millions of people are surrounded by nature. Birds, animals and insects thrive in these untouched locations. The federal government is required to protect these places from private sector development. These include all forms of human interaction: cars, motorcycles and certainly any type of aircraft flying at lower elevations. Our open spaces are

treasures for children, families, athletes, hikers, equestrians, bikers, students and the elderly. The federal government owns thousands of square miles land available to Americans and the commercial sector. For example, commercial use is permitted in our National Forests and Bureau of Land Management I am writing to OPPOSE the proposed Voluntary Agreement (VA, Agreement), which is wholly inadequate for protection of wildlife in the national parks of the San Francisco Bay Area. This VA proposal would represent a failure of the National Park Service (NPS) and Federal Aviation Administration (FAA) - "the Agencies" - to comply with the National Parks Air Tours Management Act (NPATMA) and other applicable laws and rulings. The terms of the proposed Agreement do not adequately protect park resources, including birds and marine mammals. In addition, the VA is insufficient for ensuring compliance with the terms of the agreement. In effect, these agencies are attempting an end run around the National Environmental Policy Act (NEPA) and would be in violation of D.C. Circuit Court of Appeals Stay Order of the D.C. Circuit Court of Appeals' decision on the merits of Marin Audubon et al. v. FAA et al. The VA would potentially lead to violations of the Marine Mammal Protection Act, the Endangered Species Act, the Migratory Bird Treaty Act, Greater Farallones National Marine Sanctuary overflight regulations, and other conservation legislation. The federal lawsuit by the Marin Audubon Society and partners against the FAA, NPS, et al. laid out specific requirements to ensure that all steps would be taken to protect wildlife. This is not what the VA represents. Given the above, and that the Agencies noted have failed to take effective enforcement measures against repeated violations by known tour operators who have ignored past Interim Operating Authority and the existing Air Tour Management Plan (ATMP), this proposal should be rejected. Instead, a revised proposed ATMP for the Parks should be drafted, accompanied by, at minimum, a draft Environmental Assessment, with an appropriate public comment period. Thank you for your consideration.

Correspondence ID: 36

Correspondence:

Thursday, January 8, 2026 Federal Aviation Administration P.O. Box 92007 Los Angeles, CA 90009-2007 To FAA Western-Pacific Regional Administrator Raquel Girvin, NPS Regional Director David Szymanski, GGNRA Superintendent David Smith, and PRNS Superintendent Anne Altman: Thank you for the opportunity to comment on the proposed National Park Service Bay Area Commercial Air Tour Voluntary Agreement. I write to express my strong opposition to commercial tour overflights of national parks and wilderness areas and urge you to reject this proposal. I strongly urge the Federal Aviation Administration (FAA) and the National Park Service (NPS) to better protect natural sounds, wildlife, Wilderness character, and the visitor experience within Golden Gate National Recreation Area (GGNRA) and Point Reyes National Seashore (PRNS), especially within the Phillip Burton Wilderness, by quickly phasing out commercial air tours. "Our duty to the whole, including to the unborn generations, bids us to restrain an unprincipled present-day minority from wasting the heritage of these unborn generations. The movement for the conservation of wildlife and the larger movement for the conservation of all our natural resources are essentially democratic in spirit, purpose and method." -- Theodore Roosevelt I am very disappointed that more than a quarter century after Congress passed the National Parks Air Tour Management Act, the FAA and the NPS have yet

to develop a proper Air Tour Management Plan (ATMP) for Golden Gate National Recreation Area and Point Reyes National Seashore that truly protects natural sounds, park wildlife, Wilderness, and the ground-based visitor experience, much less withstand legal challenges. Golden Gate National Recreation Area and Point Reyes National Seashore are national parks for wildlife and We the People--not private commercial use--and these commercial over-flights should be prohibited. "It is horrifying that we have to fight our own government to save the environment." -- Ansel Adams In this age of accelerating climate chaos, the FAA and the NPS should not be encouraging recreational activities that contribute to the increase of greenhouse gas emissions to our already overloaded atmosphere, particularly an activity such as motorized flight which is so energy inefficient (and generally only affordable to the economic elite). Our national parks and wild lands are already undergoing tremendous stress and changes as a result of climate change and any steps we can take to reduce greenhouse gas emissions should be taken, especially if the activity curtailed is unnecessary. I would argue that air tour over-flights of national parks (or pretty much anywhere) is unnecessary, is wasteful of and harmful to our finite resources, and that air tours throughout the country should be prohibited in this time of climate crisis. "As we peer into society's future, we--you and I, and our government--must avoid the impulse to live only for today, plundering for our own ease and convenience the precious resources of tomorrow. We cannot mortgage the material assets of our grandchildren without risking the loss also of their political and spiritual heritage. We want democracy to survive for all generations to come, not to become the insolvent phantom of tomorrow." -- Dwight D. Eisenhower Beyond climate change, resident and migrating birds and marine wildlife are already subject to a number of potential human disturbances, including motorized watercraft, motorized aircraft, recreational users, commercial, government, and industrial marine transport, oil spills, plastic in the ocean, and marine debris. Given the increasing number of negative pressures on birds and marine wildlife, I strongly believe that an outright prohibition of low over-flights is necessary for these national parks. "One hundred years from now, as people look back on our use of this continent, we shall not be praised for our reckless use of its oil, nor the loss of our forests; we shall be heartily damned for all these things. But we may take comfort in the knowledge that we shall certainly be thanked for the National Parks." -- former Secretary of the Interior Ray Lyman Wilbur, 1931 In particular, natural sounds are being increasingly drowned out by machines, making it difficult for humans and wildlife to find quiet, even in some of the most remote places. Scientists have found that birds and other animals that communicate by sound have to effectively raise their voices to be heard by one another, Many national parks and even Wildernesses are plagued by the intrusion of commercial, low-level "flightseeing" air tours. These flights can be incredibly noisy and shatter the quiet and solitude that many visitors seek and that wildlife needs to survive and thrive. When I visit national parks or Wilderness areas, I don't want my experience shattered by the ear-splitting din of low-flying aircraft, and neither should wildlife be subjected to the stress of low-flying air tours. Such flights are always at odds with experiencing the quiet and solitude of wild places and should be prohibited over our national parks and their wild spaces. The "answer" to the "Frequently Asked Question" "Will park visitors be able to see or hear commercial aircraft tours from the ground?" does not assuage my concerns. The FAA and NPS claim that, "A viewer's eye is often drawn to the horizon to take in a park view, and aircraft at higher altitudes are less likely to be noticed." In my experience, I hardly ever see aircraft before I hear them. Next to encountering dogs in areas where they are prohibited, having my park and wilderness excursions disturbed by aircraft noise--especially relatively low-flying air tour aircraft--ruins my outdoors experience. The FAA and NPS also claim that, "Aircraft at

lower altitudes may attract visual attention but are also more likely to be screened by vegetation or terrain." Based on the maps showing the authorized air tour routes on the Voluntary Agreement, the routes in the vicinity of the parks are largely over water and frequently parallel to beaches on which visitors recreate. Do the FAA and NPS think that there is vegetation or terrain on Drakes Bay, Richardson Bay, San Francisco Bay, and the Pacific Ocean that will screen the noise and sight of the aircraft from beachgoers? The noise from air tour operators over Golden Gate National Recreation Area and Point Reyes National Seashore disrupts and diminishes the experience of everyone on the ground. The disproportionately small number of people causing this noise pollution adversely impacts the experience for the large number (majority) of visitors. One simply cannot escape the air tour noise that invades these parks. It should be eliminated. "We should boldly ask ourselves whether we want the national parks to duplicate the...entertainments of other resorts, or whether we want them to stand for something distinct...in our national life." --Col. J.R. White, former Sequoia National Park Superintendent Low-flying helicopters and planes also drastically diminish the ability to experience wilderness and the many wilderness values, including solitude, renewal, reflection, and immersion in wild nature, at Point Reyes National Seashore. We have so few places left in our world to escape the clamor and noise of our modern world, please allow our national parks and wilderness areas to provide us with a place we can go to enjoy nature free from sounds generated by machines. The answer for the "Frequently Asked Question" "Does the VA continue to protect wilderness character and opportunities for solitude in wilderness?" should be "NO!" Although, maybe the answer truly can't be "no" because of the word "continue" in the question, with "continue" apparently implying that the 2023 ATMP protected wilderness character and opportunities for solitude in wilderness, which the 2023 ATMP did not protect. The NPS is required to protect solitude and silence for the Phillip Burton Wilderness and the best way to do that would be to eliminate the noise from air tour operators by prohibiting them over or within earshot of Wilderness. "In permitting the sacrifice of anything that would be of the slightest value to future visitors to the convenience, bad taste, playfulness, carelessness, or wanton destructiveness of present visitors, we probably yield in each case the interest of uncounted millions to the selfishness of a few individuals." -- Frederick Law Olmstead A full environmental impact statement--not merely an environmental assessment or, worse, a voluntary agreement--is necessary to ensure that the individual and cumulative impacts to resident and migrating marine wildlife and birds are considered under best available science. Such science shows adverse impacts to birds and marine wildlife from motorized boats and aircraft. An environmental impact statement should also evaluate the impacts air traffic has on the experience of visitors on the ground and on climate change. The Interim Operating Authority that was in place before the 2023 ATMP established exceptionally high numbers of annual flights as a baseline, which, disappointingly but not unsurprisingly, the ATMP and this Voluntary Agreement unjustifiably perpetuates. The FAA must submit factual evidence for the public to review from the air tour operators before establishing and allowing this level of operation. "Every man who appreciates the majesty and beauty of the wilderness and of wild life, should strike hands with the farsighted men who wish to preserve our material resources, in the effort to keep our forests and our game beasts, game-birds, and game-fish--indeed, all the living creatures of prairie and woodland and seashore--from wanton destruction. Above all, we should realize that the effort toward this end is essentially a democratic movement." -- Theodore Roosevelt The special national significance for which the Golden Gate National Recreation Area and Point Reyes National Seashore were established, combined with the adjoining Greater Farallones National Marine Sanctuary, the Cordell Bank

National Marine Sanctuary, and Tomales Bay--recognized as a tidal estuary and wetlands of international significance under the Ramsar Convention on Wetlands, and the importance of providing marine wildlife protection from undue disturbance, warrants, at a minimum, an outright prohibition against motorized aircraft flights below 5000 feet AGL except in the case of an emergency. "From whom are the resources of the parks locked up? From the rape, ravish and run exploiter that would disrupt and destroy the biotic communities of life--yes. From the scientist, the photographer and those who would visit in harmony with the web of life of which we are all a part--no." -- former National Park Service Director George Hartzog, Battling for the National Parks National parks are places people go to appreciate scenery and history, watch wildlife, and enjoy interpretation. Air tour operations disturb wildlife and result in changes to behavior that could negatively impact their survival. Most visitors go to national parks to get away from the hustle and bustle of our everyday lives--to appreciate nature and learn about our history. Air tours should not be allowed to ruin visitor experiences and harm wildlife. I strongly urge the FAA and NPS to prohibit air tours over Golden Gate National Recreation Area and Point Reyes National Seashore. Thank you for your consideration of my comments. Sincerely, Anonymous

Correspondence ID: 37

Correspondence:

MARIN AUDUBON SOCIETY COMMENTS ON THE PROPOSED VOLUNTARY AGREEMENTS FO COMPLY WITH COURT ORDER submitted 1/9/26 The Marin Audubon Society strongly opposes use of Voluntary Agreements (VA) to satisfy the court decision in the suit, brought by PEER on behalf of Marin Audubon Society and others, that the NPS and FAA "restart" the currently inadequate NEPA analysis for air flights over four national parks for the period of a year. We submit these comments in addition to those provided by our legal counsel because of the important nature of the resources at risk and the potential for long-term significant damage to these resources should the VA approach proposed by the FAA and NPS prevail. Accepting the proposal would circumvent the federal court's decision. Voluntary Agreements would do nothing at all to ensure the protection of critically important bird and other wildlife species that depend on habitats in these four parks. Voluntary Agreements would simply continue the inadequate status quo, leaving the wildlife of the San Francisco Bay Area's world-renowned national parks at great risk. Pt. Reyes National Seashore alone provides essential habitat for 490 species of birds, 17 of which are endangered. Many are at risk because they breed in locations where they are vulnerable to overflight disturbance, and because these sites are the very same scenic coastal cliffs and beaches that air tours especially seek out for their customers. Federally protected marine mammals such as harbor seals, Steller sea lions, elephant seals, and California sea lions are also threatened by overflights. Coastal beaches are their pupping grounds where disturbance can cause helpless pups to be separated from their mothers. Adults require undisturbed rest after foraging dives. The FAA and NPS have failed to justify or even explain their proposal to use Voluntary Agreements. They are wholly inadequate as a measure to comply with the mandate from the court to conduct environmental review of the potential impacts of aerial flights. The NPS and FAA fail to provide any evidence whatsoever to support their assumption that the current conditions are benign. The proposal also ignores evidence that

impacts are occurring. Data available to the public, e.g., the NPS Datastore - Pinniped Monitoring for the NPS Inventory and Monitoring San Francisco Bay Area Network: 1983-2025 - Data Package show instances of marine mammals flushing into the water as a result of disturbance by aircraft (including small planes and helicopters) along the Point Reyes Seashore and GGNRA coasts during surveys in recent years. At very minimum, the significance of data such as this must be discussed and analyzed in an environmental document. According to studies conducted by the US Fish & Wildlife Service and others, "Civilian small aircraft, including fixed wing and helicopters, are a major source of disturbance to seabird colonies at Devil's Slide Rock and the Pt. Reyes Headlands. Professionally trained seabird monitors record between 50 to 100 separate disturbances per year at these colonies. Scores of disturbances are also documented by Alcatraz Island biologists as well as at the Farallon Islands.* Commercially operated air tour operators have been reported causing disturbances at these areas." (See sources noted below). A recently released report by Point Blue Conservation Science indicated that Bay Area shorebirds and seabirds in the Bay Area are in sharp decline . These include threatened and endangered species such as Western Snowy Plover. Though habitat degradation is the primary factor, human disturbance adds yet another stressor to a declining population. Terrestrial species such as federally threatened Northern Spotted Owls are also at risk. At very minimum, the significance of data such as this must be discussed and analyzed in an environmental document. This document should compile and analyze the significance of all of the survey data in the four parks for potential impacts, instead of assuming that the current situation is benign. That a federal agency charged with protecting the nation's natural resources would propose using VAs that would provide a framework for the potential demise of those resources is most troubling. An environmental document should discuss how the NPS and FAA agencies are complying with laws and policies that direct their responsibilities, including the Endangered Species Act, the Marine Mammal Protection Act, and the Migratory Bird Treaty Act. Instead, these VAs would provide a framework for continued threats to protected species. Ideally, the most protective approach would be to disallow overflights for recreational viewing. Recognizing that some overflights will be permitted, the need for enforcement must be addressed. The environmental document must define penalties for violators with increasing severity for repeat offenders. Violating limits and putting our native wildlife at risk cannot continue to result in no consequences, as is the case now. In conclusion, we emphasize that an environmental document/assessment must be prepared to comply with the court's directive. The current proposal is not in the public interest and must be rejected. In addition, the public has a right to comment on the environmental analyses for natural resources that it owns, so the document must be released for public review. ADDITIONAL SOURCES: Restoration And Monitoring Of Common Murre Colonies In Central California: Annual Report 2023, 2022, 2021, 2019 - Seabird Protection Network (SPN) Aircraft Disturbance to Common Murres (*Uria aalge*) at a Breeding Colony in Central California, USA. Allison R. Fuller, Gerard J. McChesney et al. Waterbirds, 41(3):257-267. <http://www.bioone.org/doi/full/10.1675/063.041.0305> * Alcatraz and the Farallon Islands are not included in the scope of this lawsuit.

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I am writing this comment letter on behalf of myself and as the president of the Watershed Alliance of Marin (501c3) that was established about 10 years ago and with the same address. I have a Masters Degree in Environmental Restoration and Policy. I have lived next to the boundary of the GGNRA for 34 years and I hike in the parks almost daily. The stress on the humans, wildlife and birds from the air tours fly overs and increasing noise pollution by fixed wing planes and helicopters is well evidenced and documented. Our parks and neighborhoods should be sacrosanct and protected from such noise pollution, adverse impacts and potential plane crashes. The fact that the agreement includes provisions for anticipated bird and bat strikes is deeply concerning at best. The community of Muir Woods Park shares a two mile long boundary with the GGNRA and Marin Municipal Water District lands and the community members are unaware of the Draft Voluntary Agreement (VA) though it will affect the entire community. Yet they are the chosen flight pathway to the parks. Should the VA be implemented in its current form, property values will likely be impacted given that noise disclosures from the planes and helicopter air tours will be required in home sales. Once believing that the NPS was an ally in protecting our natural resources, we are not certain anymore. Enforcement of consistent flight altitude violations is absent, putting everyone and wildlife in danger. A tribal consultation summary that was supposed to be in the draft VA was not included and seems very important. If any example can be taken regarding VA and MOU's between the NPS and other agencies and entities, it is obviously lacking in enforcement. This can be exemplified by the Muir Woods Park Agreement between the County, Sheriff, Rangers and NPS. Hundreds of cars park illegally on Franks Valley Road without ticketing every almost day. The intent of the no parking was to protect Redwood Creek and endangered salmonids. The impacts on wildlife from anthropogenic activities, noise pollution caused by, especially, air tours, is likely having a significant impact on birds in the Bay Area. We must do everything we can to reverse this trend as indicated by the respected bird data resource Point Blue Conservation Science: " Only one golden eagle made the count, which typically includes seven or eight of them. The numbers of peregrine falcons, ferruginous hawks and red-tailed hawks also declined sharply...Across the broader Bay Area, bird populations have declined sharply in recent decades, according to the most recent San Francisco Bay State of the Birds report co-produced by Point Blue Conservation Science. Shorebirds, which rely on the area as a stopping point during migration season, have seen especially sharp declines over the last 20 years." Pt. Reyes Light, Christmas bird tally saw low numbers Ben Stocking 1/7/2026. And yet, Seaplane of Sausalito takes off during the peak migration season exactly in that locale. It also can take off during evening when bats, many that are endangered also take flight. Commercial air tour operations, proven harmful to humans and wildlife, should not be allowed to continue. Though these air tours have been curtailed of late, I have been a victim of the impacts from air tours for years that have created stress, anxiety, loss of peace, depression, fear and loss of recreation quality. Based on studies and observations over years it is likely that impacts to birds and other wildlife are similar. "Hawk Hill is the lookout point for the largest known flight of diurnal raptors in the Pacific states. Each autumn, from August into December, tens of thousands of hawks, kites, falcons, eagles, vultures, osprey, and harriers" Wikipedia. Hawk Hill is another important site that could be adversely impacted and where I have witnessed low flyovers. Because there is no enforcement, semi-annual reporting is insufficient to catch violations. The draft Voluntary Agreement maps do not engender peace of mind, safety or that protections will happen for communities, parks and wildlife. Stealing airspace, marshes and waterbodies from birds whose journeys are already fraught with danger should not be promoted by the NPS or FAA our public agencies, especially to enrich private

commercial enterprise. I will never forget the mock aerial plane fight a few years ago, just off the coast above Muir Beach toward Pirate's Cove where two fixed wing planes were engaged. Imagine if that had happened on a high fire danger day, over land and there was a crash! Pilots fly extremely low over our property consistently breaking altitude rules. Often planes are barely clearing the tree tops which means they are flying illegally. Disturbed by the loud noise, birds, especially those in migration, will flush out of our trees in flocks expending precious energy that puts them at risk. Soaring hawks and eagles catching thermals may collide with those planes, increasing the potential for bird strikes leading to aircraft crashes. Potential for catastrophic wildfires increase those probabilities with every generally low altitude plane. Nesting birds and fledglings are put at risk of mortality. In Point Reyes National Seashore, while an elk docent, I witnessed planes flying over herds scattering rare tule elk. The elk were already stressed and dying from lack of forage and water. Allowing the planes to fly over any part of Pt. Reyes where elk are now roaming free will result in negative consequences. Bordering the GGNRA in Marin County communities that have been impacted include Mill Valley, Muir Woods Park, Marin City, Sausalito, Marshall, Lagunitas, Forest Knolls, Woodacre, Muir Beach, Corte Madera, Larkspur, Point Reyes Station, Inverness, Bolinas, Fairfax, San Anselmo, Fairfax, Novato, Dillon Beach, Tomales and private ranches. The Mt. Vision Fire of October 1995, caused by a campfire burned 12,354 acres of parklands, 45 homes were lost and it raged for days. The VA is an attempt to thread the needle but it lacks consideration of those potential impacted by the VA. I worry and have panic attacks every time I hear a prop plane, especially during the high fire danger days. One silver plane, in particular, makes loops up and down the Panoramic Hwy ridge of hundreds of homes. Many impacted communities, mostly listed here, are uninformed about this dangerous policy proposal. The NPS and FAA appear to have not contacted those park boundary communities that are impacted by these policy decisions. Those efforts to communicate should be redoubled. Will the NPS and FAA diligently contact impacted communities? Despite my years of trying to contact the FAA and register complaints, frustration has mounted that they do not enforce their regulations and left the responsibility upon citizens to provide, difficult to obtain, evidence without yielding any results. It's pretty difficult to catch the numbers on a plane even one hundred feet in motion in the air. Incursions above the parklands show planes were flying too low and too often. I have taken many pictures to show seaplanes, helicopters, fixed wings and biplanes on their way over to Muir Woods. Even after the lawsuit was filed, the planes continued to fly over the house on the way to the parklands hundreds of feet away. Northern Spotted Owls, that I've seen and heard on our property (October 6, 2023 4 am on front porch) and in Homestead Valley's Stolte Grove and Muir Woods (Alice Eastwood Trail) Mt. Tamalpais State Park are a species hanging on by a thread with only about 900 pairs in Northern California. USFWS has published thresholds of anthropogenic caused sounds that cause the species harm. Those sound emitting thresholds are exceeded by these air tours repeatedly without deference to nesting and fledging seasons. The FAA should immediately take into account the decibel levels emitted by the planes other than at 1000 feet since that does not represent the reality of their flight elevations. Failure to provide threshold decibel levels in relation to ESA listed wildlife, the FAA and the NSA may be negligent and complicit in violating the ESA. Noise pollution and mechanized presence impacts, potentially leading to extirpation, are the antithesis of why we have parklands in the first place-to protect our natural resources and places to recreate in peace. Providing a comprehensive study of impacts should precede any allowance of air tours continuing. It appears that our public agencies are reticent to protect our natural resources and our communities. The area where the seaplane takes off from

has huge impacts on the bird and other wildlife on the upper Richardson Bay. It is right next to the Bothin Marsh County preserve and protected area. It is also protected under the international Ramsar Convention as are all of the remaining bay wetlands. "The Ramsar Convention on Wetlands of International Importance Especially as Waterfowl Habitat is an international treaty for the conservation and sustainable use of Ramsar sites (wetlands). It is also known as the Convention on Wetlands ". In addition this body of water is the significant part of the Pacific Flyway. Air tours purging stressed out birds from their essential habitat and epic migration should be completely off limits. Now that air taxis are being released within the Bay Area, those same stressors will compound exponentially already huge threats to wildlife and particularly birds. Instead of promoting air tours over national parks, the FAA should be working with leaders to create policies that protect and safeguard citizens and the environment. The quiet technology being touted may have the opposite effect of not warning wildlife to get out of the way. This does not seem fully vetted. The troubling trend of incursions into our common sky, reinforces a greater need to explore in-depth, all potential impacts to wildlife and affected communities. After all, the airspace should be a commons and a piecemeal approach is to discourage meaningful examination needed for future policies that protect what is important for ecosystem and therefore human health. The public good, public natural resources and wildlife must be protected from adverse human caused impacts. Respect the protections maintained within the Endangered Species Act and Ramsar Convention, before such an impactful commercial enterprise is allowed to continue. This threshold has not been met by any means. Rewarding violators with access to our most precious resources is an anathema and defies logic. Create policies that safely enhance our natural world and provide much needed solace and peace.

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January 9, 2026 Superintendent David Smith Golden Gate National Recreation Area
Superintendent Anne Altman Point Reyes National Seashore Byron Bedford, Administrator
Federal Aviation Administration RE: National Park Service Bay Area Commercial Air Tour
Voluntary Agreement Submitted Via Portal Dear Mr. Smith, Ms. Altman, and Mr. Bedford: The following are comments by the Environmental Action Committee of West Marin (EAC) on the Draft Commercial Air Tour Voluntary Agreement (Agreement) for the Golden Gate National Recreation Area (GGNRA), Muir Woods National Monument, San Francisco Maritime National Historical Park, and Point Reyes National Seashore. As a West Marin-focused organization, we are providing comments only on the provisions of the Agreement that impact Point Reyes National Seashore, Muir Woods National Monument, and the portions of the GGNRA in Marin County. We also recognize the impact of aircraft on the Greater Farallones National Marine Sanctuary, which will be impacted by this plan. The National Park Service lands in Marin County included in this plan are treasured for their biological and recreational resources, wildlife, wilderness character, solitude, and natural features. The Agreement states, "voluntary agreements must address the management issues necessary to protect the resources and visitor use of the park," and the operation of fixed-wing and helicopter aircraft has the potential to disrupt or harm these features. Noisy aircraft can disrupt the solitude and privacy visitors enjoy, especially in Wilderness Areas. More importantly, the noise and appearance of aircraft can

negatively disrupt the feeding, resting, and reproductive behavior of wildlife. Aircraft also emit various pollutants, which can impact air quality in these public lands and contribute to climate change. We support the level of zero air tours over Muir Woods National Monument, as is already in the Agreement, and zero helicopter tours over Point Reyes National Seashore. As Point Reyes National Seashore manages the GGNRA lands in Marin County north of Bolinas, the ban on helicopter tours should be extended to these lands as well. Helicopters are particularly noisy, especially when hovering; because of this, we support the prohibition on hovering for any aircraft, unless necessary for flight safety. Given the extraordinarily important populations of northern spotted owls and breeding marine mammals in Marin County, we recommend that no overflights where these animals are present should occur at less than 2,500 feet. This, especially, should apply all along Marin County's coast, where marine mammals are often present, as well as woodlands where northern spotted owls could be present. Maintaining a 2,500-foot lower limit will also noticeably reduce the impacts of noise pollution, loss of wilderness experience, and disturbances to other sensitive wildlife. Additionally, no increase in the number of flights beyond what is already authorized should be allowed in order to avoid cumulative impacts on the aforementioned resources. Regarding day/time restrictions, the Agreement states that "[these] have been included in this Agreement to create quiet periods of the day during which noise from commercial air tours would not impede these critical wildlife behaviors." While this includes daily restrictions that would only allow air tours from 9:00 A.M. to 30 minutes after sunset in the GGNRA, and from 12:00 to 5:00 P.M. in Point Reyes National Seashore, there are no specific restrictions for important seasonal changes in peak wildlife behavior. Indeed, Section 4.4 states that "air tours may operate any day of the year, except under circumstances provided in Section 4.6." Those circumstances include "special events" (which may include "tribal ceremonies or other similar events") or "planned park maintenance." We support the restriction of air tours in these instances, especially for tribal ceremonies or other special events, but also believe that this section should explicitly mention restrictions for seasonal events of significant importance to wildlife. This may include, but is not limited to, breeding, nesting, pupping, rearing, and migration periods for marine mammals and birds. For example, the parks included in this Agreement are part of the Pacific Flyway, which sees peak bird migration in spring and fall. The Federal Aviation Administration states that pilots should "avoid overflight of known areas of bird concentration and flying at low altitudes during bird migration. Chartered wildlife refuges and other natural areas contain unusually high local concentration of birds which may create a hazard to aircraft" (FAA, AIM, Section 5. Bird Hazards and Flight Over National Refuges, Parks, and Forests). Of course, aircraft in these situations cause a hazard to birds, as well. Critically, due to the potentially significant impact on wildlife and visitor experience, we request that any Agreement be binding, not voluntary. We further request a thorough environmental analysis of the impact of these air tours on birds and marine mammals. We also incorporate by reference the comments we made in the following letter dated November 15, 2021, and previously submitted online on this topic to: National Park Service Natural Sounds and Night Skies Division San Francisco Bay Area ATMP 1201 Oakridge Dr., Suite 100 Fort Collins, CO 80525 Let us know if you would like a copy of our prior comments, but we assume they are already part of the public record. Thank you for your consideration of our comments. Sincerely, Ashley Eagle-Gibbs, Esq. Executive Director Environmental Action Committee of West Marin