

# Hawai'i Volcanoes National Park Air Tour Management Plan

## Frequently Asked Questions

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### **General ATMP FAQs**

#### **Q: What is a commercial air tour?**

A: The [National Parks Air Tour Management Act](#) and [14 CFR § 136.33](#) define a commercial air tour as any flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½-mile outside the boundary of the park, and below 5,000 feet AGL (Above Ground Level).

#### **Q: What is the National Parks Air Tour Management Act and what does it require?**

A: The [National Parks Air Tour Management Act](#) (the Act), which Congress passed in 2000, governs commercial air tours over national parks, except the Grand Canyon National Park which is governed by separate legislation and parks in Alaska which are exempt from the Act. The Act requires that the FAA, in cooperation with the NPS, develop an Air Tour Management Plan (ATMP) or voluntary agreement (VA) for each park where air tour operations occur or are proposed. Parks with 50 or fewer tours each year are exempt from the Act's ATMP/VA requirements (unless the exemption is withdrawn by the NPS). All air tour operators are required to submit reports on flights over the parks to the NPS and the FAA.

#### **Q: Why are the FAA and the NPS completing ATMPs for 24 parks now?**

A: On February 14, 2019, Public Employees for Environmental Responsibility and Hawai'i Coalition Malama Pono filed a petition in the U.S. Court of Appeals for the District of Columbia Circuit requesting that the Court order the agencies to complete ATMPs for seven parks including Hawai'i Volcanoes National Park. On May 1, 2020, the Court granted the petition and ordered the agencies to submit a schedule for bringing 23 eligible parks (based on reported air tour data from 2018) into compliance with the Act within two years or to show specific, concrete reasons why doing so will take longer. The NPS withdrew the exemption for a 24th park, Muir Woods National Monument, and it is being included in the San Francisco Bay Area ATMP. For more information, [click here](#).

#### **Q: Why are some parks with air tours not required to have ATMPs or voluntary agreements?**

A: The National Parks Air Tour Management Act provides an exemption to the ATMP and voluntary agreement requirement for parks with 50 or fewer commercial air tour operations each year. Based on reports from air tour operators, 54 national parks for which operators hold interim operating authority are currently exempt. The number of exempt parks may change from year to year based on data reported by air tour operators. National parks in Alaska are also exempted from the Act. Air tours over Grand Canyon National Park are subject to separate legislation.

#### **Q: Why are ATMPs being prepared for some parks with 50 flights or fewer?**

A: While the National Parks Air Tour Management Act provides an exemption to the ATMP requirement for parks with 50 or fewer commercial air tour operations each year, the NPS may withdraw an exemption if it determines that an ATMP or Voluntary Agreement is necessary to protect park resources and values or park visitor use and enjoyment. The NPS has withdrawn the

exemption for Mount Rainier National Park, Death Valley National Park, Canyon de Chelly National Monument, and Muir Woods National Monument.

**Q: What is a voluntary agreement and what does it do?**

A: As an alternative to an ATMP, the NPS and the FAA may enter into voluntary agreements (VA) with commercial air tour operators (including new entrant commercial air tour operators and operators that have interim operating authority (IOA)) that have applied to conduct commercial air tour operations over a national park. As the name implies, such an agreement is voluntary and is signed by the FAA, the NPS and the air tour operator(s) at a specific park. Like ATMPs, VAs address the management issues necessary to protect park resources and visitor experience without compromising aviation safety or the air traffic control system. VAs can establish conditions for air tours over a park, including routes and altitudes, number of flights, type of aircraft, hours of operation, and reporting requirements. Unlike ATMPs, VAs do not require compliance with the National Environmental Policy Act. VAs can be terminated by the FAA, the NPS, or air tour operators. After a VA has been signed by FAA, NPS and the operator, the operator conducts air tours in accordance with the terms and conditions (routes, altitudes, number of air tours allowed, etc.) of the VA. If a VA is terminated, the operator resumes conducting air tours under IOA that was in effect prior to entering into a VA.

**Q: What happens after this scoping period on the potential ATMP alternatives?**

A: The agencies will consider comments received on the potential ATMP alternatives and develop a draft ATMP and Environmental Assessment (EA) and continue consultations with other agencies including Section 7 consultation and consulting parties in the Section 106 process, including Native Hawaiian Organizations, as necessary. The draft ATMP and the EA will be issued for public review. A final ATMP and decision document will be prepared in consideration of the comments received and consultations. The final ATMP and decision document will be signed by both the FAA and the NPS.

**Q: How do ATMPs protect natural and cultural resources, wilderness character, visitor experience, and Native Hawaiian Traditional Cultural Properties including Native Hawaiian sacred sites and ceremonial areas?**

A: ATMPs will include conditions designed to protect natural and cultural resources, wilderness character, visitor experience, and Native Hawaiian Traditional Cultural Properties including Native Hawaiian sacred sites and ceremonial areas. These conditions may include limits to the number of authorized air tours, routes, altitude, and aircraft types day or time restrictions; and restrictions for special events. Standoff distances can also be established for federally listed threatened and endangered species and other native species or cultural resources. The draft ATMP and draft EA will identify how the ATMP conditions protect natural and cultural resources and visitor experience.

**Q: How could an ATMP protect traditional cultural properties, ceremonies, and practices?**

A: The ATMP may include restrictions on commercial air tours such as minimum altitudes, designated routes, time of day restrictions, or other restrictions. The agencies will also consult with Native Hawaiian Organizations and other consulting parties under Section 106 of the National Historic Preservation Act regarding conditions that may be included to protect traditional cultural properties, ceremonies, or practices.

**Q: How is an ATMP implemented?**

A: On the effective date of an ATMP, all commercial air tours over the Park must comply with the terms and conditions of the ATMP in all respects, except that operators may continue to conduct the number of air tour operations authorized under interim operating authority as reflected in

their existing operations specifications for 180 days or until the FAA, in cooperation with the NPS, issues new operations specifications that incorporate the operating parameters set forth in the ATMP, whichever occurs first.

**Q: How is an ATMP enforced?**

A: The agencies will require operators to equip all aircraft used for air tours with flight monitoring technology, use flight monitoring technology during all air tours under this ATMP, and to report flight monitoring data as an attachment to the operator's semi-annual reports. The NPS and the FAA are both responsible for the monitoring and oversight of the ATMP. If the NPS identifies instances of non-compliance, the NPS will report such findings to the FAA's Honolulu Flight Standards District Office (FSDO). The FSDO will investigate all reports of noncompliance. The public may also report allegations of non-compliance with this ATMP to the FSDO which may result in an investigation by the FAA.

**Q: What are the consequences of violating the ATMP?**

A: Failure to comply with the terms and conditions an ATMP may result in partial or total loss of authorization to conduct commercial air tours authorized by an ATMP. Any violation of operations specifications shall be enforced in accordance with [FAA Order 2150.3, FAA Compliance and Enforcement Program](#).

**Q: Are there any rules commercial air tours must follow when flying over a national park in the absence of an ATMP?**

A: All commercial air tours must comply with FAA regulations. The FAA regulates the airspace; the park regulates activities on the ground. A minimum altitude of 500 feet to 1,500 feet (depending on location) is currently allowed over the park per FAA regulations, [14 CFR § 91.119](#) with additional guidance to pilots in the [Hawaii Air Tour Common Procedures Manual \(FAA Doc Number AWP13-136A\)](#).

**Q: Are air tours considered a concession at the park?**

A: Air tours are not an NPS concession or park-sponsored activity since they do not take off or land in the park. Commercial air tours are provided by nonaffiliated operators.

**Hawai'i Volcanoes National Park ATMP FAQs**

**Q: What is an ATMP, and what does it do?**

A: At Hawai'i Volcanoes National Park (the Park), the objective of this ATMP under the Act is to develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations on the Park's natural and cultural resources, wilderness character, visitor experience, and Native Hawaiian Traditional Cultural Properties including Native Hawaiian sacred sites and ceremonial areas.

**Q: What is the current status of the ATMP process?**

A: Hawai'i Volcanoes National Park, along with [Haleakalā National Park](#), in coordination with the FAA, are conducting public scoping on the range of alternatives prior to the release of their individual draft ATMPs. The NPS and the FAA will analyze the comments received during public scoping. When the draft ATMP is prepared for Hawai'i Volcanoes National Park, the NPS and the FAA will host a public meeting and share information on online platforms to provide the greatest opportunity for public participation and comment. The public meeting may be held virtually. Notice of availability of the draft ATMP will also be published in the Federal Register for public review.

**Q: Which national park receives the most air tours?**

A: Hawai'i Volcanoes National Park has the highest number of reported commercial air tours for the parks that fall under the Act. Grand Canyon National Park has the highest number of reported commercial air tours for the NPS, but it falls under separate legislation from the Act.

**Q: How many air tour flights are reported over Hawai'i Volcanoes National Park every year?**

A: Since January 2013, operators have been required to report the number of their air tour operations quarterly to the NPS and the FAA. Under Interim Operating Authority (IOA), 10 operators are allowed up to a total of 26,664 flights per year at Hawai'i Volcanoes National Park. Based on the reporting data, the following numbers of air tours have occurred at Hawai'i Volcanoes National Park each year:

- 2013: 15,410 flights
- 2014: 13,400 flights
- 2015: 14,630 flights
- 2016: 15,489 flights
- 2017: 16,520 flights
- 2018: 8,333 flights (this is due to a large Temporary Flight Restriction over most of the Park for six months due to hazardous volcanic activity)
- 2019: 9,276 flights
- 2020: not available yet
- 2021: not available yet

**Q: How many people visit Hawai'i Volcanoes National Park on the ground compared to visiting from the air?**

A: The Park received 1,887,580 visitors on the ground in 2016. The number of air tours reported in 2016 was 77,445 air-based visitors (calculated by multiplying 15,489 flights by five passengers per aircraft, which is the maximum number of helicopter passenger). Fewer than four percent of the Park's visitors were air-based visitors.

The Park has seen an increase in ground-based visitors each year from 2010 to early 2018. Visitation dropped off in 2018 due to the eruption that closed the Park for nearly five months, and again when the COVID-19 pandemic significantly impacted travel to Hawai'i, starting in 2020.

**Q: What is the relationship between the Hawai'i Air Tour Common Procedures Manual (HATCPM) and the ATMP?**

A: With respect to the airspace over and within ½-mile of the boundaries of Hawai'i Volcanoes National Park, the [HATCPM](#) applies to commercial air tour operators, as defined in [14 CFR § 136](#), in receipt of Interim Operating Authority. After the ATMP is developed for Hawai'i Volcanoes National Park, the operators would need to fly in accordance with the requirements of the ATMP. The HATCPM would not supersede, circumvent, or otherwise change any aspect of, or implementation of the ATMP.

**Q: Are the air tour companies paying fees to the NPS?**

A: The NPS does collect commercial air tour fees at a few parks, including Hawai'i Volcanoes National Park. The air tour fee per entry into the airspace of these park units is \$25 per aircraft with a capacity of 25 or fewer passengers. The fees are considered part of Park entrance fees, the same as any visitor coming through the entrance or bus tour that is permitted to come in the Park. The amount collected varies by year. In the past five years, an average of \$341,000 has been remitted to Hawai'i Volcanoes National Park each year. The fees are deposited into the overall fee account.

**Q: How are air tours outside of the Park regulated?**

A: Applicable regulations that govern aviation safety are found at [14 CFR § 136](#), [Appendix A](#) (formerly Special Federal Aviation Regulation 71), and any FAA exceptions issued to individual operators as outlined by the [Hawai'i Air Tour Common Procedures Manual](#).