



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, D. C. 20240

SEP 15 2015

A3815(2301)

Michael P. Huerta, Administrator
Federal Aviation Administration
Office of the Administrator
800 Independence Avenue, S.W.
Washington, D.C. 20591

Dear Mr. Huerta:

The National Parks Air Tour Management Act (Act) of 2000, as amended by the Federal Aviation Administration (FAA) Modernization and Reform Act of 2012, requires the FAA and National Park Service (NPS) to develop an air tour management plan or agreement for units of the national park system where an operator has requested authority to provide commercial air tours. The amendment includes a reporting requirement for air tour operators, an exemption provision for national parks with low air tour activity, and allows the Director to withdraw national parks from the exemption if the Director determines that an air tour management plan or agreement is necessary to protect park resources and values or visitor use and enjoyment (49 USC 40128 (a)(5)(C)(ii)).

National park units with 50 or fewer annual flights are exempt from the requirement to develop a plan or agreement. The initial list of 33 exempt parks was published in the Federal Register in December 2012 and was based on the cumulative total of interim operating authority of 50 or fewer annual tours for each park since air tour reports were not available to determine if additional parks qualified for the exemption. Air tour reports have been submitted on a quarterly basis since the first quarter of 2013, however, in some instances, compliance with the reporting requirement has been sporadic and often incomplete. Notwithstanding some missing reports, this information has been extremely valuable in understanding the current level of air tour activity and is the primary basis for determining if additional parks are exempt pursuant to the Act. Based on 2013 and 2104 reporting, an additional 27 parks qualify for the exemption.

Since some air tour reports are missing or incomplete, NPS carefully reviewed the available reports and other information for each new park that qualifies for the exemption to determine if the reporting data are sufficient or if an air tour management plan or agreement is necessary to protect park resources and values or visitor use and enjoyment. Based on this review, I am informing you of my decision to withdraw the exemption for Death Valley and Mount Rainier National Parks.

Prior to the passage of the exemption amendment, air tour management plans and associated National Environmental Policy Act (NEPA) processes and data collection were started at Death Valley and Mount Rainier. Adverse impacts of air tours on natural and cultural resources, including significant areas of designated wilderness, were identified as issues during internal and public scoping for Mount Rainier and Death Valley. Draft alternatives were developed for both parks based on stakeholder input and were published for public review and comment. The following brief summary of each park, significant resources, and public comment from the NEPA process identify the need to manage air tours.

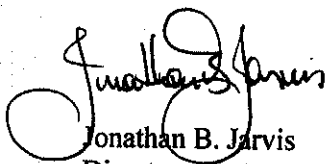
The focal point of the 228,480 acre Mount Rainier Wilderness is a towering, snow- and ice-covered volcano, which is a prominent landmark in the Pacific Northwest. Mount Rainier is widely regarded as a sacred place to American Indian tribes who still live in its shadow. The 26 major glaciers on the mountain cover 35 square miles, constituting the largest single-mountain glacial system in the contiguous 48 states and offers world-class climbing opportunities. Protecting wilderness resources and values in a park that is 97% designated wilderness is a paramount concern to NPS. The majority of public comments received on the draft air tour management alternatives for Mount Rainier were in support of restricting or prohibiting air tours to reduce noise impacts on these resources and visitor experiences. During tribal consultation, tribal members expressed support for the no air tours alternative.

Death Valley National Park was established to ensure the maximum protection of wilderness values provided by law. Death Valley Wilderness, at nearly 3.1 million acres, comprises 91% of the park and is the largest wilderness in the contiguous 48 states and encompasses the unique transition between the Mojave and Great Basin Deserts. Death Valley Wilderness has also been the continuous home of Native Americans, from prehistoric cultures to the present Timbisha Shoshone Tribe. Most of the Tribe's 1.5 million acre Natural and Cultural Preservation Area is located within the wilderness. One of Death Valley's greatest assets is the overwhelming silence due to the very low background sound levels which is documented in the acoustic data collected. Members of the Death Valley National Park Aviation Rulemaking Committee and the public supported the management of air tours in order to protect and preserve wilderness character and to mitigate impacts of air tours to visitors and wilderness. The Timbisha Shoshone Tribe of Death Valley expressed concern about aircraft overflights over their residential areas, and their potential to cause disturbance of wildlife and humans. The Timbisha is willing to work with the NPS and FAA on management of air tours to ensure the health and safety of their Tribal members who reside in the Timbisha Indian Village residential area within the park.

National Park Service Management Policy 6.3.7 guides wilderness management in units of the national park system and states that each wilderness area should be managed according to its own unimpaired standard. The principle of nondegradation must be applied to wilderness management and is guided by a program that coordinates scientific inventory, monitoring, and research. The decision to withdraw these parks from the automatic exemption imposed under the Act is based on inventory and monitoring of acoustic conditions, peer reviewed and published research on the effects of noise, and stakeholder and tribal input received during the air tour management plan NEPA processes. Furthermore, air tour reports for both parks are incomplete and therefore, not sufficient to document the current level of activity for an exemption.

After consulting with the Pacific West Regional Director and the Associate Director for Natural Resource Stewardship and Science, I have determined that an air tour management plan or agreement is necessary to protect park resources and values from noise impacts of air tours at these national park units. Consequently, please be advised that pursuant to the authority set forth in section 40128 (a)(5)(C)(ii) of the Act, I am withdrawing the exemption for Death Valley and Mount Rainier National Parks.

Sincerely,



Jonathan B. Jarvis
Director

cc: Carl Burleson, Deputy Assistant Administrator, Policy, International Affairs, and Environment,
FAA
Glen Martin, Regional Administrator, Western-Pacific Region, FAA
Patty Neubacher, NPS Acting Regional Director, Pacific West
Ray Sauvajot, NPS Associate Director for Natural Resource Stewardship and Science
Steve Gibbons, Superintendent, Lassen Volcanic National Park
Randy King, Superintendent, Mount Rainier National Park
Mike Reynolds, Superintendent, Death Valley National Park
Karen Trevino, Chief, NPS Natural Sounds and Night Skies Division